APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Our Revenues and their Treatment—Wages and their Causes—Income and Outgo.

It has been laid down by some of the most eminent writers on political economy that every active interference of the legislature with its subjects by prohibiting or restraining any particular branch of honest labor, or by encouraging any particular branch at the expense of the others, whether in agriculture or commerce, has uniformly retarded the advances of public opulence, and that the sound policy of a legislator is not to impose restrictions or regulations upon domestic industry, but rather to prevent them from being injured by the contrivance or folly of others.—*Ingraham's note, Vattel's Law of Nations*, page 42.

"Unhappy race! who never yet could tell,
How near their good and happiness they dwell:
Fetter'd in faults, they seek not to be free,
But stupid, to their own sad fate agree:
Like pond'rous rolling-stones, oppress'd with ill,
The weight that loads them, makes them roll on still."
[*Rowe's Golden Pythagorean Verses.*]

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 20, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. COX, of New York, said:

Mr. CHAIRMAN: I do not intend at this time to do more than speak a portion of the paragraphs which I have heedfully prepared. They are connected with our revenues. They are logically imbound, for the whisky question is more or less bound up with them.

Without going into any special reasons, I beg to make these remarks now on this bill. Moreover, I ask to print certain tables and deductions entirely impersonal, having the same relation to our revenue.

The CHAIRMAN. The Chair hears no objection.

Mr. EZRA B. TAYLOR. I rise to a question of order. The members who occupy their seats are unable to hear what is going on, because other members cluster around the speaker. If gentlemen would take their seats all would be able to hear.

Mr. MILLS. This Hall is so large that those who sit on the outside can not hear.

Mr. NICHOLLS. I wish to know, Mr. Chairman, whether the gentleman has a right to get permission to print his remarks, and then proceed to address them to the House?

The CHAIRMAN. That is not a question of privilege.

Mr. COX, of New York. I assure my honorable friend from Georgia I will only print those things I do not speak. [Laughter and applause.]

Mr. Chairman, the true glory of a nation is made up of the character of its people. They must be of simple habits, without ostentation. Such men are the blossom and fruit of national majesty and secular strength.

When I came to Congress, nearly thirty years ago, I found a power in the West and South which was represented by men. They were not here for greed. Such men were an antidote of the poison of our present luxury and ill-gotten gain. Since then the lines of empire have grown strong on the face of the great West and South. The cradled Hercules has become a demi-god.

The Father has strengthened us by chastening. We have gone through a great civic and bloody struggle. We have come out scathed. A sum that in 1857 covered the whole cost of our Government is now less than the sixty-six millions involved in this bill for extending the whisky tax. It is less than one-half of the surplus now in the Treasury that has grown out of our senseless fiscal policies. Far better to borrow than fill the Treasury to overflowing by pandering to excesses of local avarice. Far better to dispose of our surplus than to keep on accumulating by taxation.

THE INTERNAL REVENUE.

I will not now discuss the operation of the internal-revenue tax on its merits or demerits, except to say that in my judgment its mode of collection is susceptible of reform.

Mr. BELFORD. I rise to a point of order. Occupying a back seat in the Hall, I have at least the right to hear what is going on, and especially when one of the most brilliant statesmen of this Republic is speaking on a subject of great public interest. [Applause.] I demand that we shall have order, not only in the body of the House but outside of the railing. In my seat I have the right at least to hear what great men—and I say it advisedly to the country—are uttering on the floor of this House. [Applause.]

Mr. COX, of New York. After that dainty confectionery, I ask the gentleman from Colorado to take my seat. [Laughter and applause.]

[Mr. BELFORD here moved toward Mr. COX's seat, to the middle aisle.]

Mr. BELFORD. I prefer to stand by and see it done. [Laughter.]

Mr. COX, of New York. Mr. Chairman, I have urged here often since the war not only the impolicy but the indecency of the internal-revenue system. It is to the methods and not to the objects of taxation to which I demur. If money must be raised for the Government by direct ways, surely such taxation is fair. When we raise means by ways so questionable as the present mode, is it not best to do as I have often urged, namely, collect the tax on spirits and tobacco either by the existing custom-house or by stamps and other simple methods? This implies only a change in the mode of collection; yet the reduction of the whisky tax would give more revenue; and on the other luxury there might be the same result.

Besides, sir, in these days of temperance agitation I would avoid any discussion on the whisky question that is not called for.

The laws under which the first taxes were collected to support the Confederated Government in 1792 were intended, like all such laws, to be short-lived—a makeshift. They cost too much; whisky insurrections in early days cost a million and a half. The prosecutions are endless and innumerable to-day. Open revolt and secret espionage are not the proper results of law. Jefferson, in speaking of such taxation, intimated that the temptations of surplus treasure were dangerous. Now, why should we keep up a mode of collection costing five millions if there is a more economical mode? Why add to the corruptions a lot of useless stipendiaries? Why add unnecessary arrests and burdens, trials and expenses, in order to raise a surplus we do not need, and which if needed could be raised by better methods? Our best Democratic Presidents advocated the abrogation of the internal revenue as odious and repulsive.

TARIFF TINKERING.

It was thought by some gentlemen that the last business-tinkering of the tariff by commission and Congress would produce a result so as to reduce the surplus. A very small percentage is the measure of that reduction. The same reason which made the President and the Secretary of the Treasury urge upon the last Congress a reduction of the surplus obtains now, and with greater force, though the administrative emphasis and urgency are lacking.

I therefore, sir, ask your attention and that of the House to some imperative reasons for the remodeling of the tariff. If we can not cut it down to the full and just extent, we may, perhaps, have 20 per cent. of a loaf, which is better than no bread at all.

BUSINESS INTERESTS AND LABOR.

The agricultural portion of our population can take care of itself by manual labor. It is rich by nature. If the people of some sections of the country can not work with spindles and forges without the aid of other classes of industry; if they must have the bounties of the Government poured in vast largesses into their lap, let us at least know the amount that we pay to these splendid paupers.

Every year since 1857 I have spoken against these enormous and unequal exactions by tariff. Will it always be pretended by interested folk that to adjust things equitably would disturb "business interests"? Because I would have no revenue law which does not give labor an equal chance with capital, must I be reproached as one who cares not for the interests of either labor or capital? It is time to have a review of our fiscal relations.

In reply to the imputation of disturbing the business interests, may I quote with emphasis from the report of our late Tariff Commission to Congress? I find in it the following language:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

THE SURPLUS.

Alluding to this report, and the bill that was passed in the last Congress, the Secretary of the Treasury says in his last financial report:

The chairman of the Senate Committee on Finance, in explanation of the bill before the Senate last year, which after various amendments became a law, estimated at $45,000,000 the reduction of the revenue which would follow the changes in the tariff proposed thereby.

These intentions and calculations have not been verified.

The estimated receipts for the current year from customs are $195,000,000, a reduction of less than $20,000,000. Considering that there has been some depression of business during the past year and current year, it is probable, should business revive, that the revenues from customs under the present laws will in succeeding years increase rather than diminish.

It was estimated by the Senate committee that the repeal of internal-revenue taxes proposed by their bill would effect a reduction of $34,790,334. The Commissioner of Internal Revenue estimates that the aggregate amount of reduction made by the act will not be less than $43,000,000 per annum, including the $6,000,000 of taxes on deposits of national banks; but he further estimates that the increase of receipts from distilled spirits will so augment the revenues from that source as to make the aggregate receipts from internal revenue for this year $129,000,000, or about $24,500,000 less than those for the preceding year. The reduction, therefore, from all sources of internal revenue for the current year appears to be about $10,000,000 less than the reduction expected by the Senate committee. We have, then, a reduction of $30,000,000 less than was sought for or expected.

THE PRESENT TARIFF BILL.

Mr. Chairman, the majority report accompanying the tariff bill now before the House indicates that the object of its framers is to follow in the footsteps of the Tariff Commission. In the language of the report, your Committee of Ways and Means submit this bill "with the recommendation that it be passed as a measure of partial relief to the people from unnecessary taxes, 'as a measure of justice to consumers,' and [as] 'conducive to the general industrial prosperity.'" I am amazed, sir, that this unambitious policy, this modest, *naïve*, deprecatory recommendation, should have failed to appease the gentlemen of the minority.

On what grounds, sir, can a measure of *partial relief* from *unnecessary taxes* be obnoxious to the legislative mind? On what ground can this proceeding, which is confessedly supplemental to that of the Tariff Commission created by a Republican Congress, be in the least objectionable to the adherents of the idea of protective tariff? The majority of the Ways and Means Committee aim not to destroy the work of the commission. They do not even go to the extent that the commission proposed. They only aim to reduce the tariff revenue by a nominal sliding scale of 20 per cent. This scale is expected to relieve from unnecessary taxation to the extent of only 15.74 per cent.

It was the opinion of the Tariff Commission that under their scheme there would be a reduction in rates of from 20 to 25 per cent. Your committee now report the result of this golden promise. Is it any relief? Is it justice to consumers? Behold the percentage of relief reached in the first six months after the act of March 3, 1883, went into effect! The magnificent relief of 1.74 per cent.! "The average cost of importing goods valued at $100 was only 1.74 per cent. less under the new than under the old law."

What guarantee have we that the present bill would produce the desired result of a sufficient revenue reduction?

I am proud of the attention of my friend from Colorado. He has ciphered much about the surplus revenue. Let him cudgel his brains by logarithm and integral calculus and demonstrate this proposition. [Laughter.] Or, perhaps it is simply a question of arithmetic as to what the percentage of reduction would be under the present bill. The question might be stated thus: If a scheme intended to produce a substantial reduction of 20 to 25 per cent. of the tariff duties resulted, under six months' operation, in reducing the cost of importation only 1.74 per cent., what would be the result of a scheme intended to produce the modest reduction of 15.74 per cent. in these duties? I confess I can see but small results, if the object be to cut down our surplus revenue.

MINORITY OBJECTIONS.

The minority report seems to ignore the evils of surplus revenue and unnecessary taxation. If a remedy is thought of, it lies in the suggestion for an increase of tariffs that would cut off importations. One ground of objection taken by the minority of the Ways and Means Committee in respect to the present bill is that the last tariff bill has not had a fair trial; that its effect upon either the revenues or the business of the country can not yet be ascertained or determined. The very slight effect on the revenue after six months' operation of the Tariff Commission bill is plain enough to be seen. The honorable Secretary of the Treasury suggests in his last finance report that we may expect an increase of customs revenue under the present law rather than a decrease.

"Business of the country!" What interests are referred to? The business interests of the manufacturers of protected products? I shall discuss the question of the ability of our manufacturers to sustain themselves and pay fair wages without any levy of tax on the masses of our consumers.

Great stress is laid by the minority in their report on the propriety of resting for a while under a law that was framed by a commission "composed of practical men, after the fullest study of the subject" committed to them—men who called "to their aid representatives of all interests and all views." The fact remains, however, that the recommendations made by the commission, which were in the main adopted by the framers of the act of March 3, 1883, did not accomplish what the "practical" gentlemen of the commission said would be accomplished—relief from unnecessary taxation and a sufficient reduction of the surplus revenue.

INTERESTS REPRESENTED.

Another objection made to the bill by the minority report is that "every interest, manufacturing, laboring, and agricultural, represented before the Committee of Ways and Means has protested most earnestly against the change recommended by a majority of the committee;" that "no interest has asked for it." No, sir; no interest that was actually represented.

It is beyond question that the act of 1883 has failed, and must continue totally inadequate to afford us relief from unnecessary taxation and surplus revenue. If, as the Tariff Commission reported, its members became convinced "early in their deliberations" that "a substantial reduction of tariff duties" was last year "demanded, not by mere indiscriminate popular clamor, but by the best conservative opinion of the country," I must assume, sir, that the best conservative opinion of the country was not regarded by the minority when they framed their report against the present bill.

I admit, Mr. Chairman, that the manufacturing interests were represented before the Committee of Ways and Means, and possibly also, to some extent, a few of our mining interests, and some sheep farmers. But, sir, I beg leave to question the accuracy of the minority in their statement that the farmer, the laborer, and the general consumer were represented before the committee. I know there is an American Iron and Steel Association; I know that there are many other associations of manufacturers; but I know of no organization authorized to speak for the American farmer, laborer, or consumer, or their interests, unless it be their representatives here in Congress.

PLEA OF MINORITY—REPLICATION.

Allusion is made in the minority report to the "enormous increase of the capital-wealth of the country during the last fifteen years under a protective tariff," to the subject of wages, and to the avowed policy of the minority to oppose any legislation that would tend to stimulate, or rather restore to us, our foreign carrying trade.

In a nutshell, Mr. Chairman, the minority report is a plea that our present prosperity—the prosperity of capital-wealth—and our wages rates are maintained by high tariffs; that high tariffs should continue in force; and that it is sound policy for a country to discourage any increase of imports. To this plea I enter the replication that our prosperity is the result of natural advantages; that the present concentration of capital-wealth is an evil due to high tariffs; that the tendency of the latter is to reduce the wages of labor and increase the cost of necessaries of life; that we can have no healthful system of manufactures without free and equal commerce with the civilized world; and that such commerce is most desirable for all interests.

RADICAL REDUCTION.

Mr. Chairman, our country is increasing in population at the rate of 3 per cent. per annum. Our industrial domain and income are increasing in like ratio. We must have a radical reduction of taxation to relieve our industries and remove the surplus which is overburdening our fiscal department. I repeat, sir, the conservative opinion of the country demands that the reduction shall be in the existing tariff.

It was from no cowardice, but from pure courage, that I asked the House to adjourn the other day before we debated one subject of the tariff, to wit, wool. I want no mere duello between two Ohio statesmen as to what should be paid on wool, either on the fabric or the raw material.

The House, without the admonition of any one, even when I tried to reconcile members, insisted that the adjournment should be made, in order that there might be a general debate and reduction, and not an isolated debate or partial relief.

HEAVY TAXATION AND SURPLUS REVENUE.

We have a financial and economical problem to solve. We have a heavy burden of taxation and a large surplus of revenue. How easy would be the task before us were it not for the concern that so many gentlemen have for American labor, upon whose shoulders this burden is borne. The gentlemen who come here from the mills and factories, in which children of tender years are not seldom employed from eight to ten hours a day, tell us that we must protect American skilled labor from competition with the pauper wages of Europe. The gentlemen

who exact from factory labor ten hours of steady work each day it is employed in producing the limited quantity of goods that home consumption demands—foreign markets we have none—bid us to beware how we reduce the tariffs. Do they not stand between America and Europe as a wall of defense against pauper wages?

I take up this problem with as great concern for American labor as any gentleman in or out of Congress. No gentleman on this floor will go further into valid legislation for the general welfare of American labor than I will go. I must assume that many gentlemen entertain a conscientious belief that high tariffs have tended to develop our manufacturing industries and maintain high wages, and that they apprehend that to abandon such tariffs would be fatal to some or perhaps most of our manufactures. These gentlemen will, I trust, credit me with equal conscientiousness when I refuse to profess such belief. My position in regard to the effect of high tariffs was not assumed without investigation. It has the concurrence of my best judgment. I have watched the operation of these tariffs for a quarter of a century. I maintain now, as I have always charged on this floor, that they reduce the purchasing power of wages in much greater degree than they tend to increase them in amount.

LABOR IS A COMMODITY.

Is there in any one of our manufacturing industries a demand for labor in excess of the supply? Is not labor a commodity in the industrial marts? Can we prescribe by act of Congress the price of this commodity or the cash value of the wages earned by a day's labor in any one of our industries? As easy would it be for you to decree the value of a dollar. What you can not do by direct legislation can not be accomplished by laws of more remote operation. I admit that you have the constitutional power to make a dollar a legal tender for the payment of a debt in that amount; but you have no power to say that it shall be the legal money equivalent for a bushel of wheat. Suppose we were now to pass a law prescribing that hereafter all adult employés in our shops, mills, and factories should be paid wages at the rate of $5 a day, and this rate were thereafter paid, would such inflation carry with it any appreciable increase of purchasing power in the wages received when the business of the country had accommodated itself to the change of rate? When wheat is scarce and in demand it commands a high price. Similarly, when labor is scarce and in demand it commands high wages. Can you create these conditions for labor by tariff laws? You say that those laws have created one of these conditions for skilled labor in manufacturing industry. This I deny. I believe that had no such laws ever appeared in our statute-book our manufacturing industry would long since have reached a larger and more healthful development than that to which it has attained. For the purpose of showing the fallacy of your position, I will admit that your tariffs tend to create the condition of manufacturing industry under which there is a large demand for skilled labor; but has the other condition on which the payment of high wages also depends, namely, scarcity of hands, resulted from high tariffs? So far as wages are concerned, your tariff theory is, to say the least, erroneous and impracticable.

AMERICAN STANDARD OF WAGES.

My protective-tariff friends, there is one method, and only one, to fix by legislation an American standard of wages. It is, to close our ports. Are you prepared to grant such protection? I can assure you that it would be much better for all our productive labor than the highest protective tariffs you could invent. Labor would then be on an equal footing with every other commodity in the market; the more labor produced the more it would have to consume. You might call the wages earned 10 cents a day or $10 a day, the purchasing power of either rate would be the same.

Adopt this Chinese system, graft on it the Malthusian compensating law of population, and what a protection you could give to American labor from pauper wages. In this magnificent domain of ours, teeming as it is with every resource of soil and climate that industry could desire, labor would soon achieve for itself all and more than the highest protectionist ever dreamed of. It would supply all our wants and fare bounteously every day. True, our wealthy classes could not under such a system enjoy the luxuries, elegancies, refinements, and splendors of the Old World; but might not the intelligence and skill we have developed by long years of protective tariffs enable American enterprise and genius to supply all luxuries as well as wants in unfailing abundance, if we were to shut out forever the rivalry of pauper wages? Have we not colleges and universities and schools of art and design? Have we not shops and mills and factories? The tea-gardens of South Carolina and Georgia and the widespread mulberry show how independent we could be of Italy and China. The sugar-beet of Illinois, in alliance with the cane of Louisiana, points out a path to emancipation from Cuba and Hawaii. The vine of Ohio and California will flourish when the vineyards of Champagne and the Rhine are devastated at the root by the *Phylloxera vastatrix*, and in the leaf by the *Pemphigus vitifolia—Dactylosphæra*. When by cultivation and selection our *Diospyros Virginiana* can be made to rival the persimmon of Japan, and the *Vanilla planifolia* of Mexico, Peru, and Brazil to produce its fragrant pods in the Everglades of Florida, the American Republic need not go without its morning coffee, under this Chinese mode of labor protection, even if to obtain the berry we should have to establish our southern boundary as near the north bank of Count de Lesseps's canal as the Monroe doctrine would permit.

HIGH TARIFFS DEPRECIATE WAGES.

Your high-protectionist manufacturer needs no argument to convince him of the impossibility of protecting by legislative enactment the purchasing power of a dollar. Now, the same logic that would prove this applies with equal force to the tariff fallacy. You can by no possibility add to the purchasing power of a dollar by tariff legislation, because it is exchanged for the products of labor whose value you inflate to the extent of the tariff rate. The higher your protective tariff the less the laborer gets for his wages. You can not have an immigration mill of free labor with unlimited issue, and at the same time protected wages, because such issue means an unlimited depreciation of labor wages and a high-tariff standard in the necessaries of life with which they are to be redeemed.

If you are sincere in your theory of protection, you must prescribe for labor the Chinese policy which you have so long maintained for the benefit of a quarter-million of employers. Let me tell you, gentlemen, that labor is beginning to see through the fallacy of one part of your beautiful theory—the free-labor part of it. We have scarce skimmed the surface of our wealth-producing resources, and yet, under your high tariffs, the marts of labor in all your protected manufactures are crowded to overflowing, and strikes and labor unions alone protect wages there. The skilled factory laborer who earned almost free-trade wages thirty years ago knows that the conditions of life are harder for him now than they were then. What answer will you give him when he contrasts your tariff schedules with your immigration returns, and asks, "Is this what you call protection from the pauper labor of Europe?"

OCCUPATIONS OF AMERICAN LABOR.

Where do we find American labor mostly employed now? Referring to the "occupations" tables of the last United States census reports, I find the total number of persons employed in what may be called the non-protected occupations given at 13,554,987, of which number about 16 per cent. (2,268,860) were persons of foreign birth.

In the "protected" occupations, namely, the manufacturing, mechanical, and mining industries, I find the total number of persons employed given at 3,837,112, and of these, 32 per cent. (1,225,787) were of foreign birth—double the percentage of persons of foreign birth employed in the non-protected occupations. Any person familiar with one of the conditions of labor in the "protected" industries during the last twenty-five years, namely, the impossibility of its migration to the great West, will, if he is candid, have to admit that if he were to classify this labor, at least 32 per cent. more of the persons employed therein would appear to be of foreign parentage. I make this reference not to disparage our citizens of foreign birth or foreign parentage, but only for the purpose of showing that protection does not protect labor, and that employers will employ the cheapest labor that the necessities of the laborers will enable them to employ.

Aside from the "protected" industries referred to, there are no other productive occupations in this country except the eleven classed under the head "Agriculture," on page 1368 of the Compendium of the last census (part 2). The total number of persons therein given as employed in agriculture is 7,670,493, of which number 3,323,876 were "laborers" and 4,225,945 "farmers and planters." The other 120,676 were engaged in dairying, horticulture, stock-raising, and kindred pursuits. On the page referred to, I find that less than 5 per cent. of these 3,323,876 laborers (161,402) were persons of foreign birth, while of the "farmers and planters" 14.5 per cent. (610,180) were persons of foreign birth. Do not these figures show that American labor is being driven out of manufacturing industry under a system of tariffs which the advocates of the latter would have us believe was designed mainly if not solely for the protection of our skilled labor? If wages in our mining and manufacturing industries were commensurate with the ideas and necessities of life, would we find, as I could easily show by the census reports, that 64 per cent. of the labor employed therein is of foreign birth or parentage, while over 95 per cent. of our hired farm service is being performed by laborers of American birth?

FARMS AND FACTORIES.

In the year 1880 we had 253,852 manufacturing establishments, against 4,008,907 farms varying in area from three acres to 1,000 and over. The capital then employed in the former is given in the census reports at $2,790,272,606; and the farming capital may, in the figures of the same reports, be stated as follows:

Value of farms	$10,197,096,766
Value of implements and machinery	406,520,055
Value of live-stock	1,500,464,609
Total farming capital	12,104,081,430

Now let us see what were the relative profits on manufacturing and farming capital in gross amount.

The value of manufactured products was—

For the year 1880		$5,369,579,191
Deduct from this value of materials used	$3,396,823,549	
Wages paid	947,953,795	
		4,344,777,344
And thus we have a gross profit of		1,024,801,847

WAGES OF SKILLED LABOR.

These figures set forth a gross return to the capital invested in manufacturing of between 36 and 37 per cent.; and with this return our protected manufacturers were only able to pay their 2,732,595 employés (including clerks, superintendents and foremen) at the rate of $1 16 per day! You can figure it for yourselves: Wages $947,953,795, divided among 2,732,595 employés, gives $347 per annum per capita; and allowing three hundred working days, this gives an average wages rate of $1.16 per day. What better off is the employé at the end of the year if he gets $2.32 per day for 150 days? He must "stick to his last." He can not "go West" on the savings from such munificent earnings and establish himself on a "homestead."

SURPLUS FACTORY LABOR.

We have "surplus labor" in our manufacturing centers, and the surplus is being daily increased by immigration. I use the phrase "surplus labor" not of my own authority alone. The chairman of the Senate Committee on Labor and Education, Senator BLAIR, used it last year, when propounding to a Mr. Jay Gould a financial conundrum as to how "a strong, healthy man, with brains enough for two average Congressmen," who sought in vain any sort of employment, was to get out West with his family when he had no money. We find thousands of such cases every day in the great manufacturing centers of the East. This is what "protection" has done for manufacturing labor—$1.16 a day for those who are lucky enough to find work. No wonder employment on our farms is sought by the American laborer. He finds the farmer more generous than the manufacturer in sharing the profits of his toil.

FARM LABOR WAGES.

The estimated value of all farm products for the year 1879 is given in the census report at $2,213,402,564. Deduct from this cost of fertilizers, $28,586,397, and we have a gross return of $2,184,816,167 on the $12,104,081,430 capital invested in agriculture, which is equal to 18 per cent. on the latter sum. But I have not deducted for seed or wages. These items are not reported. As to wages, I assume that 50 cents a day, with board and lodging, are at least equal on a farm to $1.16 a day in a manufacturing town where rents, fuel, and provisions are at climax rates. But I will, for the purpose of the comparison being drawn, admit that the wages of farm labor were, in the year 1879, at the rate of only 50 cents a day, with board and lodgings, or 75 cents a day without board or lodgings. These average rates I consider better relatively than those paid to labor employed in manufacturing industries. At the rate of 75 cents a day or its equivalent, the amount paid to agricultural labor by our farmers for the year 1879 was $747,872,100. Deducting this sum from the $2,184,816,167 gross profits which accrued on farming capital that year, we reduce the latter to $1,436,944,067, which gives a gross return to that capital of about 11 or 12 per cent., as compared with the return of 36 or 37 per cent. which accrued on the capital employed in manufacturing.

FARMER'S PROFITS.

I have shown that, without any deductions for wages to laborers, the gross return to agricultural capital was at only one-half the rate gained by manufacturing capital. If it be said that manufacturers borrow money to enable them to carry on their operations, that they pay interest thereon, and that, in addition to this, they have to pay for insurance and repairs, and get improved machinery, the same may also be said in respect to the farmers, and with much greater force; for the latter have certainly to pay higher rates of insurance and interest than the manufacturers, and their outlays for repairs of buildings, fences, implements, and machinery, and the purchase of new or improved implements and machines, are relatively greater than similar expenses incurred in manufacturing establishments. It will not do for the advocate of "protective" tariffs to suggest that a good share of the amount of farmers' returns on capital which I have apportioned to wages may have been earned by the labor employed in manufacturing, because we know too well that the great mass of the latter is congregated in and around our large manufacturing towns and cities, and that this labor does not seek the field where hired farm labor is any way extensively employed, and could not reach it even if wanted there.

So far as they go, the census statistics are the best we have in respect to labor and wages. These show very distinctly that labor of American birth is mainly employed in agricultural industry. They show that in the year 1879 our 3,615,765 farmers of American birth employed 3,162,474 persons of American birth as farm laborers, and that the 610,180 farmers of foreign birth, if they had had all the foreign-born labor then employed in farming (161,402) assigned to them, not more than one in four of these farmers could have had any employed labor on their premises. I admit, Mr. Chairman, that your high tariff has afforded some protection to American labor, inasmuch as it has driven the bulk of it into rural retreats, where the gaunt wolf, *Want* which prowls around the hives of manufacture and trade, is but seldom heard to howl.

HIGH TARIFFS FOSTER MONOPOLIES.

Year after year, with a few spasmodic exceptions, the condition of labor in the United States has been growing worse. It is harder for the maintenance of families since high-tariff legislation has been in force. The employers have been growing rich, the laborers poorer. There has never in our industrial progress as a nation been a time when the producing laborers in our mills, shops, and factories more required protection from tariff robbery, which fosters monopoly, than the present. I well remember when the villages and hamlets in our land had local manufactures and trades within their own limits, ample for the supply of the ordinary wants, and with fair compensation to labor; but this was before the march of modern improvements had inaugurated to any great extent on this continent the system of manufacturing that has harnessed steam-power and human muscle to costly machinery owned by large private and corporate capital. I admit, if enlargement of productive capacity is the true criterion of improvement, that since this modern system of manufacture has become generally established among us we have made wonderful progress in our ability to supply the ever-increasing wants of advancing civilization, not only in our own markets, but also in the marts of commerce if these were open to us. Confined as our shops and factories are to home markets, we are nevertheless yearly adding a wonderful increment to our wonderful wealth. But at what a cost to labor. Your large productive capacity and limited market render constant employment impossible.

Our millionaires are steadily increasing in number and adding to their millions, corporate capital is adding almost annually to its billions, the gorgeous mansions and palaces of our merchant princes and factory monarchs and railroad kings are becoming more numerous and resplendent year after year, and still the cry resounds throughout the land and is echoed with increasing vehemence in the Halls of Congress, that we must have "protection for American labor." After a quarter of a century of high-tariff "protection," factory labor stands to-day more in need of living wages than ever it did in any previous quarter-century of our existence.

THE WHOLESOME CONDITIONS OF THE PAST.

You may bring in your most expert statisticians with their tabular statements of comparative wages rates; I care not for their figures or their conclusions, for the fact remains patent to every American who has turned the meridian of life that our industrial classes, those who produce our wealth, labor skilled and unskilled, are not now enjoying the comforts of life, the ease and independence enjoyed by the industrial classes who worked under the wholesome conditions of the past generation. You ask, "Shall we return to the Arcadian simplicity of the past, to the village blacksmiths and tailors and weavers, and pull down our factories, and abolish capital and corporations?" Better, a thousand-fold better for our common humanity and national security that this were possible, if it were the only remedy. But is there no other panacea for the evils of the times? Your nostrum of a protective tariff has not only failed to lighten the burdens of labor, but it has so debilitated the laborer, so distorted his mind, that, like the slave of opium, he imagines he can not exist without the enervating stimulus of protection. He craves the poison that destroys his faculties. He regards the friend who would deprive him of it as his worst enemy. What has any public man, any political party to gain, under such conditions, that advocates the removal of even a modicum, much less the abolishment, of your tariff narcotics other than the approval of conscience? You have bound the bands of Orion [labor]; you have hooked the jaws of leviathan [commerce]; the former is enslaved, and the latter is stranded in the shallows [coast trade], and who would seek to enfranchise the one or restore the other to the briny deep is "a villain and bought with British gold!"

THE POLITICAL ASPECT.

I believe that if the political party to which I belong—the party which, with all its frailties and shortcomings and backslidings, is still the party of the poor man as distinguished from the party of wealth—were to go before the country in the next Presidential canvass on the issue of free trade *vs.* tariff protection, it would in all probability be defeated at the polls; for there is no class of voters whose minds are more tainted with the tariff heresies of protection than the laboring classes who are most injured by them. When this issue comes, give me defeat again and again rather than a victory gained against the toil, blood, sweat, and comfort of my fellow-men. I would rather be on the side of right than have such a victory.

A quarter-century of a specious system of protection to labor that has concentrated the wealth of the nation into the hands of the few, and made the millions of our wealth-producers dependent on daily earnings for daily bread—too often, as every member in this House well knows from the appeals to his supposed influence, the eager suppliants for employment at any wages—has resulted in blinding the eyes of our productive labor to the cardinal and most obvious law of industry and trade. That law is, that there can be no healthy condition of either without a free, active, and equal exchange of the products of labor. Had I the power to direct my party in this most vital matter, I would command it to go out into the highways and byways of the nation, into the lanes and alleys of our overcrowded centers of manufactures and preach the gospel of interchange. I would ask it to suffer the martyrdom of defeat again and again at the hands of the scribes and pharisees of "protection" until the golden sunshine of reason would enlighten our people, rather than sell into deeper slavery their fast-receding liberties for the mess of pottage of an immediate political victory. I would enter

upon this holy mission with the confidence of an Algernon Sydney, well knowing that truth is freedom and heresy enslavement.

TARIFFS INIMICAL TO ENTERPRISE AND LABOR.

The modern system of steam-aided manufacturing has been developed in Europe within the memory of men now living. Yet I am told that our country, after a century of independence, still hungers for protection from competition with the "pauper" labor of Europe. Poor, weak, unskilled America! With all her vast, unlimited, inexhaustible natural resources of soil and climate, mine and forest, plains of laughing harvests and herds upon ten thousand ranges, she begs for protection from pauper labor three thousand miles away. You have granted her prayer, and the commerce we once enjoyed under liberal conditions is borne across the ocean under a foreign flag. The ensign that in our boyhood days was glorious on every sea has disappeared from the face of the ocean and skulks along our coast. We no longer need a navy; our "protected" products remain within the protection of our army of consumers. The 2,732,595 American men, women, and children employed in our manufacturing and mechanical industries, who turned out of their hands in 1880 products to the value of $5,369,579,191, are protected from the "pauper" wages of Europe—by an immigration of labor therefrom, mostly adult, of 4,809,524 souls since July 1, 1870. This influx in the past three years has been at the rate of from six to seven hundred thousand per annum!

HOW WAGES MIGHT BE INCREASED.

And is this the kind of protection you, and you, and you, dear friends of American industry, would have us continue to secure to our producing labor? Free trade in labor and prohibition, strong, hard, and enduring, in the commodities of the monopolies out of which you reap your annual harvests of over a billion dollars of profit on a little more than two and three-quarters billions of capital!

Are the owners of the 253,852 manufacturing establishments in the United States aware that this vast capital represents not more than $1,000 per capita to the 2,732,595 "hands" employed by them? And are the latter aware that, with this moderate per capita sum capitalized in trades-union productive industry, they might add at least a billion dollars annually to their wages? Might they not increase their wages as much more as they pleased under a protective tariff until all our other productive industries lay prostrate at their feet?

The 1,500,000 sovereign voters employed in our factories and mills, if bound by one common tie of blind self-interest, would be a much more persuasive power in the lobbies of legislatures than the owners of a quarter-million factories and mills with all their money-bags. If this be communism, socialism, or nihilism, make the most of it. I merely hold up this side of the protective tariff to its most ardent advocates. I merely show these patriotic gentlemen how they could more certainly and more effectually, by a direct administration of their medicine to the patient rather than the nurse, protect his feeble, unskilled hands from the stalwart pauper bugaboo of king-ridden, down-trodden Europe.

"PAUPER LABOR OF EUROPE."

After more than twenty years of your so-called protection, our manufacturing labor does not seem to have the wherewithal to bless itself when it is a week out of employment; and this, sir, in a country where bread and meat are plenty; and a quarter-section of public land—on the other side of the Mississippi—is freely offered by a "generous Government" to every citizen, well knowing that those most needing homesteads are the least able to locate on them. The terrible pauper laborer of Europe not infrequently seems to be able to save enough money to transport himself and his family across ocean and land four or five or six thousand miles to homestead or pre-empt the soil that our protected skilled labor is unable to reach. Oh, my friends, there is a vast amount of humbug in your catch-penny cry of European "pauper" labor. The intelligent, skilled, well-developed European mechanic or artisan would not long remain on the other side of the Atlantic if, all things considered, he could better his condition in our shops and factories. The skilled labor that reaches our shores is, generally speaking, of that class that can not successfully compete with the more skilled labor that remains in Europe. The great bulk of our immigration is comprised in two classes, namely, those brought up to ordinary manual labor, and those who come to locate on our public lands. They are both good, honest, industrious, and desirable; both productive of wealth which, if allowed free exchange with the world, would, like the "gentle dew from heaven, twice bless."

I have some little knowledge of the disappointment that not seldom a few months of realization brings to the skilled artisan immigrant in respect to the vision of our large wages. It is seen through the mirage of emigrant agencies which the friends of American labor have established so extensively in Europe. How my heart has bled to hear the repinings over a change of habitation that wrought no improvement of conditions; the hard savings of years of frugal toil expended in passage-money over three thousand miles of ocean, and family ties severed never to be reunited.

WAGES CUT DOWN BY TARIFF LAWS.

Talk not to me of your dollars and cents difference in weekly wages while you recoup that difference and more by act of Congress, by tariffs on everything that labor needs and uses and consumes except bread and meat. No! I will not except bread and meat even; for have you not taxed the tools that built the road, its rails, its engines, its cars, and every mechanical implement and appliance that carries the bread and meat to our Eastern and Southern labor from the fields and ranges of the West? Are not the plows and the hoes, the harrows and the reaping-machines that the farmer uses taxed? Have you not taxed every bolt in the farmer's wagon, every buckle and strap and chain in his horse's harness? The very clothes on the farmer's back, from his shirt to his overcoat, from his hat to his shoes, even the bed that he lies on, the roof that covers him, the glass in his windows, the plates on his table, the cup he drinks from, the rope in his well—have you not taxed them specifically and advaloremly from 50 to 100 and more per cent. as it pleased your honors; and for what?

TARIFF OUTRAGES ON FARMERS.

Have you committed all these outrages on our farmers and industrial producers in order to secure 37 per cent. annual return on manufacturing capital? Is this the compensation that you award to American labor for depriving it of a foreign market for the bulk of its products? You tax the farmer, the day laborer, the mechanic, from the crown of his head to the soles of his feet, in sleeping and waking, in riding and walking, in every bodily function that involves the breaking of a thread or the shedding of a button. You tax his wife, and his son, and his daughter, and his man-servant, and his maid-servant, and the stranger within his gates—even the very pins in their garments have not escaped your specifics and ad valorems. You have made unto yourselves a "heaven of iron and an earth of brass." (Lev. XXVI, 19.) Your tariff taxes are as the curses of Deuteronomy, as the imprecations of King David (Psalms, CIX), as the anathemas of excommunication; they reach the labor on which they are heaped in every bodily attribute, function, occupation, and relation of life! This, too, in face of your fiscal report that you had in the Treasury on last 30th of June, when you settled your annual accounts, $346,087,437 cash, and a surplus of revenue the current year (estimated) of $59,874,695, after allowing $46,269,756 to the sinking fund. (Report of Secretary of Treasury, 1883, page 8, and table "D," page 7.) The Government is controlled by the rich. Why should not its coffers overflow?

DISTRIBUTION OF TARIFF SPOILS.

I might, if time and patience permitted, go through the whole list of our "protected" manufacturing industries, and show by the official figures that in almost every class of manufactures there is a gross disproportion under your tariff laws between the earnings retained by capital and the wages paid to labor, but I must not trespass.

THE IRON INFANT.

I will, however, take up the case of the most clamorous "infant" industry—iron and steel manufacture—as set forth in the last census reports, in proof of my assertion.

In 1880 there were in the United States 1,005 establishments, with a capital of $230,971,874, engaged in the production of iron and steel. These employed 133,203 males of the age of over 16 years, and, including 66 females, 7,775 persons below that age.

The total value of the iron and steel products is stated at		$296,557,685
Deducting the value of all materials used	$191,271,150	
And the wages paid	55,476,785	
		246,747,935
We find the gross profit to be		49,809,750

This sum represents a profit of 21.56 per cent. on the capital invested. The average wages paid to the employed was at the rate of $393.50 per annum per capita, say $1.31 per diem.

INFANT STEEL INDUSTRIES.

The more tender infant industry of steel manufacture will still better illustrate the operation of protective tariff. In that year, 1880, there were thirty-six establishments in the United States engaged in the production of Bessemer and open-hearth steel. Their capital is given at $20,975,999, and their employés numbered 10,825, including 621 males under the age of 16 years.

The total value of all products was		$55,805,210
Deduct from this value of materials used	$36,826,928	
And wages paid	4,930,349	
		41,757,277
And we find the gross profit to be		14,047,933

This represents a profit of 67 per cent. on the capital invested, and shows that the average wages paid per capita were at the rate of $455 per annum, or $1.50 a day. In 1880, according to the returns of the manufacturers, 741,475 tons of Bessemer steel rails were made, at a gross value of $37,408,625, or at the rate, as reported to the Government, of $50.45 a ton, but probably of greater value, as Bradstreet's reports show that such rails were quoted on January 1, 1881, at $60 a ton. Wages were then little, if any, higher than in 1880, when the census reports quoted Bessemer steel rails at $50.45 a ton. In the spring of last year, Bessemer steel rails fell to $38 a ton; and now it appears that the Lackawanna Steel Rail Mill Company can manufacture Besse-

mer steel rails with a profit at $35 a ton, they having last November contracted to place 30,000 tons at that rate. Well may that company still make large profits at this rate if our consul at Newcastle-on-Tyne, Evan D. Jones, is correct in his official report that "it is of course known that a steel rail can now be made cheaper than one of iron." (United States Consular Reports, No. 34, October, 1883, page 622.)

ANOTHER INFANT—SAWED LUMBER.

Lumber manufacture is another infant crying for protection from pauper labor. Let us glance at the profits and wages which this infant creator of floods and tornadoes yields.

The sawed-lumber trade of the United States is one of its most important industries—taking rank very nearly in value of products (if Bessemer and open-hearth steel are omitted) with the iron and steel production—the latter amounting in 1880 to $240,752,475, and the former to $233,268,729.

In 1880 there were 25,708 sawed-lumber establishments in the United States, which produced in that year 18,091,356,000 feet, board-measure, of sawed lumber, 1,761,788,000 of laths, 5,555,046,000 of shingles, 1,248,226,000 of staves, 146,523,000 sets of headings; and 34,076,000 feet were consumed in the manufacture of spools and bobbins. The total value of these items, including $2,628,668 worth of other products, amounted to $233,268,729. The capital invested in this business amounted to $181,186,122; the wages paid during the year amounted to $31,845,974; and the value of all material consumed in the manufacture was $146,155,385. Deducting the latter two items from the value of the products gives $55,267,370 as the gross profit for the year, which shows about 30.5 per cent. profit on the capital. The average wages of the 147,956 hands employed was at the rate of $215 per annum. An average of eight or nine months' earnings, say about $25 a month.

PACIFIC COAST ENTERPRISE.

Now, let me show some figures in respect to this industry in one of the most prosperous and rapidly growing parts of the United States—Washington Territory:

The lumber statistics for Washington Territory during the same year, 1880, were as follows: Establishments, 37, employing 499 hands; capital, $2,456,450—

Total value of product		$1,734,742
Wages paid	$200,539	
Cost of materials used	1,188,075	
		1,388,614
Total amount of profit		346,128

The average wages paid to employés during the year was $402—almost twice as much as the general average of the United States. The percentage of profit on capital was very much lower than the general average—only 14.09 per cent. The value of the logs used is given at $1,174,005, and that of other mill supplies at $14,070. The products were: Feet of lumber, board-measure, 160,176,000; laths, 6,550,000; shingles, 3,610,000; staves, 23,666,000. If only the average wages had been paid, the profits on capital would have been 18.05 per cent.; but as on such average the mills could have worked on 25 per cent. less capital, the profits in such case would have come very near the general average.

Here is a part of the country in which a tariff on lumber does not "protect;" for the lumber trade of this magnificent Territory is very largely one of export, with British Columbia alongside of it as a rival. The mills at New Tacoma, the terminus of the Northern Pacific Railroad, and many other mills on Puget Sound are largely engaged in exporting lumber to South America, Japan, China, Australia, and European ports; and still they pay better wages than the mills in our protected States. Some gentleman may here remark: "Oh, but the supply of timber at Puget Sound is inexhaustible and cheap." As to the latter, the answer is that timber land sells no cheaper at the United States land offices there than in Michigan, Wisconsin, Florida, or Mississippi; and as to the supply being inexhaustible, I think not. The time is fast approaching when the Eastern forests will be exhausted, and then the lumber interests of Puget Sound will assume gigantic proportions. Michigan is being stripped at the rate of $53,449,000 a year; Wisconsin at the rate of $18,000,000; Pennsylvania at the rate of $22,500,000; New York at the rate of $14,000,000; North Carolina at the rate of $14,000,000; Indiana at the rate of $14,000,000, and so on in our other lumber States.

OUR ABILITY TO COMPETE WITH EUROPE.

Now I want to bring home to every "protectionist" in the House this fact, namely, that, like Washington Territory in respect to timber, the magnificent domain with which God has endowed the American people is practically inexhaustible in its capacity for the production of almost every sort and species of material used in the industrial arts and manufactures. Having in respect to all other countries in the world this immense advantage, is it not absurd to say, in face of the statistics of our wages rates and manufacturers' profits, that, unlike the manufacturers of Puget Sound, all the other manufacturers of the United States are unable to enter upon an export trade, because, forsooth, they must compete with the "pauper wages of Europe."

PURCHASING POWER OF OUR WAGES.

Pauper wages in America is the result of your "protection." Why should our iron and steel manufacturers seek a foreign market, in which, like the English manufacturers, they could only get at most 10 or 12 per cent. profit, while your tariffs enable them to force on the American people steel rails at $60 a ton that could a year ago be made with good profit at $35 a ton, and now probably for $20? Why should our manufacturers seek a foreign market for any considerable portion of their annual products of nearly five and a half billions of dollars in value at the mills and factories, when they can force these products on our wholesale dealers and jobbers at a profit of 36 per cent. on the capital invested, and at the same time employ productive labor at an average of $1.16 a day? When you add this 36 per cent. to the cost of the products of the mills that the laborer and his family consume, do you not see that the purchasing power of his wages is at least 36 per cent. less than $1.16 would be under reform? When the manufacturers have recouped from the great army of producers and consumers all over the country, including farmers and miners and the railroad and other transportation companies, the full 36 per cent. returns to manufacturing capital accruing on the articles that army consumes, and you add to the amount recouped the profits of the jobbers and wholesalers, and of the small retailers with whom labor mostly deals, do you not think that under such recoupments $1.16 a day is coming very near pauper wages in purchasing power?

GENERAL AVERAGE OF WAGES.

"Oh," but some gentleman may say, "your wages average is not fair." Is it not? It is from official returns, sworn to by agents and manufacturers. I know as well as you that some skilled workmen earn $2 and $3 and even $4 and $5 a day, but you will find men equally skilled earning relatively as high wages in England. I am not speaking of special cases now, but of the general average in respect to our grand industrial army of privates and non-commissioned officers, and not the captains of the hundreds and the majors and colonels in the factories. Our Government is for the many, not for the few alone. If any one is disposed to question the averages given, I think I can satisfy the doubts he may have by referring him to a class of business in which he will acknowledge that the highest rates of labor wages are paid, namely, railroad transportation. I find on page 1266, Compendium of Tenth Census, that the pay-rolls of all railroad companies for the year covered by the census amounted to $195,350,013. This sum represented the earnings of all their officers and employés, from presidents down to trackmen, in number 418,957. Had all of these received equal wages they would have been paid, on the basis of 300 working days, about $1.55 a day each, or, since most railroad men are on duty every day, about $1.27 a day. There were paid on these rolls:

General officers	3,375
General officers' clerks	8,655
Engineers	18,977
Conductors	12,419
Total	43,426

The reports do not show the salaries paid these, but I know that a few presidents get $20,000 a year, and some clerks, engineers, and conductors receive over $100 per month. From these figures, Mr. Chairman, you can judge about how much the machinists, carpenters, and other shopmen, the trackmen, and other employés received per day under the laws that protected them from "pauper wages." Is there any better proof of the absurdity of your claims for high-tariff rates than these figures? Here is a class of labor in which all persons employed in it are skilled, in which all are employed the year round, and yet you see, beyond question, that the average wages can not have been up to $1 a day. And what is $1 a day to a laborer when at least 36 per cent. of it is recouped from his wages by your "protective" tariffs?

THE ENORMITY OF TARIFF EXACTIONS.

You can never by any legislation advance the rate of wages one cent beyond what the law of supply and demand may prescribe, but you can reduce—as for years past you have done—the purchasing power of wages to more than the full extent of your tariff rates. This is the plain, honest truth; but the laborers, the mechanics, and artisans have been deceived so long by the tariff orators and newspapers and self-interested manufacturers that I do not expect many of them to at once realize the enormity of the tariff exactions that you have imposed on their wages and industry. You have made the farmer, the mechanic, the artisan, and every producer of wealth your slaves. The result of your protective tariff is a condition of manufacturing industry in which every laborer engaged in it is forced by competition with the pauper wages of America (I speak it boldly) to sell his muscle and sweat to employers at any wages the latter may choose to offer, while food, clothing, shelter, and other necessaries of life are obtainable only at high-tariff rates.

ABOLISH TARIFFS.

In behalf of your own true interests, let us abolish the tariffs that only foster the ill-gotten gains of manufacturing capital. Let us devise a system of revenue and inaugurate an economical administration of government, under which the hard-earned dollars of productive labor shall not be filched from its scant purse. Let us no longer betray

our trust by the false kiss of "protection;" let not the apple of tariff forever turn into dust of Sodom on the parched lips of the child of toil. Give us free trade now, and you can double the area of your grain fields and the power in your mills to-morrow; for the world will always need the surplus products of every nation. The more that is produced the greater will be the consumption, and the higher will be the plane of civilized life.

I have preached to you, reasoned with you, pleaded with you, prayed to you [golden calves], lo! these many years, to relieve the people of this grievous burden, but ye would not. Ye Pharaohs, harden not your hearts still harder; let our people go ere the plagues of the strike, and the riot, and the commune be poured out on the land. At last you are moved a little, to the extent of a sliding scale of relief which retains 80 per cent. of iniquity and awards 20 per cent. of justice. If fear awards this much, let reason and common sense appeal to your cupidity to clean the infamous schedules of the whole measure of the oppression of our industries. Let me point out to you for the thousandth time that wages in all departments of our industries are already regulated down to the lowest rates that a full supply of labor and a steady influx of seekers for employment can reduce them to; and that it is not the *amount* of the wages, but their power to purchase the necessaries and comforts of life which American labor should enjoy, that is the true criterion of our industrial condition. We have no foreign markets for our manufactured products compared with those of England, nor ever will until we follow her example.

ENGLISH WAGES AND ENTERPRISE.

I boldly assert that, be England's standard of wages what it may—her standard in pounds, shillings, and pence, in dollars and cents if you will; be it a dollar a day or more or less—our wages would not and could not under a system of free trade lose a fraction of a cent in their present purchasing power; nay, more, a large percentage would be added to that power. England to-day is, and for years and years has been, compelled to bring the raw materials consumed in her factories and mills from the "four quarters of the globe." She does this at heavy expense of time and money, freight and insurance; whereas we, with our diversified soil and climate, rich and extensive domain, have at our own doors the capacity and conditions and material which would enable us, without abating one iota of comfort to labor, to at once compete with her for the lion's share of the trade of the world, if our producers were not taxed to exhaustion for the benefit of the capital invested in manufacturing monopolies.

Let me sit down with any intelligent mechanic, and, by figuring out his present cost of living, convince him that a lowering of wages to even the English rates—assuming the latter to be lower than ours—would not, under free and untrammeled trade with the world in the products of his labor, mean the loss of one mill in the purchasing power of such wages as compared with our present home rates. I would take an inventory of everything he pays for. Let me compute the tax levied on him under protective tariff, and show him that this tax more than offsets the difference in wages between the present English and American rates—that the latter are the lowest in value. I would further show him that our staples of domestic production, both of food for man and supplies for the mills and factories, could be obtained here cheaper than in England. I would show him that, under the impulse of universal demand, almost every article consumed in the arts and manufactures could be produced here on this broad continent of ours cheaper than elsewhere; and then I would ask him to give me any reason why he could not deal in the markets of the world and exchange the surplus of what we produce for the articles that we want for ourselves, or which other nations might want. Are we not as capable of trade as the English? Are we not as brave as the English, and as skillful and as intelligent? Are we so emasculated by protection, so dwarfed in enterprise, that we fear, with our ten thousand natural advantages, to meet our ancient foe on the high seas?

RECIPROCITY—BUY AND SELL.

Interchange means *import* and *export* on terms of reciprocity. Here let me give you an illustration of how this sort of trade operates. I will quote for this purpose from a gentleman who is qualified to speak on the subject (J. K. Cross, esq., M. P., in a speech in the British Parliament, August 12, 1881): "£1,000 will buy 2,000 tons of coal on board at Cardiff; the freight of this to San Francisco will be £1,500; the amount realized for it in San Francisco will be £2,500, which sum invested in wheat will purchase 2,000 quarters. The conveyance of this wheat to Liverpool will cost £1,500, and it will require to be sold at £4,000 in Liverpool to cover cost and expenses. In the import tables there will be an entry of £4,000, wheat; in the export tables there will be an entry of £1,000, coal; the one exchanges for the other." This is one of ten thousand similar transactions of England under free conditions—cargo out and cargo back, without which you can have no healthy commerce or American shipping. England exports coal to San Francisco, paying 50 per cent. duty on it, while away up on Puget Sound are vast undeveloped fields of coal.

THE INEXORABLE LAW OF COMMERCE.

We have few ships in the foreign trade. Deep-water navigation has almost become a lost art to us under the baleful influences of protection by act of Congress. All the subsidies you could grant, all the "free ships" that you may enact, will not, can not by any possibility restore our merchant flag to the high seas. You may try it from now until doomsday, and you will not accomplish it. Never will American merchant ships plow the blue waters of foreign commerce, while the Union Jack floats above them, until you meet on equal footing the fleets that carry it and submit to the inexorable, inflexible law of trade: cargo for cargo, in and out—equal barter. Ship your rum and your brass idols and your missionaries and your guns warranted to burst at the first discharge to Africa, and bring back gold, ivory, and palm oil. Ship pig-iron to Calcutta, as England does, and bring back jute. The honest face of the Connecticut clock welcomes us in every country of the world—long has been in every house in China—notwithstanding the pauper labor of Europe. If we had equal skill and enterprise in other manufactures, what might we not be!

Tariffs muzzle the ox of labor. Find the cargoes, and the ships will be launched.

You have maintained a Chinese wall, a commercial blockade, for almost a quarter of a century around our ports, through which labor alone can enter free of tariff. You well know that cargo for cargo is the law of commerce, yet you cut down our exports by refusing free entry to imports. What care you, so long as a handful of manufacturers can plunder 52,000,000 of people at the rate of 36 per cent. profit on capital invested.

THE TARIFF ON WOOL.

You will not allow the Australian sheep to compete with the Ohio sheep; but at the same time you eagerly sell millions of acres of the public domain to English capitalists for sheep ranches. Where does the cry against such disposal of our public lands come from? Not from the woolen mills of Massachusetts or Connecticut or Philadelphia, not by any means. Oh, no! The owners of these mills want free wool; but on the cloth with which 52,000,000 of people clothe themselves they want a tariff rate that will prevent the importation of any manufactured wool, and allow a profit of 30 to 40 per cent. on domestic shoddy. In the jugglery of tariff laws the sugar-planter and the wool-grower and the rice-producer are seduced into the ranks of the protectionists, and they imagine that they would starve under free trade.

PROTECTION IN THE SOUTHERN STATES.

Twenty-five years ago a great many of my Southern friends thought that rice, cotton, tobacco, and sugar could not be raised by free labor, well-paid free labor; but I think they will now admit that they were very much in error in that respect. Wages are not as high in amount in the Southern States as in the North, but low rents and fuel, cheap eggs, butter, meat, vegetables, and fruits more than make up the difference in rate. The advantage is with the Southern laborer. His wages have 20 or 30 per cent. more purchasing power in respect to providing food and house shelter than Massachusetts wages. I really think, my Southern friends, that you could continue to raise rice and sugar under liberal conditions. But whether you can or not, I am no more inclined to tax nine-tenths of your people and the rest of the 52,000,000 of American citizens for the support of your handful of sugar and rice planters than I am in favor of protecting a few Ohio or New York or Oregon wool-growers by putting a bounty of 10 cents a pound in their pockets for the wool that they raise, while by the general operation of the tariff we would filch 30 cents out of the pockets of the American people for every pound of wool they consume.

ENTERPRISE OF THE AMERICAN HOG.

Let the American sheep exhibit some of the enterprise of the American hog. The latter quadruped asks no tariff for his protection. He is our largest manufacturer, our largest employer of labor, our largest exporter His enterprise is beyond compare in all our manufacturing industries. Think for a moment of the army of labor he employs in our fields. Compute if you can the amount of transportation tolls that he pays. Not to speak of the retail butchering establishments, he paid in the year 1880 to the labor that raised and fed him for our then eight hundred and seventy-two slaughtering establishments, $267,738,902. This unprotected manufacturer turned out of these establishments products to the value of $303,562,413 that year. He paid to the 27,297 hands employed in these establishments, three-fourths of whom were employed only between the 1st of November and 1st of March, wages to the amount of $10,508,530—a sum which if the hands had been employed the year round would have made an average of $386 per capita; and to the $49,419,213 capital invested in these establishments he gave a gross return of $25,314,981—more than 50 per cent. of the capital employed. Now, match in any of your protected manufactures, if you can, this wages rate, or the number of persons employed by the American hog.

True, you can show larger ratios of profit to capital; for example, the profit on steel rails. This enterprising animal—the hog—while contributing to the tables of 52,000,000 of home consumers, in utter contempt of the pauper hog of Europe, exported in 1880 products to the value of $100,799,414. The gross weight of this product—amounting to 1,326,157,330 pounds, or 663,078 tons—would have furnished cargoes of 1,000 tons each for 663 American ships, if the protected manufacturers had not by their protective tariffs driven our flag from the ocean.

FOOD OF EUROPE'S PAUPER LABOR.

Are you aware, Mr. Chairman, that the American hog is not patronized

by the crowned heads and nobility and gentry of Europe, and that it is only the pauper laborers of that continent who consume this product? The increasing efforts of our protectionists to convince you that European wages do not admit of flesh meat in the laborer's bill of fare may well excuse you for supposing that our hog appeared only at the tables of the aristocracy. But the fact is otherwise. To the investigations of our energetic Department of State, the results of which are published in one of its interesting pamphlets, entitled American Pork, 1881 (page 17), I am indebted for the following porcine fact, namely, that the finest brands of Chicago bacon sold in England at from 9 to 10 cents a pound in February, 1881.

I challenge any gentleman on this floor to show that at the time referred to the American laborer in our manufacturing centers could have purchased the best brands of Chicago bacon at his grocer's for less than 15 cents a pound. Assuming that our wages are 50 per cent. more than English wages—which is not true, either in amount or purchasing power—the American laborer is to-day no better able to provide bacon for his family than the English laborer.

INFERIOR MEAT FOR AMERICAN LABOR.

The "better classes" of Europe do not consume the products of our hog, yet we only export the choicest of these products. The more inferior are retained for the American laborer, if Mr. Michael Foster, of Chicago, is correct in his statement, as reported in said pamphlet (page 21), respecting the packing of hog products for the foreign markets. He says that—

> Packing-day comes around in due time, and the meat is shipped out under the inspection of an inspector belonging to the house or one who has been sent to get out some order that has been bought from the house for shipment. In either case the strictest attention is paid to the quality of the meat, its age and condition; and everything that does not rank first class is reinspected and will ultimately be packed and shipped to the pineries, the mines, the plains, the fisheries, the collieries, and the South, or any other market where they wish a second-class article at hard-pan prices and where epicurean tastes are not cultivated as they are with the overfed Briton or the dainty Gaul.

Mr. Foster is an expert in regard to the trade on both sides of the Atlantic. As a member of the live-stock firm of Thomas Foster & Sons, Smithfield, Birmingham, he says he "handled 50 per cent. of the imported hog supply for the great manufacturing midland counties of England." What does he mean by the phrase "overfed Briton" in these manufacturing counties? Where is your pauper labor? First-class meat for the pauper labor of Europe, and the inferior quality at 50 per cent. additional price for American labor!

In this connection I will read the following extract from a statement by J. C. Black, esq., of the house of Armour & Co., of Chicago, published in the same pamphlet, on page 30. Speaking of the quality of the meat exported, he says:

> After the meat is cured, at the proper time the buyer sends his inspector to the packing-house to inspect, receive, and pack the meat. The man we sell to has his own expert who tries every piece of meat and sees it weighed. The meat is perfectly sweet, but he is compelled to be there and see to it. A soft hog, they throw that out; that is soft, they do not want it. He tries it with his trier and says it is a little sour; he does not want it. He rejects everything that is not proper, and goes off.
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> Different cuts of meat go into the home market. I want even more careful handling than at the home market; the American never finds any fault whatever.

Of course the American never complains. Why should he when his wages are so well protected by act of Congress? It is only the "overfed Briton" or "dainty Gaul" who can afford to turn up his nose at "soft hog" or second-class bacon.

I happen to have convenient for reference a statement of our fresh beef exports to Great Britain during the period from October 1, 1875, to March 31, 1877. You know that we ship abroad only our very choicest beef; because the overfed Briton of the manufacturing counties of England will expend his pauper wages on no inferior cuts. In the period referred to we exported to Great Britain 34,278,810 pounds of fresh beef, valued at $3,026,483, an average value of less than 9 cents a pound.

Was there any day in that period that American labor in our manufacturing counties could have purchased such beef at an average of 12 or even 15 cents a pound? It is rare indeed that such beef appears on the tables of our best-paid labor. American beef that was exported in January, 1877, at an average value of 10½ cents a pound sold in England at wholesale for 12½ cents, and by retail in Dublin to the pauper labor of that city at 16 and 20 cents a pound—"better," says the report, "than home [British] prices." (Agricultural Report, 1876, page 312 *et seq.*)

In the year ending December 31, 1882, we exported 7,587,670 barrels of wheat flour, valued at $46,218,785, an average of $6.09 a barrel, or 3 cents and 1 mill per pound. The transportation of flour from New York to Liverpool costs 25 cents a barrel. Allowing 16 cents a barrel for insurance and all other expenses, this flour could have been delivered to the importer at $6.50 a barrel. Allowing 20 per cent. profit to importers and dealers, this flour could have been sold to English consumers at 4 cents a pound, or $7.84 a barrel, and was no doubt sold to them at that price; for, let me tell you, large capital and small profits is the rule in the English provision trade.

THE FOOD OF OUR PROTECTED LABOR.

Our laborers employed in the large cities do not and can not buy flour by the barrel, they mostly buy by the pound at the small groceries where they can obtain credit when out of employment. Do you think that any of our laborers in these cities were able in 1882 to buy flour at 4 cents a pound? If you will investigate this matter you will find that they paid nearer 6 cents a pound than 4 cents. Provisions, fuel, clothing, medicines, gas, house-rent, and every item of necessary supply cost more in our manufacturing centers, when paid for by our laboring classes, than in England.

We have as cheap a market here in Washington as in any other city of its size in the country. I now exhibit a clipping from a copy of the Evening Star of the 22d of last month (February). Look at it, and see what a laborer could purchase for himself and family out of wages at the rate of $1.16 a day, when he deducted therefrom the proportion for groceries (including sugar taxed 3 cents a pound), fuel, gas, clothing, and house-rent at from $8 to $12 a month:

WASHINGTON MARKETS—RETAIL PRICES.

Meats.—Beef, porter-house, 25 cents per pound; sirloin, 20 cents per pound; rib roast, 15 to 20 cents per pound; round roast, 12½ to 15 cents per pound; chuck, 10 to 12½ cents per pound; beef, corned, 8 to 10 cents per pound; beef, dried, 20 cents per pound; beef, chipped, 30 cents per pound; beef-tongue, 50 to 60 cents each; lamb, 12 to 18 cents per pound; veal, 12½ to 25 cents per pound; mutton, 18 to 25 cents per pound; pork, 12½ to 16 cents per pound. Bacon—hams, 16 cents per pound; cut, 20 to 25 cents per pound; shoulders, 11 to 12½ cents per pound; cut, 12½ to 15 cents per pound; middling, 12 to 14 cents per pound; cut, 14 to 15 cents per pound; lard, 12½ to 14 cents per pound.

Fruit.—Apples, 35 to 70 cents per peck; lemons, 20 to 35 cents per dozen; oranges, 40 to 60 cents per dozen; grapes (Malaga), 30 cents per pound; grapes (Catawba), 40 cents per box; bananas, 25 to 35 cents per dozen; cocoa-nuts, 8 to 10 cents; cranberries, 15 to 20 cents per quart; strawberries, $5 per quart.

Butter and eggs.—Philadelphia print, 50 cents per pound; Western creamery, 45 cents per pound; New York, 35 to 40 cents per pound; roll, 25 to 35 cents per pound. Cheese, 12½ to 20 cents per pound. Eggs, 23 to 30 cents per dozen.

Fish.—Perch (white), per bunch, 25 cents; rock, 40 cents per bunch; salmon, 35 to 40 cents per pound; weak-fish, 12½ cents per pound; cod-fish, 10 cents per pound; haddock, 10 cents per pound; halibut, 20 cents per pound; mackerel (bay), 20 to 25 cents per pound; smelt, 12½ cents per pound; lobsters, 15 cents per pound; pickerel, 15 cents per pound; shad, $1 each; terrapin, $3 to $25 per dozen.

Vegetables.—Beets, 3 to 5 cents per bunch; beans, lima, 12½ to 15 cents per quart; cabbage, 10 to 30 cents per head; carrots, 3 to 5 cents per bunch; cucumbers (new), 25 cents to $1 each; squashes, 3 to 5 cents per pound; egg-plants (new), 40 to 60 cents each; lettuce, 5 to 10 cents per head; onions, 40 to 50 cents per peck; potatoes (Irish), 25 cents per peck; potatoes (new), $1 per peck; potatoes (sweet), 40 cents per peck; spinach, 40 cents per peck; turnips, 20 to 30 cents per peck; parsnips, 40 cents per peck; celery, 5 to 15 cents per bunch; tomatoes (new), $1 to $1.50 per dozen; asparagus, $1 per bunch; kale, 25 cents per peck; artichokes, 50 cents each; mushrooms, $1.50 per pound; water-cresses, 10 cents per bunch; radishes, 10 cents per bunch; rhubarb, 20 cents per bunch; mint, 15 cents per bunch.

Poultry.—Turkeys, 20 to 22 cents per pound; chickens (old), 75 cents to $1.50 per pair; chickens (young), 75 cents to $1.25 per pair; ducks, $1.50 per pair; geese, 50 cents to $1.25 each; squabs, $2.50 to $3 per dozen.

Game.—Wild duck (canvas-back), $3 to $4 per pair; same (red-head), $1.50 to $2 per pair; same (Mallard), $1.25 to $1.50; same (widgeon), 50 cents to 75 cents per pair; same (bar), 50 cents per pair.

Do you not see that by the time the average wages earner had put some cheap meat in his basket he would have very little choice of vegetables, while fruit, butter and eggs, fish and poultry, not to speak of game, would be rare luxuries?

I think, Mr. Chairman, notwithstanding all the talk about pauper wages of Europe, your protective tariff gives us small grounds for boasting of the condition of that portion of American labor that is employed in our manufacturing cities.

THE TERRIBLE THREAT OF CLOSED FACTORIES.

Of course your advocates of the "rights of American labor" will continue for some time to have it all their own way against us, while they can fright the souls of wages earners with the terrible threat of shutting up shop if Congress dares to cut down the tariff that gives an American citizen the nominal wages of $1.16 a day. Well, be it so. It can not last much longer. The Mount Sacer of the patricians was never more than a day's journey from the forum. The fable of "the belly and the members" can be read one way as well as another. Reciprocity is as well established as a law of trade, as a law of nature. You can not preserve the health of the nation while you glut the stomach of capital and tax labor to starvation.

I do not think you will many years longer be able to threaten your employés with closed factory doors. There is a limit to human endurance. I heard no such threats in my boyhood days. If I remember rightly, the American laborer of that period felt that he could compete with all the world. We had then a foreign commerce. Our glorious ensign then shone like a meteor over every sea. Who then asked for protection for American trade beyond what the guns of a frigate and an American crew could give it? Our flag was then where England's flag is to-day, in every commercial port of the world; now none so poor as to do it reverence.

PROTECTION OF WAGES BY ACT OF CONGRESS.

We have been so long under the shadow of protection, have so little confidence in our muscles, that we are afraid to lean on ourselves lest we fall to pieces. Moneybags is afraid to move lest he burst, and labor hangs onto a day's work like grim death, while the protectionist mill-owner looks happy at his last cargo of cheap contract labor sailing into port under a foreign flag. This is what your beautiful protective tariff has done for the "land of the free and the home of the brave." I have had enough of it. I want none of your wages tinkering and juggling and thimble-rigging; because I well know that if you double your tariff to-morrow, wages will immediately go down in purchasing power in proportion to the resulting increase of profits to

manufacturing capital. While man is human you can no more regulate the purchasing power of wages than the purchasing power of a dollar. Trade, commerce, the wind, and the rain and God's sunshine fix and change and fluctuate the value of the "almighty dollar." In the hands of the American laborer it is to-day worth 20 per cent. more in Mississippi or Georgia than it is in Massachusetts or New York; and we have no inter-State protective tariffs.

Let us reform in our statutes the horrible fiction under which you legalize the robbery of more than 99¾ per cent. of the American people for the enrichment and aggrandizement of the other ¼ per cent., and then I am with you for the levying of any constitutional tax by customs or internal revenue, or both or either, that will fall equally on the people in proportion to their ability to pay it. The old "direct tax" levied in proportion to population, unjust as it would now be, would be far less unjust than any protective tariff you could invent. I want neither one nor the other; and I want no tax on the necessaries of life while a luxury or large income remains untaxed.

Let us ascertain on a just economical scale the proper amount of revenue required to maintain the Federal Government. Let us then raise, by customs or excise or any other constitutional method, the necessary sum. Let us sink all partisanship in discussion. Abandon the heretical, slavish doctrine of protection of wages by act of Congress, and give repose and comfort to the weary toilers in productive industry. They alone create our wealth. Let us impose the burden of taxation, as far as can be accomplished by legislative ingenuity, upon the classes most benefited by government, and give relief to those whose frugalities we are bound to respect. Let our exactions fall equally, if not as gently, as the dew upon the grass.

In conclusion, let us make it our endeavor while supporting honest administration at the same time to enfranchise labor and give fresh inspiration to liberty. Thus we shall give most eloquent emphasis in this new realm of America to the "universal genius" of commerce, which civilizes to exalt mankind. Thus we shall illustrate that natural justice proclaimed by Vattel—who gave the purest code of taxation—when he urged that all citizens should pay their quota of taxes in proportion to their abilities and the advantages they reap from society for the preservation of lawful authority and the glory of the State.

Thus we will realize in our hemisphere a "New Atlantis" beyond the fancies and prophecies of Lord Verulam, the very picture which John Milton saw in solemn vision of a noble and puissant nation arousing herself like a strong man after sleep and shaking her invincible locks—an eagle kindling her undazzled eyes at the full midday beam, purging and scaling her long-abused sight at the fountain itself of heavenly radiance. [Applause.]

Fitz-John Porter.

SPEECH

OF

HON. WILLIAM C. OATES,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 1, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter—

Mr. OATES said:

Mr. CHAIRMAN: No private bill ever came before the Congress of the United States which elicited so much discussion as the one now under consideration. I should not attempt to say a word in regard to it but for the fact that no one who was engaged in the battle on the confederate side has ever said a word on this floor either for or against the bill, and the further fact that certain gentlemen on the other side of this Chamber have insinuated that no one who was a confederate soldier but now occupying a seat upon this floor ought even to vote on this question.

Sir, no member of this House is in a position to vote on this bill more impartially, more completely emancipated from every bias common to human nature, than those of us who belonged to the confederate army. General Porter was our enemy then, whose skill and daring as a commander we had learned to respect at Mechanicsville, Cold Harbor, and Malvern Hill before we encountered him at second Manassas. Now, in respect to his conduct then we have no more sympathy or feeling than we have for any other brave Union soldier. In the Union Army then and at the time of General Porter's trial partisan politics cut no inconsiderable figure; all know that there were more or less of factions and jealousies.

There was a McClellan and an anti-McClellan party, and Porter, unfortunately for him perhaps, was McClellan's warmest friend. Now, what do I or any other member who was a confederate soldier care about this contention? Both factions were bent upon the destruction of the government we then served. They succeeded, and now I and others are in the anomalous position of having to pass upon the conduct of our late enemy. Have we any motive except to do justice? But some of the gentlemen on the other side seem to insinuate that Porter was guilty of treason to the cause of the Union—wanted Pope to lose the battle and thereby to aid the confederates in their efforts to free the Southern States from all connection with the Union. Let me say to those gentlemen that they have, even at this late day, a very erroneous conception of the material of which the confederate army was composed if they believe for a moment that any one of those brave men who hazarded life and fortune upon the altar of their convictions could ever be in sympathy with a traitor on either side.

Mr. Chairman, in that great war which sacrificed a million of men and billions of money heroes and statesmen were developed, but no Benedict Arnold. It is alleged by some that good taste suggests that none of the "rebel brigadiers" should pass judgment upon Porter's conduct. Why? Are we not American citizens, with all the rights, privileges, and immunities of any other citizens? Are we not here as Representatives of the people of sovereign States? Can we with any sort of propriety abdicate our functions as Representatives because forsooth it accords with the ideas of taste of the gentleman from Ohio [Mr. TAYLOR] and the gentleman from Michigan [Mr. HOBB], and like humiliated cowards stand aside and witness their judgment upon the pending measure? Such a course upon my part would render me unworthy of the generous confidence reposed in me by the people who sent me here. I am not ashamed of my record. The war was the logical consequence of a great conflict of ideas which could be settled by no arbiter but the sword. I, in common with my comrades, made a hard fight, and made it honestly. The award was against us. We accepted it honestly, and to-day I am as true a friend and supporter of the Constitution and Government of the United States as any gentleman on this floor, and will cast my vote on this bill with a proud consciousness of my right to do so, and as a Representative the peer of any other in this Chamber.

Mr. Chairman, I shall vote for this bill, and will as briefly as I can state the reasons which impel me to do so. I belonged to "Stonewall Jackson's foot-cavalry," as we were called. The whole country remembers how General Pope proclaimed his "headquarters in the saddle," and that he "had never seen the faces of the rebels, but only their backs," and that he never secured lines of retreat, that he had no rear, that nothing but disaster and shame lurked in the rear," on his assuming command of the "Army of Virginia." When Lee confronted him on the Rappahannock, about the 22d or 23d August, 1862, General J. E. B. Stuart penetrated to Pope's rear and captured his "headquarters," which happened to be out of the saddle on that occasion, and came so near capturing all the quarters he had, that he got General Pope's coat and important papers, by which General Lee learned that Pope's force present for duty was inferior to his own. Hence on the morning of the 24th Jackson, with his corps, consisting of about twenty-two thousand men, crossed the river north of Pope's right and marched rapidly through Thoroughfare Gap around to Pope's rear, reaching Bristoe Station a little after nightfall on the 26th. We marched sixty miles in two days, with no rations except green corn and half-ripe apples gathered by the wayside. My regiment then belonged to Trimble's brigade, which moved on from Bristoe the same night and captured Manassas Junction, where we drew rations from the Federal commissariat. The next morning General Taylor's New Jersey brigade arrived from this city and advanced on our position, but was soon broken and compelled to retire. Trimble's brigade marched in pursuit to Centreville, a distance of seven miles, and returned the same evening to the junction, where we lay that night.

On the morning of the 28th A. P. Hill's (the Stonewall) division and all of Ewell's, except two brigades, with which that officer remained at Bristoe until he retired before Hooker's advance that afternoon, marched across Bull Run, and turning northward recrossed at the stone bridge, and went into position on pretty nearly the identical ground occupied by McDowell at the first battle of Bull Run. After Ewell arrived from Bristoe, and near sunset, I heard distinctly the cannonading said to have been Longstreet driving Ricketts out of the Thoroughfare Gap, some fifteen or twenty miles distant. I saw a great cloud of dust in the woods to the right and right rear of Jackson's line just when I observed a heavy column of the Union Army moving down the pike across our front in the direction of the stone bridge. My apprehensions of a perilous situation were soon allayed by the arrival of an officer who brought to Jackson a message from Stuart that he was in position on Jackson's right. The order was then given to Ewell to advance. The head of the Federal column halted just east of Groveton, and as soon as the confederate advance began they gallantly advanced to meet us, and thus the bloody three days' battle began. A hard battle was fought that night with no decisive result.

The next morning, Friday, the 29th day of August, 1862, Jackson readjusted his alignment, taking position behind an old and imperfect railroad embankment, his right consisting of Trimble's brigade, at a point northwest of Groveton, and extending east-northeast to Sudley Ford, on Bull Run. During the forenoon there was no fighting except occasional discharges of artillery and picket firing. About the middle of the day I rode out in the direction our right pointed, where I found General Early with his brigade of four Virginia regiments massed in a

copse of woods, placed there by Jackson to guard against an attack on his right and rear. Riding on a short distance, I found at a spring, just under the bluff, quite a number of men, some of whom I knew to belong to Longstreet's corps. I inquired where their commands were located, and they pointed in the direction indicated as that held by Longstreet in General Grant's letter.

When I returned to my command a battle was raging, which I suppose was about 2 or 3 o'clock p. m. Starke's Louisiana brigade had been placed on the right of Trimble's, behind an isolated piece of the railroad embankment, and it was assaulted by a Federal brigade, which came up to the embankment on the other side and planted their colors on the top, where I saw the stars and bars and the Stars and Stripes flapping together in the breeze over two thousand American citizens in mortal combat, and each side apparently resolved to conquer or die. But Trimble's brigade behind the embankment beyond the gap was not so hard pressed, and the right of it, the regiment to which I belonged, fired right oblique to aid the Louisianians, who were then so hard pressed that they laid down their heated and smoking arms and fought with the cobble-stones which lay thick upon their side of the embankment. The contest was unequal, and the Federals retreated, leaving a large number of their comrades behind them. Just as this brigade retreated another assaulted the front of Trimble's brigade, and a major leading his regiment charged his horse up the embankment and fell dead, rider and horse, upon the top of it. But this assault was likewise repulsed. Some half-hour later an assault was made upon A. P. Hill's part of the line and kept up with only short intervals for two hours. This was that part of the field upon which the gentleman from Ohio [Mr. KEIFER] quoted me as saying that, on Sunday after, the dead lay so thickly that I could not ride over it. This was true. There was much hard fighting done upon that field that day.

But, nevertheless, the allegation made in defense of General Porter, that there was no general battle fought by Pope's forces that day is also true. The fighting was gallant and damaging, but it was done by detachments. I did not see a greater number than two brigades of the Union army engaged at one time. It is said upon the other side that without orders Porter should have marched to the sound of the guns and the roar of battle. Gentlemen seem to forget that the fighting was after Longstreet's arrival and when he was confronting Porter. Had he thus marched he would have at once exposed the left flank and rear of his corps to Longstreet, and there would have been nothing then to have detained Longstreet from going into action at once. He used his ten thousand men to the best advantage so long as he occupied the attention and kept out of the fight more than double that number of his adversary's men. The last engagement that day was a second attack, just after dark, made upon Starke and Trimble's brigades; or rather it began just before and continued until after dark, when Hood arrived with two or three brigades from Longstreet's corps, and, taking the Union troops in flank, drove them some half mile and put a stop to the conflict that night. Starke and Trimble's men, worn down by fatigue and loss of sleep and their ranks thinned by the fighting of that day and the previous night, still held their positions against fearful odds, but welcomed with shouts of joy the sound of Hood's guns upon the flank of their assailants.

Now, the only charge against Fitz-John Porter which is worthy of serious consideration in the light of the evidence is the second, to wit: His failure to attack Jackson's right and rear as he was directed to do by the 4.30 o'clock order, which did not reach Porter until near 6 o'clock on the evening of the 29th. Suppose General Porter had obeyed that order, what would have been the inevitable consequence? Had he marched directly to the front with his ten thousand men he would have driven his column squarely against Longstreet with twenty-five thousand. He would consequently have gained nothing, but would have been repulsed with considerable loss.

Some contend that, although this might and most likely would have been the case, nevertheless it would have prevented the re-enforcement by Hood of Jackson, over whom Pope was about to gain a victory. Not so. In the first place the assumption is wrong, for Pope was not anywhere in the neighborhood of gaining a victory over Jackson. The two brigades named as engaged on the night when Hood arrived were well-nigh exhausted, but such was not the case with Jackson's whole corps; and doubtless he would have relieved or supported these with others of his own troops had he not known that Hood would soon arrive. In the second place this reasoning is unsound in supposing that Porter, however vigorously he might have assailed Longstreet, could with his ten thousand men have kept employed and detained Longstreet's twenty-five thousand men, so that Hood could not have gone as a re-enforcement to Jackson. These gentlemen who reason thus seem to forget that Robert E. Lee, the ablest military chieftain that America ever produced, was present and commanding in person, and that he knew that Pope had but forty-three thousand men, while he had over forty-five thousand. Was Lee such a tyro in the science of war as to have permitted Porter to thus baffle him and enable General John Pope to win a victory over Jackson? Why, Pope believed when he issued that order to Porter to attack Jackson's flank that Longstreet and Lee would not arrive before the evening of the 30th, twenty-four hours later than he issued the order, and in point of fact nearly thirty hours later than they did arrive.

Again, suppose Longstreet had not arrived and had not been in Porter's front when he received the order and he had obeyed it to the letter and promptly. He was two and a half to three miles away. He could not have reached the point and made his dispositions for the attack before nightfall. In rear of Jackson's right, less than a quarter of a mile, are the creek and the Bull Run Mountains, and the ground so rough and uneven that the best troops could not preserve an alignment on it in daytime. Early's brigade would have instantly formed a line from Starke's right to the bluff, and Porter could not have driven Jackson from his strong position that night. But as it is not permissible to indulge in supposition in face of the overwhelming proof that Longstreet was at the place now assigned him on the map of the field, what would have become of Porter and his corps had he promptly obeyed Pope's order? To have attacked Jackson's right would have left Longstreet in his rear. In military tactical phrase, he would have placed his command in a *cul-de-sac*, and capture or utter rout and destruction would have been inevitable.

The opponents of this bill, however, say that Porter's case is not improved by confederate testimony. They say that he did not know that Longstreet with a superior force was in front of him. This presents sharply the real issue in this case, that is the animus of Porter—the motive which influenced his non-action on the 29th. Was it an indifference as to whether the army under Pope was defeated or not? Was this the spirit which caused him to remain on the defensive merely? If so, then he is not entitled to the benefit this bill will confer, nor indeed to any relief whatever. Those who have examined the great volume of testimony differ in their conclusions on this point. Before he could legally have been adjudged guilty, the proof before the court-martial should have been so clear, strong, and convincing of his guilt as to have dispelled every reasonable doubt. To begin with, we must indulge the humane presumption of innocence until it is overthrown by proof of his guilt.

It is a maxim of the law, of universal applicability to human affairs because of its reasonableness, that if upon an established or admitted state of facts you can with equal propriety impute a good motive or a bad one for the performance or non-performance of an act constituting the basis of a criminal charge, you are bound to attribute the good motive which makes the party guiltless. General Porter was in a better position to know what was in his front than any or all of his subordinates. Every channel of information was open to him, and the presumption is that he did have sufficient information to justify the course he took. That the course he adopted was, in the light of all the evidence now before us, wise and judicious scarcely admits of question. The evidence, I take it, when construed most strongly against him, still leaves the matter in doubt as to the extent of his information as to the numbers and position of his enemy. How far was his non-action influenced thereby? His criticisms of Pope showed that he had a pretty correct idea of the ability of that officer; but he was one of Pope's corps commanders, and being such, his criticisims were ill-timed and censurable. He looked on Pope pretty much as every one else did, Federal and confederate. He had but little confidence in him or respect for him as the commander of an army, and he did not blindly obey Pope's orders with that alacrity and zeal that he would have obeyed the orders of McClellan or any other general in whom he had confidence. This is a latitude not strictly allowable by military law; but it is in accord with human nature, and in the civilization of modern times, in governments not wholly monarchical, is never punished more severely than suspension from command. This is the worst that can be said of Porter's conduct by an impartial judge. This did not make him a traitor. Kleber was never adjudged a traitor by a court or historian for giving expression to his utter contempt for Lechelle, whose order to his army was to march into action "majestically and *en masse*."

I have referred to his high soldierly conduct previously to the date of the charge. How was it and what was it subsequently? General Pope knew early on the morning of the 30th that Porter had not obeyed his order the evening before. Did he arrest him then and there? No, but ordered him into action, and Porter went and fought with his accustomed gallantry and intelligence, and lost a greater number of men that day than any corps of equal size in the army. A traitor leading ten thousand men in battle under the eye of the commanding general! There is a spectacle for patriots to behold and a problem for philosophers to solve. He retained command of his corps, and seventeen days afterward at Antietam and Sharpsburg led it on the perilous edge of battle. McClellan was removed from command of the Army of the Potomac. Pope had lost a great battle, and the responsibility must rest either on him or some of his lieutenants. An official head must fall; a victim was demanded to satisfy the country. Should that victim be of the McClellan party or anti-McClellan? The latter was in favor with the administration. Porter was selected, and although the members of the court were doubtless honest, yet were swayed by the excitement of war, partisan bickerings, and jealousies to an extent that turned all the presumptions of innocence into presumptions of guilt.

This was not an unparalleled case. Courts-martial are less relia-

ble perhaps than other courts, owing to the circumstances which surround them. While there was more harmony and good feeling among the generals in the confederate army, yet there were courts-martial there. After Longstreet's failure to take Knoxville some one had to bear the responsibility. The commanding general very rarely has the nobleness of soul to assume that, like Lee did at Gettysburg when he said, "Men never fought better, and I alone am responsible."

General McLaws was court-martialed by Longstreet, and tried by a court composed of confederate generals doubtless as honest as those who sat on Fitz-John Porter's case, and he too was found guilty and sentenced. The case went to the president of the confederacy and his cabinet for examination, and the result was that the finding of the court was reversed and set aside and General McLaws restored to command. Courts-martial were not infallible in those days. The chief vice of the argument against Porter is the assumption of the probability that Pope would have gained a victory but for Porter's disobedience. I tell them that such a thing was scarcely within the range of possibility. Pope could make no move on the chess-board of war which would have worked out that result. Forty-seven thousand of the trained veterans of Jackson and Longstreet under the command of Lee in person and in a position of their own selection could not have been beaten by a less number of troops. Forty-three thousand of the Old Guard led by Napoleon Bonaparte and all of his marshals could not have beaten the confederates upon that field. It has always been matter of astonishment to me that Pope made as good a fight as he did and sustained no greater losses, and I have always given the credit not to him, but to the high soldierly qualities of the officers and men of his army.

Mr. Chairman, much force is given to the argument in favor of Porter by the opinions not only of the Schofield board, but of two of the most successful of commanders of armies, Grant and Rosecrans. Now, it is said by the opponents of this measure that to pass it is to reverse history and censure the men who composed the court. Well, if history is false it ought to be reversed. This bit of history says that Fitz-John Porter was a traitor and a coward. I believe both to be false, and as a lover of justice desire to see the truth authoritatively asserted. But such a reversal is not necessarily an impeachment of the integrity of the members of the court. How many thousand times have the judgments of enlightened courts, composed of the most learned and conscientious lawyers, been reversed on appeal and new trials granted by a higher court? Yet who ever imagined that such reversals were a reflection upon the integrity of the lower courts? This is legislation quasi-judicial, and questionable upon no other ground, if indeed upon that, and is in its effects and consequences a retrial before a higher court than that which sat upon his case in this city twenty-one years ago. His case is now being heard before the people acting through their Representatives, and while some of these may not be very competent judges in a case of this character, as charged by the gentleman from New York who has this bill in charge [Mr. SLOCUM], yet there are a much greater number than he admits, who, though not educated at West Point like himself, have received a far more practical education in the science of war than could ever have been imparted to them in that kid-gloved institution of military science, and these can see through this case as clearly, perhaps, as the distinguished and scholarly military gentleman from New York. General Porter may not have been entirely blameless, but it is the judgment of the majority of this House and the country that his punishment has been far greater than his conduct ever merited. It therefore gives me pleasure to vote for this bill as an act of justice long delayed.

Post-Office Appropriation Bill—The Railway Postal Service.

"To persuade my countrymen, as far as I may, that it is not in a splendid government supported by powerful monopolies and aristocratical establishments that they will find happiness or their liberties protection."—*Andrew Jackson*, April 5, 1834.

SPEECH

OF

HON. WILLIAM S. HOLMAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 11, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885—

Mr. HOLMAN said:

Mr. CHAIRMAN: The postal service interests every employment of human industry and reaches every fireside of the teeming millions of our widespread population. The great interests involved can only incidentally give rise to party antagonisms, for no party can incur the risk of impairing even for the moment the efficiency of the wide extended system which, in a large degree, underlies the progress of the living age.

The pending bill appropriates the money for the postal system and regulates its expenditure for the coming year. It incidentally deals with the great and powerful agencies which a system now involving an annual expenditure of nearly $46,000,000 necessarily compels the Government to employ. It will be found that these agencies are the principal objects of solicitude and interest in considering the pending bill.

The gentleman from Pennsylvania [Mr. BINGHAM] has charged, and he has again and again repeated the charge, that when providing for material to carry on this great Department the appropriations are liberal, but when providing for the force, the *personnel* and intelligence by which the business of the Department is to be controlled, then a parsimonious and partisan purpose is developed. A mere statement of the facts will dispel the charge.

There are but three items, strange as it may appear after what has been said, where the amount appropriated by this bill is below the appropriation for the present fiscal year, three small items—advertising, miscellaneous expenses, and trunks for registered mail matter—and the aggregate reduction in these items is only $39,000, while in every other instance in this great bill there is an appropriation equal to or in excess of the appropriations for the present fiscal year, the excess amounting, in the aggregate, to $1,772,380. Here, then, are three items of decrease in the appropriations for this year and in one of them—advertising—the reduction of $20,000 is made on the recommendation of the Postmaster-General.

Now as to the *personnel* of this great establishment. First, for compensation to postmasters. Here is a great item; the appropriations for the present year are $9,250,000. We appropriate by this bill for the next year $10,500,000—an increase of $1,250,000.

Take the next important item, letter-carriers, a service which while immensely beneficial to the great cities is at the same time, except in fourteen cities where the free-delivery system is self-supporting, a tax imposed upon the whole people for the local benefit of cities unable to support the system. I am not complaining of it. I concede that in the great cities this free-delivery system is of the highest value and indispensable.

But even here an increase is made, and for this service for the present year $3,500,000 was appropriated, while this bill appropriates $3,600,000 for the next, an increase of $100,000 for letter-carriers alone. Where, then, does the partisan purpose appear?

I now come to the item of post-office clerks. It is the last item to which I shall refer, because I believe it is the only other item specifically referred to by my friend from Pennsylvania [Mr. BINGHAM]. Salaries of clerks in the post-offices, $4,775,000. That is the same as the appropriation for the present year. I admit it is not an increase over the present year, but it is a large increase over the expenditures of the last year for this purpose. The entire expenditure for salaries of post-office clerks last year was $4,367,079. This bill appropriates $407,921 more.

When the present Postmaster-General, a competent and efficient public officer, whose ability and integrity are alike beyond question, recently, as gentlemen are aware, informed the postmasters of the country that they themselves, to the extent of their personal service, must perform the duties of their respective offices; that they should not depend exclusively on the clerks furnished them out of the general appropriation for clerical force, he understood very well the necessity for the order.

Mr. BINGHAM. That had reference to the money-order business.

Mr. HOLMAN. Certainly, but when the Postmaster-General made that order it occurred to me that Congress should cordially support him in a valuable reform. That order was undoubtedly issued upon a careful consideration of the fact that all over this country the moment the necessary clerical force has been obtained, after endless importunity, the postmaster disappears as a part of the working force of the office. You see the tendency to this in every Department of the Government. The steady pressure by which this particular item for clerical force has been increased to $4,775,000 indicates the tendency in the post-offices of the country—clerks to do all the work, and the postmaster, with ample salary, is a gentleman of elegant leisure. The real civil-service reform needed is to stop this everlasting increase in the employés of the Government, this endless increase of salaries, and require the public officers to earn the more than ample salaries you pay them. No other civil-service reform will pay the expense of the experiment. The recent star-route trials disclose how readily lavish appropriations in this important Department may corrupt the public service and open up a carnival of fraud and robbery in the very heart of a great public office.

Thus it appears that in the three items involving in the main the *personnel* of this Department—postmasters, post-office clerks, and letter-carriers—we appropriate by this bill $18,875,000, being $1,350,000 more than was appropriated for the present year by a Republican Congress. Yet gentlemen on the other side of the House, with their accustomed unanimity, cry out, "You are crippling the postal service." Surely this country will not misapprehend the motive for this demand for increased appropriations.

I come at once to the more important features of the bill, the only features I apprehend of real interest in this debate, and the real cause of offense, for I have shown that the appropriations are ample. I refer to the subject of the compensation to be paid to the railroads for transporting the mails. Ten years ago the amount paid to the railroads for this service out of the public Treasury was $8,589,663; for the present year it is $13,275,000, and the estimate for the coming year is $14,375,000, including the postal-car service. We reduce this item $1,075,000. The specific rates for this railroad service were fixed by law on the 3d day of March, 1873, six months before the great commercial crash of that year, and were greatly above the rates of the war period. We reduced them 10 per cent. in 1876, 5 per cent. in 1879, and now by this bill reduce them 5 per cent. more, 20 per cent., in all, from the period of our great monetary inflation. We reduce the rates on the land-grant railroads to 50 per cent. of those allowed to railroads built by private capital.

I think my friend from Pennsylvania [Mr. BINGHAM] did not listen to the incisive and animated speech on Saturday last of the gentleman from Michigan [Mr. HORR], for the gentleman from Pennsylvania tells us how we could have reduced the cost of transportation of the mails by railroads a million dollars on a sounder principle than the reduction we have made by basing the compensation on the space occupied by the mail service in the postal cars, and thus reducing the rate of compensation upon "the little railroads," the mention of which almost brought tears to the eyes of my friend from Michigan when he referred the other day to the wrongs done them by this bill.

Mr. HORR. I was talking of the 50 per cent. reduction.

Mr. BINGHAM. And I was talking about the horizontal reduction.

Mr. HOLMAN. Certainly. The effort made in this bill to oppress these "little corporations" seemed to the gentleman from Michigan one of the things too grievous to be borne, while the gentleman from Pennsylvania was perfectly willing to reduce the rates on the small corporations, but stoutly resisted the reduction on the large—was perfectly willing you should lay a heavy hand upon the small corporations, but insisted that you should let up on the great trunk lines!

Indeed, as to the 5 per cent. reduction the gentleman from Michigan seemed to acquiesce in its fairness, but was most solicitous for the small land-grant corporations affected by the 50 per cent. reduction.

Mr. BINGHAM. The gentleman must not assume because I do not interrupt him that I accept his propositions.

Mr. HOLMAN. No; I take it for granted you do not all the way through.

Mr. BINGHAM. Well, in that you are safe.

Mr. HOLMAN. But, Mr. Chairman, I am glad the gentleman from Pennsylvania, as well as the gentleman from Michigan, virtually admits that on the great body of these railroads the cost of transportation is too great. My friend from Michigan says he does not complain of the reduction of 5 per cent., and the gentleman from Pennsylvania admits that a reduction might be made to the extent of $1,000,000 without injustice; that is, if I understand him correctly.

Mr. BINGHAM. That is, taking the service generally.

Mr. HOLMAN. Certainly; with the great trunk lines of railroad on one side and the little railroads of my friend from Michigan on the other. So I trust we shall have no trouble, at least about this 5 per cent. reduction.

Gentlemen will readily see that if we reduce the rates of the railroad postal service as proposed by this bill, the reduction of more than a million dollars we have made on this item will be perfectly safe. Indeed, it would justify a much great reduction.

THE UNION PACIFIC RAILROAD SYSTEM.

There was an intimation that Congress could not reduce the rates allowed the land-grant roads, and a further argument that it was not fair to do it because it was unreasonable and unjust, and because the reduction does not reach the Union Pacific Railroad system; and I believe my friend from Michigan doubts whether it strikes the Northern Pacific roads. If the gentleman will examine the terms of the bill carefully he will see that it embraces the Northern Pacific; but in view of the opinions expressed by gentlemen touching the Union Pacific system, I ask the special attention of the committee to some facts in connection with the matter and the reasons for the action of the Committee of Appropriations. The Union Pacific system, formerly six, now virtually four corporations, stands alone, and is of special interest to the Government in a great many respects. They are not, according to the decision of the Supreme Court of the United States, to which I shall refer, bound by the provision of the law fixing the rate of compensation for mail transportation under the act of March 3, 1873, or of any law making a reduction enacted since that time. They charge whatever they think proper, receiving the amount that the Post-Office Department is willing and authorized to pay, according to the regular rates paid to other corporations, and demand of you, through the Court of Claims, the balance. They claim that under the sixth section of the act of July 1, 1862, incorporating the Union Pacific system, they are entitled to "fair and reasonable rates" (I mean for the transportation of the mails), and that the only limit is that these shall not exceed the rates paid by private parties for corresponding service. That is the state of their claim, and the result is they demand on countless ingenious devices nearly double the rates you pay to other railroads, excessive as they are. Until 1876 they accepted the same rates that were paid to other railroads for like service, but since then, growing stronger, they have enlarged their demand.

The question as to the right of these corporations to demand compensation beyond that allowed the other railroad corporations, under the postal laws, was carried into the Court of Claims by the Union Pacific Railroad corporation. This corporation claimed in the action that for transporting the mails over its railroad from January 1, 1876, to September 30, 1877, it was entitled to recover $1,168,720.22, including $140,000 for the fares for the postal-car clerks. This was $549,809.68 more than the amount allowed by law to the other railroads for like postal service. The Court of Claims held that the general provisions of law were applicable to this and the other Union Pacific corporations, and allowed $618,910.54 of the claim and rejected the rest, $549,809.68; but the corporation appealed to the Supreme Court, and that court, at the October term, 1881, reversed the decision of the Court of Claims, on the ground that the general laws enacted by Congress fixing the rates of compensation of railroads for transporting the mails did not apply to the Union Pacific system, and that the sixth section of the act of 1862 organizing the system to which I have referred, and under which the corporation claimed nearly twice the compensation allowed by law to the other railroads, governed the rates, and that Congress had not legislated on the subject by way of amending the act of 1862, but withheld any opinion as to the power of Congress to amend the charter and sent the case back to the Court of Claims to adjust the accounts virtually on the basis of the claim of the corporation. Mr. Justice Matthews delivered the opinion of the court.

It will be seen by reference to the case I have referred to that it was decided in favor of the corporation expressly on the ground that Congress had never applied the laws fixing the rate of postal transportation in specific terms to the Union Pacific system.

I have now occasion only to refer, in support of the authority of Congress to amend the two acts referred to and the sixth section of the act of 1862, to the Sinking Fund cases. (The Union Pacific Railroad Company *vs.* The United States, 99 United States Supreme Court Reports, page 700.) I presume there is no gentleman who hears me who fails to remember that famous decision.

Gentlemen will remember that the act of July 1, 1862, incorporating these Union Pacific corporations, as well as the act of 1864, amendatory of the original act, both contained the clause that "Congress may alter, change, modify, or repeal this act," and under this ample power to alter, change, or modify the sinking-fund law known as the Thurman act was sustained in the case I have mentioned. That act was an amendment of the act incorporating the Union Pacific system, and on exactly the same principle and authority the legislation we now propose can and must be sustained. And if it could not be, the monstrous fact would appear that you must pay for all time to a body of corporations created by your bounty, investing a few of your citizens with imperial fortunes, whatever they might exact for the public service you might require, the Government left as now completely at the mercy of the creatures of its own creation, corporations stronger than the Government.

But gentlemen will observe that this bill goes no further than to place this Union Pacific system, composed of the six corporations (the Union Pacific, the Kansas Pacific, the Central Pacific, the Western Pacific, the Sioux City Pacific, and the Central Branch of the Union Pacific), now consolidated into four (the Union Pacific, the Central Pacific, the Sioux City and Pacific, and the Central Branch of the Union Pacific), under the same laws that regulate and control the transportation of the mails by the other railroads of the country, and require them as well as the other railroad companies to transport the mails at a rate 5 per cent. less than is now authorized by law. Why not subject them to the provision touching the land-grant railroads? The Committee on Appropriations are of the opinion that in dealing with the Union Pacific system public interests can be better promoted by amending the sinking-fund act than through any other means. This system stands by itself, and wisdom and firmness can alone save the Government from heavy loss. These six corporations now owe you the enormous sum of $42,569,730.31 interest you have paid on the bonds issued for their benefit, and those bonds, amounting to $64,623,512, due in fifteen years, you will be compelled to pay, with a mortgage on their property inside of yours of an equal amount and due at the same time. The only safety to the Government will be found in a vigorous and ample sinking-fund law firmly administered. The Thurman act is found wholly inadequate. The crafty and unscrupulous devices of the gentlemen to whom you have given excessive fortunes have in effect defeated the law. With the gross earnings of these railroads amounting annually to a sum exceeding $50,000,000, and with dividends up to this time on the two main lines alone amounting to $34,963,479, the Thurman act, which only reaches 25 per cent. of their net earnings, is really set at defiance, and but a trifle over four millions have reached the sinking fund in five years, and that, in the main, simply the amounts they claim at extortionate rates for transportations made for the Gov-

ernment. The Committee on the Pacific Railroads it is hoped will report a bill wise enough and strong enough to secure to the sinking fund a sum sufficient to refund the interest you have paid and meet the bonds when they become due.

THE LAND-GRANT RAILROADS.

Now, Mr. Chairman, one other feature of this bill, and one only, and the most important of all. Is it just and proper to require the land-grant railroad corporations to transport your mails at 50 per cent. of the rates you pay to the corporations whose railroads were built by private capital? I think that it is. I think it liberal, and more than liberal, when the cost in public wealth is considered in the building of these land-grant railroads. I submit a table of the railroads (not including the great Pacific lines) built or authorized to be built under the land-grant system, and affected by this provision.

Grants of land made by the United States to aid in the construction of certain railroads.

	Names of railroads for which grants were made.	Number of miles covered by grants.	Estimated number of acres granted.
1	Atchison, Topeka and Santa Fé	470	3,005,870
2	Kansas City, Lawrence and Southern Kansas	143	800,000
3	Burlington and Missouri River (in Nebraska)	190	2,441,600
4	California and Oregon	291	3,724,800
5	Southern Pacific (Southern Division)	934	
6	Burlington and Missouri River (in Iowa)	279	948,643
7	Minnesota Central	110	
8	Southern Minnesota	167	3,462,403
9	McGregor and Missouri River	150	
10	Hastings and Dakota	75	
11	Chicago and Northwestern		
12	Cedar Rapids and Missouri River	271	1,298,730
13	Winona and Saint Peter (Saint Peter to Watertown)	323	1,852,989
14	Saint Paul and Sioux City	121	1,199,849
15	Sioux City and Saint Paul	122	551,148
16	West Wisconsin	177	999,983
17	North Wisconsin	42	1,408,452
18	Mississippi and Missouri River	317	1,261,181
19	Hannibal and Saint Joseph	206	781,944
20	Illinois Central	710	2,595,053
21	Dubuque and Sioux City	142	1,226,163
22	Iowa Falls and Sioux City	183	
23	Little Rock and Fort Smith	165	1,009,296
24	Memphis and Little Rock	133	804,185
25	Cairo and Fulton		
26	Southwest Branch of Pacific of Missouri	37	1,161,235
27	Saint Louis, Iron Mountain and Southern	514	4,106,647
28	Missouri, Kansas and Texas	183	1,520,000
29	Oregon and California	200	3,840,000
30	Oregon Central	47	100,000
31	Southwest Branch of Pacific of Missouri	37	
32	Atlantic and Pacific	203	
33	Lake Superior and Mississippi River	156	920,000
34	Stillwater and Saint Paul	13	
35	Saint Paul and Pacific	387	4,723,638
36	Southern Pacific (Northern Division)	934	11,964,160
37	Southern Pacific (Southern Division)		
38	North Louisiana and Texas	870	610,880
39	Denver Pacific	106	1,100,000
40	Saint Joseph and Denver City	227	1,700,000
41	Portage, Winnebago and Lake Superior	256	1,800,000
42	Florida Transit Railroad Company	155	1,171,200
43	Florida Central and Western Railway Company	155	1,405,440
44	Louisville and Nashville Railway Company	45	168,960
45	....do	112	433,920
46	Mobile and Girard Railway Company	85	858,624
47	East Tennessee, Virginia and Georgia Railway Company	156	641,285
48	Alabama and Great Southern Railway Company	270	944,640
49	Vicksburg and Meridian Railway Company	95	368,640
50	Mobile and Ohio Railway Company	472	1,286,784
51	Morgan's Louisiana and Texas Railroad and Steamship Company	83	967,840
52	Vicksburg, Shreveport and Pacific Railway Company	76	725,760
53	Saint Joseph and Western Railway Company	226	1,700,000
54	South and North Alabama Railroad Company	183	702,720
55	Chicago, Milwaukee and Saint Paul, La Crosse to Airlie	302	1,787,953
56	Flint and Pere Marquette Railway Company	168	586,828
57	Grand Rapids and Indiana Railway Company	333	921,280
58	Marquette, Houghton and Ontonagon Railway Company	73	755,200
	Total	13,071	85,073,773

I think that it is not unjust or oppressive to apply the provisions of this bill to this great body of corporations. The gentleman from Michigan [Mr. HORR] complains that by this provision you are oppressing the small corporations. Have gentlemen considered that through this land-grant system you have built and equipped, even as shown by the Postmaster-General's report, by your bounty 11,588.56 miles of the railroads I have named?

Mr. HORR. Outside of the Pacific roads?

Mr. HOLMAN. Yes; outside of the Union Pacific system and outside of the Northern Pacific, Texas Pacific, and Atlantic and Pacific roads. The following table presents these great grants grouped together:

Grants of land made by the United States to aid in the construction of certain railroads.

	Names of corporations.	Number of miles covered by grants.	Estimated number of acres granted.
1	Kansas Pacific	638	6,000,000
2	Central Pacific	737	7,997,600
3	Western Pacific	123	1,100,000
4	Central Branch of the Union Pacific	133	804,185
5	Sioux City Pacific	101	41,398
6	Union Pacific	038	12,000,000
7	Northern Pacific	1,317	48,215,040
8	Texas Pacific	2,870	14,000,000
9	Atlantic and Pacific	1,755	49,244,803
	Total	7,712	139,403,026

Mr. Chairman, it will be seen the aggregate length of railroads for which the grants were made is 20,803 miles—13,071 miles independent of the 7,732 mileage of the Pacific roads; and the report of the Post-Office Department shows that last year the Government paid on 11,588.56 miles of land-grant railroad, independent of the Union Pacific system and the great body of lapsed grants, $1,144,323.91 for postal service. The startling fact appears that in the gradual development of these grants, great as they are, they still swell in their proportions. I pointed out on a former occasion the startling discrepancies that appear in the official statements of these grants, and can only say now, as I did then, that in such enormous grants a few million acres either way is perhaps considered of no moment; but the corporations will lose nothing by this uncertainty. It will be seen that in many instances the name of the original corporation is lost by new combinations.

The gentleman from Michigan [Mr. HORR] says on the one hand we are taking away from these land-grant railroad corporations the lands granted to them, and on the other we are reducing 50 per cent. the compensation which they are to receive for the transportation of the mails. The gentleman is mistaken. If the railroad corporation does not receive the benefit of the land grant and the road was not built in whole or in part by your bounty, the law does not apply to it. To the extent that a given grant shall be declared forfeited the reduction prescribed by this bill will not apply. To the extent that these roads have been built by your bounty, why should not the fact be considered in determining the rate of compensation they should receive for services rendered the Government?

Mr. HORR. Will the gentleman permit me to ask him one question?

Mr. HOLMAN. My time is limited.

Mr. HORR. The statement you have just made is misleading, but I do not want to interrupt you.

Mr. HOLMAN. But the gentleman from Michigan says there is a reason why you should not act as he deems oppressively in dealings with the land-grant roads. He says that you did not make these grants with the expectation of any benefit being returned to the Government; that you did not expect your property and mails to be carried free, or at reduced rates; that you did it for the sole purpose of opening up the wilderness.

A large body of the citizens of Michigan differ with my friend, and in a memorial to this House, speaking of the Marquette and Ontonagon Railroad land grant, say:

> And we further assert that, with the rapid, almost alarming, absorption of the public domain by the instrumentality of grants of lands to aid the construction of railroads and other works of internal improvement, a strong current of public sentiment has set against all special legislation of this character, imperatively demanding the repeal of all unearned grants—a demand that can no longer be safely ignored. And the party that does ignore this issue will be held strictly responsible for its action before the people at the polls of every national election in the United States until the evil is rooted out. No evasion will satisfy. The issue must be squarely met.

What are the conditions on which these grants were made? What rights has the Government reserved in giving away the common wealth of its people? There are some reservations, two of them, meager and inconsiderable I admit, but still something. In all of these grants, running through all these years, these are the conditions, varied somewhat in terms, but still substantially the same:

> And the said railroad shall be and remain a public highway for the use of the Government of the United States, free from all toll or other charges upon the transportation of any property or troops of the United States.

This is the first right reserved to the Government; and even here in the beginning is a fraudulent purpose. Undoubtedly Congress understood by those terms that the railroad should transport the "property and troops" of the United States free of charge; but you observe a

slight ambiguity in the language, and under this ambiguity the Supreme Court has decided that the Government has the right to put its own locomotives and cars on these railroads and by its own employés transport its property and troops free (which of course is impracticable), but if the railroad transports the Government's property and troops, then the Government shall pay the railroad company 50 per cent. of the usual rates of transportation. This was decided in the case of the Atchison, Topeka and Santa Fé Railroad Company vs. The United States, and yet the land grant to that company was made four years after Congress had, by a joint resolution I had the honor to introduce in 1862, declared that the meaning of the terms employed in that reservation was that the land-grant corporation "should transport the property and troops of the United States free of charge."

The other right reserved in all these grants is in less ambiguous language and in all the same in substance:

The said railroad shall transport the mails of the United States at such price as Congress shall by law direct.

Now, these two provisions cover all the rights reserved to the United States in consideration of these imperial grants. Contrary to the manifest intention of Congress, these corporations have under the extraordinary decision I have named received millions of dollars from your Treasury for transporting your "property and troops," and are still annually receiving large sums and will for all time. But, as I have shown you, we have the clear and unquestionable right to fix the rate at which these land-grant roads shall transport our mails.

There are other grants, which I have not included in either of the foregoing tables, where not a spadeful of earth has been dug in the construction of a railroad, yet the lands are withdrawn from settlement and claimed by the corporations, although the grants were long since forfeited. The forfeiture of these grants will of course be declared. Of all of these grants near 109,000,000 acres, including over 16,000,000 this House has already declared forfeited, are beyond any reasonable question forfeited, and the declaration of that forfeiture by Congress is demanded by the highest consideration of public policy, common honesty, and justice to the people. Even to the extent these land-grant railroads enumerated in the first table were completed you paid them, as I have shown, last year $1,144,323.91 for transporting your mails. This bill would as to these roads, to the extent they are entitled to the lands granted and including the Pacific systems, save to the Treasury annually, I think, near a million dollars, perhaps more; but the restoration of the forfeited grants to the public domain is of far greater moment than any such monetary consideration; so that this bill cautiously declares that none of its provisions "shall be construed to waive or impair any right now existing in favor of the United States." While these corporations generally withhold the obtaining of patents for their lands to avoid local taxation and are in the main holding their lands until the Government lands shall be exhausted, they still had taken out patents up to June 30, 1882, for 47,745,941 acres. If in the adjustment of these vast grants they obtain over 70,000,000 more, it will be because incorporated wealth is stronger in controlling our affairs than the sense of justice and public duty which controls this Government in maintaining the rights of its people. So patents have already issued up to June 30, 1882, date of last specific report, for 47,745,941 acres, a territory in the aggregate as large as the two great States of Indiana and Ohio combined and nearly a half million acres more. And this is already done. In the last admirable report of the Commissioner of Public Lands we are told that during the last year "twelve railroad patents, covering one hundred and twenty-four pages of record, were issued." Yes, sir; and instead of these vast fields being covered with cheerful homes and a great multitude of prosperous and independent citizens, a handful of men became the proprietors of landed estates dwarfing the baronial possessions of Europe.

But the fact must now be apparent that no demands which the Government could make on these corporations for the free transportation of the mails, property, and troops, now and for all time, could compensate this Government and its people for the lands it has granted. The legislator who considers the mere monetary value of the land granted, enormous as it is, takes a very superficial view of the subject. Had the value of these vast millions of acres been granted in money from the public Treasury or been expressed in bonds issued by the Government payable in money, the only evil to our free institutions would have been the granting of great fortunes by the special favoritism of Government to a portion of its people at the expense of their fellow-citizens. (All monarchies present examples of this policy.) The evil, great as it might be, would not go beyond this, and an honest and earnest vigilance of the people would and could in the progress of time correct it. But the giving away in vast tracts to the favorites of Congress of the fertile lands which, on any just conception of our free institutions, ought to be the freeholds of our people, advancing the price of these lands beyond the reach of the laboring and landless men of the present period and early future, is an evil that admits of no remedy except revolution. To make these grants on the pretense of progress and opening up the wilderness to the developing power of labor, to give labor a chance, is to invite to our shores the theory of the Middle Ages, baronial estates, baron and serf, the power of the one to shelter the feebleness of the other! Was it through imperial grants the great country from the Atlantic Ocean to the Alleghany range was settled, and thence onward to the Mississippi, with a prosperous people, remarkable for the rugged virtues of their manhood, but still more remarkable (and without a precedent in history) for the general equality in their material possessions? Here was seen the natural outgrowth of our free institutions.

But the evils of this system are not limited to the withdrawal for all time from the great body of our laboring and landless people of more than 200,000,000 acres of public lands (a territory in the aggregate equaling in extent ten such States as Indiana); nor in creating corporations so great and powerful that they pervade every department of your Government, tampering with official authority and claiming the benefit of every doubt, putting the Government itself at defiance; nor in the creation of overgrown fortunes, which enter the controlling departments of your Government through States organized under the auspices of these corporations and exercise judicial, executive, and legislative power. No, sir; the evil does not terminate there, but under this perfidious system of progress, as an inevitable and natural result, land monopoly runs riot, the land jobbers hold high carnival, and the lands left after taking out the great grants, the lands left under this treacherous system for the people, are seized upon by the vigilant land-jobbing capitalist and his skillful and unscrupulous agents. Your land-grant roads everywhere meander through your most fertile lands, on the margin of rivers and through fruitful valleys, and even before the laboring men, your landless people, the men who long to become, with their wives and children, *bona fide* settlers of the new country, are able to turn their faces westward the remaining lands—every fertile valley, every inviting field, even the alternate sections reserved in the land grants, and far beyond—are taken up section after section, swelling into great private estates; and your pre-emption law, through fraud and perjury, is made to do service in this most infamous proceeding. Opening up the wilderness! For whom? The *bona fide* settler, whose labor would make the land fruitful and whose children, reared in virtuous industry, would give strength and stability to their country? No, sir; to the land-jobber and the land-holding barons who move so naturally alongside the land-grant corporations. You may travel for hundreds of miles even in Dakota, and, although you see no human habitation, every acre of the land has already ceased to be a part of our once grand public domain; in vast and solitary regions not an acre left for the settler. Under the old-time, honest system of our fathers and of the early period of our age every quarter-section entered would have been adorned by the home of an independent freeholder and the presence of his wife and children. Time will develop the great landed estates your land-grant system has rendered possible, even if that was not its original purpose, and will call down upon it the execration of mankind. Even now a list of some of them is made public. How does even this list become a republic? I clip the following from the San Francisco Daily Examiner, a leading journal on the Pacific coast:

THE GROWING MONSTER.

Besides the millions of acres belonging to railroad and other corporations, the amount of land that is being acquired by foreign capitalists and landlords is fairly amazing. Ireland is to-day groaning beneath the yoke of oppression, and not many years will roll around before the American tenant, upon his knees, will also look up into the scowling face of his master and acknowledge his obedience. Following are a few of America's foreign landlords, and the amount of their holdings expressed in acres:

The Holland Land Company, New Mexico	4,500,000
An English syndicate, No. 3, in Texas	3,000,000
Sir Edward Reid and a syndicate, in Florida	2,000,000
English syndicate, in Mississippi	1,800,000
Marquis of Tweedale	1,750,000
Phillips, Marshal & Co., London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, Mr. Rogers, president, London	750,000
Byran H. Evans, of London, in Mississippi	700,000
Duke of Sutherland	425,000
British Land Company, in Kansas	320,000
William Whalley, M. P., Peterboro, England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Robert Tennant, of London	230,000
Dundee Land Company, Scotland	247,000
Lord Dunmore	120,000
Benjamin Newgas, Liverpool	100,000
Lord Houghton, in Florida	60,000
Lord Dunraven, in Colorado	60,000
English Land Company, in Florida	50,000
English Land Company, in Arkansas	50,000
Albert Peel, M. P., Leicestershire, England	10,000
Sir J. L. Kay, Yorkshire, England	5,000
Alexander Grant, of London, in Kansas	35,000
English syndicate (represented by Close Bros.) Wisconsin	110,000
M. Elierhauser, of Halifax, Nova Scotia, in West Virginia	600,000
A Scotch syndicate, in Florida	500,000
A. Boysen, Danish consul, in Milwaukee	50,000
Missouri Land Company, of Edinburgh, Scotland	165,000
Total	20,747,000

Twenty million seven hundred and forty-seven thousand acres! And the land-grant system was to enable the *bona fide* settler to reach the public land! I admit the railroad land grants are not responsible for two of the purchases set forth in the above list, but, omitting those, here is a territory which in the aggregate is nearly as large as the great State of Indiana, held by foreign corporations, lords, and capitalists, every acre of which, the two tracts omitted, I am assured is within the land-grant regions, and entered unquestionably through the aid of that

infamous system. I have before me a list of land purchases by thirty American capitalists in the land-grant sections, ranging from 25,000 to 2,000,000 acres, aggregating 7,427,000 acres. For what purpose did the Northern Pacific corporation invite the nobility of Europe to the recent festivities attending the pretended completion of that railroad except to invite attention to the princely possessions it could place within their reach? But why enter into detail? Did any member of Senate or House who supported those grants, making grant after grant until they permeated every fertile region of the public domain, and until the public voice changed the political sentiment of this House, expect any other result? Thus, sir, a magnificent public possession, the grandest on the face of the globe, which, under the statesmanship of any of the great political parties which controlled the destinies of this Republic prior to 1861 would have furnished a safe retreat and shelter for labor, happy and prosperous homes for independent freemen for generations to come, has been turned over to an accursed monopoly within so brief a period as twenty-two years. The homestead law, the wisest and most humane act of legislation since Moses pronounced the law that nourished into manhood the most masculine fragment of the human race: "Ye shall divide the land by lot for an inheritance among your families; to the more ye shall give the more inheritance, and to the fewer ye shall give the less inheritance"—the homestead law! What a mockery of human hopes! Before the hour for its real triumph had come Congress, in the recklessness of absolute power, yielding to the sordid motive of coining the common wealth of the people into private fortunes, had granted to monopoly the wealth in homes and human happiness the homestead law was intended to diffuse. The Indian reservations and forfeited grants are about all that is left.

Do gentlemen who defend this land-grant railroad system and complain so bitterly that we are seeking to impose unjust burdens on the men who have obtained the benefit of these grants forget, in estimating the value of those grants, that in a government like ours homes and intelligence are not only necessary to the well-being of the whole people, but indispensable to the peace and order of society and the stability of government? Do they think that a system can be inaugurated by Congress by which a few skillful and ingenious gentlemen may monopolize imperial wealth out of the common inheritance of the people and open up opportunity by which the greater portion of the lands of the Republic adapted to agriculture and the blessings of homes and of independent freeholds can and will with absolute certainty be seized upon by foreign and domestic capitalists, and the price thus advanced beyond the reach of the greater portion of our people, without inflicting a deadly wound on our free institutions and the rights of laboring men?

Does any intelligent man believe that our system of government can be maintained without the great body of our people being independent freeholders? And yet this land-grant railroad system, by its own direct monopoly of the public lands and by the opportunities it has opened up for capitalists and corporations, European as well as American, to monopolize them, has even now almost exhausted that portion of the public domain adapted to agriculture, rendering it absolutely certain that throughout a vast region the plow will not be "in the hand of its owner," but landlord and tenant, great estates and squalid poverty, will curse the land. Nothing but forces and currents now hid from our view can prevent this. So the rigid parsimony of our fathers in hoarding up these public lands for their posterity becomes the dishonor of their children; for it must be remembered that up to 1862, when this fatal and venal system was entered upon, the entire grants for internal improvements from the 17th day of September, 1787, to the 4th of March, 1861, made exclusively to States, not an acre to corporations, was but 31,600,846 acres, including the grant to the Illinois Central, so often mentioned, of three and one-quarter millions of acres—large for that period; how trivial for this!

With the public land exhausted, disposed of in immense grants or at nominal prices to foreign and domestic capitalists, then, and not till then, the period of peril to this Republic will begin.

Have gentlemen considered the extraordinary yet silent influence these unshorn, fertile, and virgin lands have exercised through all the years of our history over our people? They have been from the beginning not only the cause and the source of our prosperity, but, more than that, the cause of the unexampled internal and domestic quietude and repose we have enjoyed, under the shelter of which our greatness has been achieved. Where in all the world's history have a people through more than a century been so greatly exempt (only excepting the inheritance of African slavery) from internal strife? How seldom through all these years, though prolonged periods of commercial and industrial depression have often occurred, has labor, even in limited fields and for a brief period, like a swarthy giant in despair, girded up its loins for a struggle against oppression. Yet at times a loud cry for bread has been heard in our cities, and no overmastering army has stood ready to strike. I do not assert that the absence of disorder and unrest, which in other nations have organized standing armies and navies, is with us to be attributed exclusively to the existence of our public domain and the hope and confidence it inspired, for other great causes have contributed to that end; but I do assert that in the greatest degree the internal peace, order, and well-being of our people can and must be traced to this great common wealth of lands, which from the beginning has arrested the attention, animated the courage, and inspired the hope of the laboring men of this country. Cheap lands, the hope of home and fireside, and independent manhood have been our standing army and watchful navy, guarding for more than a century the repose and order of the American people.

For generations the towns and cities and mining regions east of the Alleghanies, and in more recent years westward of that ancient landmark, have swarmed with workmen in the countless industries of the forge, the loom, the mine, and the workshop; the overcrowded rural population have swarmed into your towns and cities; everywhere thousands upon thousands of industrious and strong men have been barely able to keep the wolf from the door. Have gentlemen considered the humane and hope-inspiring influence of the great public domain on the lives of this great and ever-growing multitude of our people? Follow the weary workman into his rented and cheerless tenement, furnished with the bare necessities of life; see him as he sits moodily at the fireside with his poorly clad and scantily fed wife and children around him—how dreary and cheerless! But in the midst of his hopeless despondency let the old hope revive, hear him talk of the oft-considered plans, by saving and scrimping year after year (cheese-paring, if you please, even on the bare necessities of life), to raise means necessary to emigrate to the once free fields of the West, and see how poverty and wretchedness vanish and hope revives, while visions of a blessed homestead, with its cheerful fireside, an honest and manly freehold, with green fields and lowing herds, and, above all, happy and hopeful children and prosperous and peaceful old age, give new courage to the man and bring a gleam of gladness to the weary heart of the careworn wife! Who shall say how many millions of laboring men, buoyed up by the hope your grand public domain inspired, have thus, through the patient savings of years, gone westward, and as independent and prosperous freeholders aided in developing that widespread field of human happiness stretching westward from the Alleghanies, where the public domain began, or how many millions more have toiled on inspired at least by the blessed promises of hope? Yes, sir; far beyond the hopes ever realized, your public domain has been a source of energy, industry, and peace.

Mr. BELFORD. I would like to ask the gentleman a question.

Mr. COX, of New York. Do not yield, Judge; go on, your time is running out.

Mr. HOLMAN. My friend from Colorado will have to excuse me; I can not yield now.

The States formed and settled within the public domain under the old system are and have been from the beginning alike remarkable for their prosperity and the diffusion of their landed wealth; those formed and forming under your legislation of the last twenty-two years are smitten with the deadly blight of the Old World, the curse of the Middle Age—land monopoly—the hope of labor blasted by its overshadowing and baneful power, while wealth stalks into the council chambers of the Government at its own volition and manhood stands silent and abashed!

Do not the gentlemen know that this vast wealth which attends the apparent prosperity of this period is not the wealth that gives greatness and strength to a republic, but the wealth that builds palaces, undermines the foundations of free government, and wrings from the heart of labor the cry of despair? With the public lands exhausted, with the remnants of the Indian tribes despoiled of their reservations, and the lands seized upon by capitalists and merciless speculators (except so far as you have pledged them in advance to the railroad corporations), and lands everywhere advanced in price beyond the reach of laboring men, with the hope of better fortune and of independent homes dying out of the heart of labor, with men fully conscious of the wrong you have done them by your legislation, can the peaceful order of society be hoped for as of old? I am not astonished that gentlemen deem this early hour an opportune moment to urge the policy of a great navy; it will come, if it does come, in the natural order before a great army. Capital is timid and full of suggestions; the Navy is the most remote, but I am not surprised that here and there comes also the intimation that your Army is too small. These too may be some of the bitter fruits of your imperial grants. I fear that it will be seen soon enough that when you have destroyed the very foundations of security and hope upon which labor has rested so long, the old time repose and peaceful order will be no more. Gentlemen should not forget that the wrong that has been done to laboring men and their children by giving over their natural inheritance to an accursed monopoly will in due time be considered by the most intelligent body of laboring men who ever debated a public wrong—men fully aware of their rights and capable of asserting them.

I have been unintentionally led into this discussion of the results of the land-grant railroad policy by the assumption of gentlemen that that policy was wise and beneficent, and that the Government should treat with kindly consideration the corporations which have obtained the benefit of these grants; but I know of no subject which so imperatively demands the earnest consideration of Congress; and this House has I think most wisely given this great question of the public lands and forfeited grants a commanding position. For myself, I demand, in the name of every laboring man in America, that these corporations whose

railroads were built and equipped by your bounty shall bear public burdens on the basis of the benefits you have so lavishly bestowed on them. These corporations to the extent they fulfilled the terms of the grants will hold them until our ever-swelling population and the labor of our millions of laboring men in every field of human industry shall have enhanced their value. To this extent there is no remedy for the evil done. But common justice to the whole people and the highest public policy demand that to the extent that default has been made by the land-grant corporations the forfeiture should be sternly declared and the lands restored to the public domain. I indulge the confident hope and belief that before this Congress shall adjourn this House at least will have declared the forfeiture and restoration of over 100,000,000 acres of these grants to the people, and with every acre of the public land adapted to any form of agriculture placed under the safeguard of the homestead law alone; all that remains of our once great inheritance will at least be secure. I can not doubt that the people with one voice will command that it shall be done.

But, Mr. Chairman, no remedy can be complete. The evils done to our free institutions by this indefensible legislation of Congress will survive the memory of the men who passed the laws as well as of those who at every step resisted their enactment. A great monopoly of land admits of no remedy; it is a crime against the human race and deserves the execration of mankind. No time can palliate the wrong. No, sir; when the time shall come to consider and write the history of these grants and the measures of public policy you have gathered around them, when the fruits of that legislation shall have ripened in all its bitterness, the philosophical historian will pause with astonishment at this robbery of the common inheritance of our people. How could it happen that, after the public lands had been guarded against monopoly for near a century with sleepless vigilance for homes of successive generations, shoring up free institutions by the freehold of the citizen, a party which in its first advent into power was capable of enacting so wise a measure as the homestead law should go back on all the traditions of the Government and within fifteen years after its advent into power turn over to soulless monopoly and heartless speculation the grand inheritance of the people? Of course there has been and will be a marvelous development of resources, towns, and cities; but out of it all there rises up a deadly presence in a republic—private estates greater than any king in the plenitude of power ever conferred on a favorite; wealth and perpetual franchises, arrogant and exacting, cautious and timid, intrenched as in a citadel in every department of your Government, and silently controlling every avenue of power; while in the near future—how humiliating the thought!—millions of our people with their wives and children homeless and miserable, who but for these overgrown estates would have been independent freeholders with prosperous and happy homes adding to the stability and true glory of their country.

The legislation that fosters the wealth of the few and facilitates the growth of private fortunes out of the common wealth of the Republic is a harbinger of dishonor and decay to free institutions; that which firmly upholds the equal rights of all men to protection and justice, and leaves all else to the enterprise and industry of the people, diffuses wealth and elevates all silently and surely as the dews of heaven fall upon and refresh the earth. The one appeals sooner or later to the arbiter of power for support; the other, to the heart of the human race. Free institutions could not survive for a century the theory of government in its complete development unrebuked by the public voice, which rendered these extraordinary grants of the public lands to favored citizens possible. The words I have more than once quoted on this floor, uttered by Saint Pierre, the humane philosopher of France, as he stood on the verge of the first great revolution of his country and beheld with aching heart the miseries of its people, are true: "Great estates destroy the spirit of patriotism in those who have everything and those who have nothing."

The Bonded Extension Bill.

SPEECH

OF

HON. SEABORN REESE,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 20, 1884

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. REESE said:

Mr. CHAIRMAN: Before entering upon the discussion of the merits of this bill I desire to make an explanation. A few days ago, when an effort was made to call this matter up for consideration, yielding to the earnest appeal of my distinguished friend from Kentucky [Mr. WILLIS], the zealous advocate and author of the bill, I voted with him. In doing this I was actuated by a spirit of fairness to the measure and friendship for that gentleman. At the time, however, I distinctly stated to him that I was unalterably opposed to its passage and should vote against it.

Mr. WILLIS. Nothing needs be added to that statement. I only desire to say, in justice to the gentleman, that it is the exact fact, and we are very much obliged to him for helping to give us a hearing on a great question.

Mr. REESE. But, sir, when its friends continued to press it upon the attention of the House, and not desiring in any way to be responsible for the enactment of any such law, should the bill by any possibility pass, I declined to give them further aid. This much I felt was proper for me to state, in order that no misunderstanding could arise as to my position.

Mr. Chairman, I now propose, in the ten minutes so kindly yielded me by my colleague, to discuss the merits of the bill and succinctly give my reasons for opposing its passage. I regard this in many aspects the most important question that has come or is likely to come before this Congress. The suspension of the collection of taxes imposed by law is always a grave matter and should be most deliberately and seriously considered before undertaken. I do not believe that the collection of any tax should be suspended, or the person or interest relieved from its payment, except in extreme cases. Indeed, I do not think it wise in any instance.

All taxes, whether specific or general, whether levied by the Federal Government, a State, county, or municipality, are intended to raise revenue for the support and maintenance of that government, the citizens receiving as a consideration its protection in the enjoyment of life, liberty, and property. Nor is it competent for the subject to determine the necessity of the levy.

When we once depart from the rule requiring the prompt payment of taxes, be their character what they may, we at once involve ourselves in a labyrinth of difficulties, we impair the protective power of the Government, we expose ourselves to the danger of partial legislation, we convert Congress into an immense relief committee, and we engender in the minds of the people a feeling of expectancy if not a hope of relief. Therefore I think it wiser for the Government and better for the citizen to lay down a Procrustean rule requiring the prompt payment of all taxes without exception. Then the machinery of government moves smoothly on, unclogged by the impediments of departure. The propriety and wisdom of adopting such a course can never be better demonstrated and illustrated than by the bill now under consideration. The law now requires the tax on whisky in bond to be paid within three years from the date of entry or at the time it is withdrawn for consumption. There is now due the Government the taxes on 70,000,000 gallons of whisky, which at 90 cents a gallon, as provided by law, amounts to the aggregate sum of $63,000,000.

By this bill we are asked to change existing laws by extending the bonded period on whisky for two years. In other words, we are called upon to relieve the owners of this whisky from the payment of that amount of taxes for that length of time—a request as marvelous as it is startling. But when we remember that in 1878 this same interest received at the hands of Congress similar relief, it will not seem altogether strange, fortified as it now is with precedent and a plethoric treasury, that it should again be insisting upon further indulgence. Without meaning or intending to criticise the individual conduct of members of that Congress, I am constrained to say that their action was wrong, as is abundantly shown by subsequent events. Two wrongs never make a right.

The friends of this bill tell us that the owners of this whisky, a large majority of whom are bankers, bought in good faith, believing that there would be a sufficient demand to enable them to sell; that by reason of an overproduction of whisky the markets of the world have become gorged; that there has been a shrinkage in value; that there is no demand for the bulk of this immense stock; and, finally, they say to us that unless we grant the relief prayed for these men will be bankrupted and a financial crash will come upon us.

Sir, this same argument was urged with equal earnestness upon the Forty-seventh Congress when a similar bill was pending. More than twelve months have elapsed, and still they live. No panic has come or bankruptcy ensued as was then predicted upon the failure of that bill. Nor do I believe that the horrible consequences so graphically depicted by the friends of this bill will occur upon its certain defeat.

Mr. Chairman, I always regret the misfortunes of my fellow-man, and while I earnestly and truly sympathize with these men and all others in distress, it matters not with me from what source it comes, whether from misfortune, affliction, or financial embarrassment, yet these are not sufficient reasons to influence my conduct as a public servant or cause me to hesitate in the discharge of what I conceive to be a public duty.

Considering this question from a business standpoint, as I am requested by its friends to do, after a most careful and diligent inquiry I am unable to discover any essential difference between the purchasers of this whisky and any other class of speculators. Indeed, if difference there be, I regard them more favored than the speculator ordinarily is, in that they knew at the time of their purchase almost with mathematical accuracy the amount of whisky that would be con-

sumed annually. A rare privilege, indeed, and one that few traders enjoy. Instead of learning lessons of wisdom from their past experience, instead of availing themselves of the indulgence so beneficently bestowed by Congress in 1878, the distiller, encouraged by these purchasers, recklessly continued to increase the production of whisky at the rate of 30, 60, and 90 per cent. annually, until perhaps the last year. In 1879 they made 71,000,000 gallons; in 1880, 90,000,000 gallons; in 1881, 117,000,000 gallons; in 1882, 105,000,000, and in 1883, 74,000,000 gallons more than the country required.

Sir, such conduct, instead of commending itself to the favorable consideration of this House, deserves at its hands the severest condemnation.

Again we are told by the friends of this measure that these men do not ask, nor do they expect this relief to be bestowed as a donation or gratuity by the Government, but that they propose to pay 4½ per cent. interest for the indulgence. Sir, we are asked to take money out of the pockets of the people of this country who are carrying State, county, municipal, and individual debt obligations bearing an average rate of interest of 8 per cent., and loan $63,000,000 of it to these whisky speculators at 4½ per cent. Was ever a proposition so monstrous submitted to an intelligent House of Representatives? I would invite my friends, the advocates of this bill, to a business reflection upon this proposition, and ask them in all candor and fairness if they believe a business man would entertain it for an instant of time. Then away with your suggested business view. I find in our Constitution ample authority for the Government to borrow money for legitimate governmental purposes, but I have searched in vain for that provision which authorizes it to loan money.

I claim no gift of prophecy; but pass this bill if you will, make the Government a partner of these whisky-men, liable in common for the losses without participation in the profits, and, my word for it, we will no longer have reason to complain of a surplus in the Treasury. I, for one, will never give my consent to make the Government a partner in any private business enterprise. Laws should be general in their operations. To grant the relief asked for in this bill would be class legislation pure and simple. It would be wrong in principle, dangerous as a precedent, and destructive of every governmental regulation.

Sir, there is not a single reason assigned by the friends of this measure going to show the propriety of its passage that could not with equal force be urged for the relief of every business interest in this country. Why, then, should this particular interest, in which the profits are perhaps larger than in any other in the world, be singled out as the ward of the nation and her broad arms of protection thrown around it? Why not extend the bounty of the nation to the other industries of this country which are now tottering and reeling under the burden of overproduction? Why not with equal propriety go abroad in this land among the 7,000,000 of debt-ridden and tax-burdened tillers of the soil, who contribute so largely to the material wealth and prosperity of the nation, and dispense your charity?

Sir, while every other interest has its friend, its protector, and its defender upon this floor, there is none so bold as to champion the cause of the driver of the plow and slinger of the flail.

But it is said by the friends of this bill that an invidious discrimination is made against this product; that an exception is even made in the case of tobacco and malt-liquors, upon which a special tax is also imposed but not required to be paid until it goes into consumption. This, sir, leads us to inquire why the exception is made. When the law imposing internal taxes was first enacted, all these taxes were paid when the article upon which they were levied was sold and went into consumption.

In 1868, on account of the colossal frauds practiced by the "whisky ring," Congress was induced to change that policy and adopt the limit of one year. This continued without complaint until 1878, when, at the instance of these very men, a period of three years was fixed. The wisdom of this requirement is not now debatable. "*Ita lex scripta.*" If the law be an unwise one, if its requirements be harsh and unjust, the remedy is not a suspension of its operation, but an absolute repeal.

While I can not obtain my consent to vote for this bill, yet if the condition of the owners of this whisky be as perilous and distressing as represented on this floor, let me say to them that while I can not come to their present relief, I have a panacea for their future woes. And I now invite their friends and this House to join me in an honest effort to repeal the whole internal-revenue system. [Applause.]

It has been intimated on this floor and noised around that a repeal of the internal-revenue tax would necessitate a higher import duty. This I do not now propose to argue. But if I have learned anything from the discussion of my political friends on tariff reform, it is that to a certain limit the lower the duty the greater the revenue, and the higher the duty the smaller the revenue. Be this as it may, I am convinced of one fact, and that is, if we would have intelligent tariff legislation there is no shorter or surer road to that much-desired end than a repeal of the internal-revenue tax system. With this fluctuating source of revenue out of the way, with a definite knowledge of the wants and necessities of the Government, the adjustment of the tariff is at once made easy. But so long as we allow this tax to remain we are left in doubt and to speculation.

The main object in establishing the present Constitution was to allow Congress to raise revenue by duties upon imports. In my opinion it would bear less heavily upon the tax-payers, and this is the paramount question that we as legislators should consider, though this method may incidentally give aid and protection to our American industries. Tariff duties properly laid will in my judgment yield an abundant revenue. And I am not so sure but that the most wholesome thing that could occur would be a deficiency in our revenues. Certainly nothing would contribute more to checking the reckless spirit of extravagance so prevalent in every department of this Government.

But be the effect of the repeal of this system of taxation what it may, I am persuaded to believe that, whatever other burden this Government may legitimately impose upon my people, they will cheerfully bear to be rid of a law so odious, a law so aptly characterized by Mr. Jefferson in a letter to Mr. Madison when he said, "The excise law is an infernal one." I would repeal it because I believe it to be a most prolific source of perjury and subornation of perjury. I would repeal it because I believe this system of taxation to be contrary to the general principles of our Government, vicious in practice, dangerous to liberty, and oppressive to the poor.

Excise laws have always been unpopular with and revolting to a free people. They were not favored by the fathers of the Republic. They were looked upon as of British origin and carried with them the odium of Toryism. No legislation was ever more abhorrent to the American people even in their colonial condition. They were regarded by the framers of the Constitution as a war resource, to be resorted to only when foreign trade is interrupted. Thus they were resorted to in time of the Revolution by the States. In the war of 1812, after the adoption of the present Constitution, they were again resorted to of necessity, but were not adhered to longer than the necessity existed. The system was adopted in the administration of the elder Adams, when war was expected with France. One of the first acts of Mr. Jefferson's administration was to wipe them from the statute-books. The present system was adopted during the late war between the States, and, perhaps on account of the immense war debt, their continuation was authorized for a time at least after its close. But, sir, the necessity that authorized their adoption in this instance, as in former instances, has ceased to exist. Let us, then, emulate the worthy example of our illustrious forefathers and extirpate them, root and branch, carrying with them all of their odious machinery.

Sir, while the tax is onerous and unjust, nothing contributes so much to its offensiveness as the method of its collection. When we think of the 4,000 partisan agents employed at an expense to the Government of $5,000,000 annually, with power to enter the counting-room of every business man in this country engaged in the sale of tobacco, cigars, or whisky, and inspect his private books, and if perchance they should find some unintentional irregularity, to arbitrarily seize and confiscate his property; when we think of this host of spies and detectives, this army of political bummers scattered over the country practically authorized at any moment to inflict domiciliary visits on the people, to make arbitrary seizures, and commit other vexatious acts, is it strange that the "Shay rebellion" should have occurred, the suppression of which cost the Government one-fourth of its then revenue? Need we be surprised at the whisky insurrection which followed in quick succession? Sir, the same reasons which prompted the people of Massachusetts and Pennsylvania to open revolt against this system of taxation still exist. The system is as repugnant to the American people to-day as it was then.

Laws which can not be enforced but by such means, no matter what may be their object or moral nature, will always be revolting to the spirit of our people and be executed with difficulty, or often evaded, laying the foundation of distrust in the Government, and want of mutual confidence between it and the people, which no fancied or real good can ever compensate. With the steady reduction in the charges for legitimate annual expenditures of the Government, and the steady increase of revenue glaring him in the face—with a surplus of $137,000,000 in the Treasury, with but about $400,000,000 of our public debt payable at par prior to 1891, when the 4½ percents mature, and sixteen years later, or 1907, when the 4 percents fall due—I can not be brought to believe that there is a member of this House who would vote to perpetuate a system of taxation which abstracts from the American people $144,000,000 annually, not one dollar of which is required by the legitimate expenditures of the Government, including pensions, interest on the public debt, and appropriations for public buildings and the improvement of rivers and harbors.

Sir, I would disband this horde of petty officers and invite them to fields of more honorable pursuit. Then I would say to the tobacco-raiser, sow your seed, worm your plant, gather your crop and sell it to whom you please, when you please, and in such quantities as you choose. I would say to the fruit-grower, manufacture your peaches and your apples into brandy if you feel so inclined. I would say to the mountaineer farmer, who, by reason of climate and remoteness from market, is at last the greatest sufferer under this system of taxation, overcome your difficulties of transportation by converting your grain into whisky as your necessities may require. Yes; I would plant on the summit of some high mountain a liberty-pole with the banner of freedom floating over this entire land, with the motto inscribed upon its folds, "Liberty, and no excise."

Pensions to Soldiers and Sailors of the Mexican War.

SPEECH

OF

HON. JOHN J. KLEINER,

OF INDIANA.

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 7, 1884.

The House having under consideration the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war—

Mr. KLEINER said:

Mr. SPEAKER: In advocating the passage of this bill I am prompted by a desire to do justice to men now old and decrepit with age, but who nearly forty years ago responded at the call of their country, invaded a malarious and hostile country, suffered as men rarely suffer, but who, after a service of less than two years, returned to their homes covered with glory, the price of their valor adding new luster to the American name. I am also prompted to support this measure because the State I in part represent has charged this duty upon its Representatives in Congress. Nor is Indiana alone. Almost every State in the Union has sent similar instructions to its members of Congress at different times.

I am in favor of this bill because it meets with the approval of a generous and patriotic constituency, many of whom were participants in that war as well as in the Indian wars that preceded it. Although confined now in my remarks to the main question under consideration, I can not refrain from expressing my sincere regret that the old worn-out and gray-haired octogenarians of the Black Hawk and Florida wars were not included under its benefits. In my opinion, justice and humanity demand that the latter soldiers shall be duly remembered by this great nation, and I am ready even now to include them in this bill, thus proving that republics are not always ungrateful, but, on the contrary, remember with gratitude their heroic defenders.

Mr. Speaker, it has been charged that the Indian war in Florida in 1836 was not dignified by anything more than a "disturbance" caused by runaway negroes and their captors. If this be the opinion of any considerable number of gentlemen on this floor, I respectfully ask them to read again the history of that war.

Major Dade and his gallant little army were troops of the United States carrying the flag of their country. All but two men were ambushed and slaughtered by their savage foes. For months the war-whoop echoed around the desolate homes of the peaceful settler; and I appeal in behalf of the descendants of the victims of this savagery that their names shall not be stigmatized as disturbers of the peace. I appeal in behalf of and to the memory of the dead who fell in the defense of their homes while defending their wives and little ones from the tomahawk and scalping-knife of the savage. I appeal in behalf of the memory of the patriotic dead who went to their relief and fell victims while rendering succor, and who now sleep in unknown and unadorned graves among swamps and everglades. I appeal in behalf of the living, only a remnant of whom are left among us, and to the sense of justice of the American Congress, to pension this little band of men—men who at the first call went to repel the assaults of a treacherous and murderous foe, before whose brutality neither age nor sex escaped.

We should grant a pension to these men in order to conform to unbroken precedents, with a view of giving encouragement to the young men now coming on the stage and upon whom we must depend to fight our battles in the future. When Jackson cried "To arms!" men from every hill and valley responded, and with these patriotic, poorly clad and poorly armed American volunteers he completely routed and overwhelmed the combined forces of the British at New Orleans. I mention this as an instance where undisciplined valor was more than a match for pomp and ceremonious display, and which resulted in achieving a triumph for the plain volunteer that in its results has no parallel in ancient or modern times.

Now, Mr. Speaker, such achievements must not be expected in the future if partisanship and ingratitude combine to push the old heroes that left us this great inheritance through the open doors of the poor-house into a pauper's grave. Can we afford to ignore the appeals for justice at the hands of that gallant little army, now bent, gray, and wrinkled with age? Can we afford to drive from our doors the men who at the price of their lives and future happiness gave us an empire, with millions of treasure, and all that which makes us the most powerful nation on the earth?

I am not alarmed at the future of this country provided the soldier whose valor won it and whose fidelity maintained it is duly recognized by our law-making powers. Refuse that even-handed justice to the old veteran now, and your Commander-in-Chief may cry in vain for volunteers in time of danger; but when the nation is in peril he will drag from their homes a disorderly, sullen, and mutinous army of conscripts, whose fighting qualities would be discounted by the hireling Hessians or the Bashi Bazouks. It is now fifty-two years since the close of the Black Hawk war, and the average age of these old soldiers is over 80 years. But a few hundred remain alive to-day. A few thousand dollars distributed among them now would remind them of the nation's remembrance and smooth their way to the already yawning grave.

The soldiers of the Florida war now average over 78 years of age. Death is thinning their ranks rapidly, and if we delay there will soon be none left upon whom to bestow our tardy offer of justice. If this House would listen to my appeal, every soldier herein mentioned would receive a pension before to-day's sun had sunk to rest.

The veterans of the Mexican war now average 63 years. They are quite as old as were the soldiers of the Revolutionary war when Congress gave them a gratuitous pension for life. The same rule was applied to those who served in the war of 1812. Thus unbroken precedents have been established granting gratuitous pensions after a lapse of about thirty-five to forty years after the wars in which the soldiers had served had expired.

Congress did this when the country was poor compared with its present opulent condition. Shall this Congress appear less patriotic or grateful than those that preceded it? I most earnestly hope not. If we but listen to the people we will pass this bill, for with but few exceptions every member on this floor stands instructed by his State that sent him here to vote to pension the old Mexican veteran.

Mr. Speaker, it may sound a little singular when I state that nearly one-third of this House is composed of men who were either unborn or in their cradles when the first call for volunteers to serve in the Mexican war was first proclaimed. The beneficiaries left their homes and went down into a hot, malarial climate, into a foreign land, to conquer a fierce and semi-barbarous foe. Among the great-hearted people where I live the little child whose tender years have not yet enabled it to read the martial history of its country is taught to bow low when the veteran warrior of the Mexican war passes by. On Decoration Day, in the sunny month of May, when all the people wend their way to the cemeteries made sacred by the ashes of the patriot dead, the graves of the heroes who conquered in Mexico are carefully sought, while men, women, and children enwreath them with the choicest of nature's immortelles.

Those of us who witnessed their last national reunion, in this city last December, were pained to see so few assembled. On that occasion a last grand rally was expected, and it was hoped by the projectors that all parts of the Union would be represented. But the reasons given why so few gathered here was soon generally known. Those who remained away proclaimed the nation's shame by the declaration that they were too poor, while others came through the charity of friends. Those who sent messages to their comrades excusing their absence in nearly every instance pleaded old age or poverty.

The few who attempted a parade on the avenue in front of this Capitol certainly excited pity if not admiration. Yet this was all that remained of that magnificent army whose story is sung throughout the land, that conquered an empire under Scott and Taylor and shed imperishable luster on the American name. This little band of decrepit and gray-haired men was all that was left to tell the story of their triumphs in Mexico.

But the opponents of this bill are bold in their declarations that the vast domain acquired by reason of the war with Mexico was really made by purchase. That the United States by the treaty made subsequent to the capitulation of the City of Mexico stipulated $25,000,000 as the price for an empire greater than that comprising all of the States of the Union at the time. Well, all I can say to that is that all of Arizona, New Mexico, California, Utah, parts of Colorado and Wyoming, nearly a million square miles, worth $2,000,000,000 at Government prices, could not have been bought had not Ringgold, Clay, Butler, Armstrong, Graham, McKee, Walker, Ayres, McIntosh, Merrill, Baxter, Drumb, Gannt, Howell, Smith, Gillespie, and Morange, in addition to more than 20,000 brave men, first laid down their lives in its acquirement. Purchased, yes, but not with money, but by the shedding of the best young blood of the nation; and it is in my opinion a calumny on the heroic dead to make such statements.

Since Congress has committed the country to the granting of gratuitous pensions I desire to see the brow of the Mexican warrior wreathed in the laurel chaplet while the oak decorates those of the heroes of 1776 and 1812. By the side of the patriot who defended us at Lexington, Bunker Hill, Saratoga, Monmouth, Princeton, Brandywine, Eutaw, and the Cowpens, I place him who glorified his country at Vera Cruz, Buena Vista, Palo Alto, Molino Del Rey, Resacca, Cerro Gordo, and Chapultepec. Objection is made to this bill in official quarters on account of the cost. Therefore we should look at the economic side of this question also. From the best obtainable information now at hand, the whole number of beneficiaries under this bill is placed at about 10,000, who, if none died during the flight of time, would cost the nation, at $96 per year for each soldier or his surviving widow, $960,000 per annum, or less than the average daily receipts of the National Treasury. Even if this sum were doubled or quadrupled, we could well afford to pay it without crippling any department of the Government.

Compare this insignificant payment with the acts of former Congresses, when money and lands by the hundred millions were voted in aid of railroads and private corporations, thus depriving the actual settler or the

soldier who desires to acquire a home on our frontier from the benefits of the public domain. It would have been far more just to have divided this land among the men through whose valor and intrepidity it was obtained.

Mr. Speaker, the time to square accounts is now. The soldier is poor, while the Treasury is full to overflowing. Indeed, statesmen are debating on ways and means to relieve the vaults of the millions hoarded up and now idle. Some desire it distributed among the States, while others, equally sincere, favor its distribution as a national school fund, while in my humble judgment justice and the great interests of the nation are best subserved by a fair and equitable distribution among the citizen soldiery, to whom we are indebted for all that we are as a great and powerful nation.

Relief of Sufferers by Flood.

SPEECH

OF

HON. J. FLOYD KING,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 26, 1884,

On the joint resolution (H. Res. 215) reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River.

Mr. KING said:

Mr. SPEAKER: I had hoped it would be unnecessary to say anything to the House on this occasion. The people involved in the calamity caused by the flood in the Mississippi Valley are my people, and though ever ready to defend or to advocate their interests on this floor or before the world, their present situation is one that can only fill the heart with grief and sympathy of all who understand the situation. Bowed down in mind, Mr. Speaker, by the distress of those at the will of the cold merciless flood-waters of the great river, I am here to speak out in their cause, not as a suppliant, but as their Representative demanding their right to be relieved in this the hour of their suffering by the strong hand of this, their Government.

My friend from Massachusetts speaks of this disaster as local. Would he consider a flood that covered an area many times greater than the area of the State of Massachusetts local, and which in the district alone that I represent reaches as far in length as from here to New York and as wide as from Philadelphia to that city, embracing a population of a hundred thousand souls?

Again, Mr. Speaker, the gentleman speaks of these floods as annual occurrences. In this I beg to assure him he is entirely in error. Such a flood as that now prevailing there was never known before in many places, not excepting, I am informed, the great flood of two years ago, when the entire country was submerged, and when, as the gentleman will remember, Congress appropriated some $600,000 from first to last, in addition to the many and large contributions made by good citizens throughout the United States for the rescue and relief of these people. On that occasion there was no constitutional question raised by the gentleman from Massachusetts, nor was there the other day when we here first voted $300,000 and subsequently $200,000 for the relief of the sufferers along the banks of the Ohio River.

If there was ever room for such an objection it has long since been dismissed by the usages of this Government too often to be recounted at this time.

I know the gentleman too well to believe that his heart is in the opposition he is making to this measure; and whatever reason he has found for it, I am certain it will not stand in his mind long against so humane and so just an object as this measure proposes.

Seeing from the reports of the Signal Service Department here, and from inquiries made of its officers, that this flood was coming down upon the valley of the Lower Mississippi, more than two weeks ago, as the House will remember, I introduced a joint resolution appropriating $500,000 for this purpose, which was referred to the Committee on Appropriations, and a substitute was reported back to the House directing the Secretary of War to report to this body, from time to time, such measures of relief as he should recommend. This he has done, and it comes to us in this form.

But, Mr. Speaker, knowing the country as I do from personal knowledge, having traveled all over it from one end to the other and from side to side and across it in every way many times, I am convinced the sum here asked for is entirely inadequate to the demands of the occasion. And at the proper time I here give notice I shall feel compelled to move that it be increased to $500,000, which ought now to be appropriated at once for this purpose of mercy and justice to a brave and a good people.

Who, Mr. Speaker, pay taxes more freely or more out of proportion to their means than do they to this Government? I answer, none; and no one will contradict me. That this House may see for itself the condition of affairs there, I will submit the following telegrams, and will add that they are but a few out of many that have reached me in the past few days:

TALLULAH, LA., *March* 22, 1884.

To General J. FLOYD KING, *Washington, D. C.*:

Madison Parish is practically overflowed; negroes can not get any work by which they can make a living, and whites, owing to the disasters of the past two years, are unable to furnish them. Some provision must be made for the negroes at once or great suffering will ensue. The white people can care for themselves. Buckhorn and Milliken's still intact; water coming in from Biggs and Diamond Island overflows us.

S. B. & J. T. McLELLAN.

VIDALIA, LA., *March* 22, 1884.

General J. FLOYD KING, *Washington, D. C.*:

Monorache Levee has been given up. It is intact, but water will be over to-morrow. You know the suffering that follows.

W. T. EVANS.

SAINT JOSEPH, LA., *March* 22, 1884.

To Hon. J. F. KING, *Washington, D. C.*:

We must have relief. The whole country will be overflowed. Food will be needed for man and beast.

T. W. CASELMAN.

NATCHEZ, MISS., *March* 22, 1884.

To J. FLOYD KING, *Washington, D. C.*:

Levee from Arkansas line down or breaks threatening. Anticipate more distress than in 1882. Government aid needed immediately for overflowed district. Act prompt.

W. T. MARTIN.
H. A. GARRITT.

LOUISIANA TROYVILLE, CATAHOULA PARISH, *March* 23, 1884.

To General J. FLOYD KING:

Country entirely submerged; people and stock need immediate relief.

R. B. W. WALTERS.

VICKSBURG, MISS., *March* 25, 1884.

To Hon. J. FLOYD KING, *Washington, D. C.*:

River at Saint Joseph six inches above 1882; levees all gone, with river rising from Cairo down. Too late to make a crop.

C. C. CORDILL.

RODNEY, MISS., *March* 25, 1884.

To General J. FLOYD KING:

Tensas Parish entirely inundated. Rations will be required for 20,000 destitute people, and feed for stock. Emergency very great. Immediate relief necessary.

JOSEPH MOORE,
ROBT. MURDCOCK,
THOS. P. CLINTON,
WM. DAVIDSON,
D. H. CHAMBERLAIN,
Saint Joseph, La.

NATCHEZ, MISS., *March* 25, 1884.

To Hon. J. FLOYD KING, *Washington, D. C.*:

Much suffering among the laboring class. Water over 1882.

ALEX. CAMPBELL.

NATCHEZ, MISS., *March* 25, 1884.

To Hon. J. FLOYD KING, M. C., *Washington, D. C.*:

Water running over levees, and country being submerged. Great distress among laboring class, and appealing for sustenance. Supplies needed at once.

JNO. C. SEAMAN,
P. M. Bullitt's Bayou, La.

RODNEY, MISS., *March* 24, 1884.

Hon. J. FLOYD KING, *Washington, D. C.*:

Kempe Levee gave way at 12.15. This makes the disaster complete and the Mississippi Valley one vast inland sea. This will make the loss beyond calculation, to say nothing of the loss of life and suffering of the people. Congress must come to our relief and feed the people at once. The lofts of gin-houses and floating rafts will be the only places of abode. The best mode of distributing supplies is through the engineer department of river improvements. They have every appliance necessary, and less waste and imposition would attend their efforts. I believe the wire is down from Saint Joseph.

E. L. WHITNEY.

BATON ROUGE, LA., *March* 23, 1884.

General J. FLOYD KING:

Great distress. Morganza, Scott, and Waterloo Levees gone. Have wired the Secretary of War for rations, same amount as 1882. Be on the alert; use your best endeavors; the laboring class is in distress.

S. D. McENERY, *Governor.*

In addition to these I have received telegrams and letters from other officials and prominent citizens, all telling the same sad story, among which is a dispatch from Hon. George W. Montgomery, president of the police jury of the parish of Madison, and Hon. Jay I. Davis, who occupies a similar official position in the parish of Caldwell, some seventy or eighty miles distant across the valley. These gentlemen are all of highest standing and responsibility, official and otherwise, and whose patriotism and devotion to the public good stand far up above question. Floods like these, when they spread over the lower valley as this has done, can not pass off in a few days or weeks even; it has required months for them to do so when they have occurred in the past, and I anticipate no shorter period of duration for the present one, which is carrying desolation to thousands of homes in that section of our country. The relief asked is but little as compared with the ability of the Government to afford it, and I trust the same generosity and sympathy will prevail here now as it has done in the past.

Pensions to Soldiers and Sailors of Mexican War.

SPEECH

OF

HON. JAMES K. JONES,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 7, 1884,

On the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war.

Mr. JONES, of Arkansas, said:

Mr. SPEAKER: The bill now under consideration, and which it is proposed to pass under a suspension of the rules, is not in my opinion so just and fair as the bill reported by Mr. HEWITT, of Alabama, from the Committee on Pensions, and now a special order. That bill provides for pensioning the old soldiers of our Indian wars; and as a longer time has elapsed since those wars than has passed since the Mexican war, I must say that it seems to me an ungracious thing to pass by them while we are doing justice to others no more meritorious than they are. I do not believe that the soldiers of the Mexican war would, if they were consulted, favor this act of injustice, and I sincerely hope that this House will make haste to repair this wrong, and do equal and exact justice to all these old men; but as nothing in this world is ever perfect, and as I heartily favor this bill as far as it goes, I shall endeavor to give briefly some of the reasons why I think it, even in its present shape, should pass.

If, when the roll is called upon the passage of this bill, there shall be, as I anticipate, a large majority in its favor, I shall for myself feel amply repaid for the part I took, a short time ago, in an all-night struggle to make Mr. HEWITT's bill a special order, and which resulted in success, even though the effect of the present action may be for the time, at least, an injustice to a class of men whose claims we have no right to ignore.

In every State of this great Union there are men who will be benefited by the passage of this bill. They are men now in the decline of life, many of them in extreme old age, and so far as my observation goes they are poor.

In fact, our armies are not generally made up of those who live in ease and splendor, but are usually composed of that class in which nerve, energy, and determination have been developed by conflicts in the stern struggles of life.

I wish in the outset to say that I favor the most liberal policy on the part of the Government consistent with careful and prudent financial policy in this matter of pensions. Nor do I rest this upon any mere sentiments of sympathy, humanity, or gratitude, though I may as well say now that I believe these considerations are perhaps a sufficient reason for this policy. I propose to place my advocacy of liberal pension laws upon the higher ground of public policy, and I insist that nothing will so foster and strengthen the military spirit of any people as entire confidence on their part in the liberal care by the Government of its old soldiers when their power of caring for themselves has in a measure ceased, and when old age and its attendant evils has come upon them. The cheerful service and devotion of young men to do battle in the hour of need will never be wanting in a free country, where a grateful public certainly provides for its old soldiers.

This I believe the framers of our Constitution knew and relied upon when they organized a government without the idea of a standing army, and where arms should be in every man's hand. I believe this Government will grow and prosper as long as this spirit is encouraged and kept alive, and whenever it is no longer a characteristic of our people that then our Government will be no more; and further, that whenever the decadence of this spirit sets in permanently, then this Government and civil liberty have entered upon their course to sure destruction.

To get the full force of this position it is necessary that we look a little at our surroundings and also at those of our European neighbors, and to consider very briefly some strong points of difference in our manner of government and theirs.

We all know the rule has long existed of keeping large standing armies in all monarchies. They are, I believe, considered the chief bulwark and support of that form of government. The armies of kings have often been used by their masters against the people and to repress civil liberty. The observation of this system implanted in our fathers the conviction that a standing army was dangerous to the liberties of a free people, but at the same time it was recognized by them that a state dependent upon the assistance of mercenary troops was constantly at the mercy of her neighbors; hence we find, at the time of the ratification of the Constitution of the United States, that public sentiment formulated itself in the declaration that "A well-regulated militia being necessary to the security of a free people, the right of the people to keep and bear arms shall not be infringed." So important was this declaration in the minds of the people then, that as an amendment to the Constitution it was postponed only to the article providing for freedom of religious worship, &c.

The wisdom and foresight of the fathers in framing the Constitution has been so striking in many instances in our history that the hand of Omniscience has been wont to be recognized by devout men in that great work; and, looking the whole field over, I think there is nothing in that wonderful instrument more calculated to strike the human mind with admiration or to suggest something more than human in the wisdom of its framers than this provision, departing so radically as it does from long-established methods of government and relying absolutely upon the patriotism of the people for protection to the Government. It clearly shows that at the very beginning of our experiment in an untried form of government that the founders of our system fully understood and correctly estimated the character of our people, as well as the effect upon character likely to result from the enjoyment of freedom; and the history of this country has demonstrated that they reckoned wisely when they intrusted the preservation of this Government and of civil liberty to the military spirit of the people.

The influence of this departure from old methods upon our progress and prosperity, on our phenomenal development, has been very great. Compare our condition with that of Europe. Here, each man is free to follow whatever active trade or business his circumstances or his interest suggests. Each man is a producer or an active worker in the promotion and development of our prosperity. In Europe, on the other hand, a large percentage of the most active and efficient of those who should be workers in the hive of life must give a number of the best years of each life to the standing army. They are not only withdrawn from the pursuits for which the Creator designed them, but they become an actual incubus upon the decreased corps of producers.

In France, with a population smaller by many millions than ours, an army of half a million of men withdrawn from pursuits of civil life must materially affect the interest of all. So of all other countries where large standing armies are kept. This difference alone in producers and consumers would serve to make one country prosperous and another the reverse. With all the energies of all our people turned in the direction of development and increasing wealth, is there any wonder we have far surpassed nations which have wasted valuable lives and time in maintaining standing armies? To compensate for the necessity of armies for protection in case of war, our fathers preferred to rely upon our own citizens, turned to soldiers in times of need. They felt that as long as citizens were accustomed to the use of arms, the exercise of liberty, and the consequent development of habits of independence and self-reliance, would insure the Government all the protection it could need in time of danger.

The history of our country has fully demonstrated the wisdom of this belief; and if we will only keep alive the military spirit of our people and the confidence in and respect for our Government which has hitherto prevailed among us, we have no cause to fear any enemy. Every consideration of public policy urges that we take a broad and liberal view of this question of pensions. A niggardly course in this matter, especially now, when the national Treasury is overflowing, will naturally excite the contempt of every man who ever bore a musket or ever felt a patriotic impulse.

These old soldiers have been asking for this recognition of their patriotism and devotion for years, and Congress after Congress has considered the matter. They are a body of men whom the nation delights to honor. One of their number has had the extraordinary honor to represent three States in the Senate of the United States. Others of them are now and have been for many years eminent on account of their talents, patriotism, and devotion to duty; while the mass of them in their humble homes all over the country, less gifted perhaps than their more distinguished comrades, but not less patriotic, have contributed all in their power to the general good. Their history is the history of this country through an era that shed luster on American arms. Their marches and battles have excited the admiration of some of the most distinguished military men the world has ever produced, and have been the subject of pride and exultation in our own country. Almost every State has some name honored in song and story whose life was offered upon the altar of his country on the plains of Mexico. The survivors now ask, and have a right to ask, this recognition at our hands.

This measure is in no sense sectional or local, but embraces in its beneficent provisions worthy men from all sections of our great country. It is in my judgment a just recognition of the services of a class of citizens who in the prime of their lives rendered great service to their country, and are now many of them realizing that "age and want" are in terrible reality an "ill-matched pair."

If we consider this matter in a mere business aspect, leaving out of consideration all sentiments of gratitude, all motives of public policy, and all feelings of humanity, and consider it only by the cold and rigid rules of merely business transactions, we shall be surprised to find how great are the advantages accruing to the Government of the United States and to us as a people from the efforts of our soldiers in Mexico.

If gentlemen who are called upon to vote for or against this bill will for a moment look at a map of this great country of ours, and will bear in mind that the results of the Mexican war were the addition to our domain of California, the great Golden State of the Occident, with her

almost fabulous resources, absolutely astounding the world by the productions of her mines, in her delightful climate surpassing the dreams of poets—in the wealth and variety of the productions of her soil proving a gem in the galaxy of States; and also remember that Nevada with her mines of gold and silver, capable of supplying the world with precious metals, presenting in reality treasures in comparison with which the land of Ophir pales into insignificance; that Utah with her fertile valleys, and mountains great storehouses of treasure; New Mexico, Arizona, Wyoming, and Colorado, swarming with countless herds, ready to supply the world with cheap food, leaving the great Lone Star State entirely out of consideration, are all the fruits to us as a people of the war with Mexico, we begin to appreciate how great results came to us and will go to our children after us as the reward of the labors of our old soldiers.

This great country is said to embrace 937,875 square miles of territory, or about 600,000,000 of acres of land, is adding annually about $75,000,000 in gold and silver alone to the wealth of this country, and has already contributed precious metals to an amount greater than our bonded national debt, to say nothing of the wealth flowing from pasturage and agriculture, and taking no account of the limitless possibilities of the future.

Besides these material considerations, the commercial and political value of this great country must not be overlooked.

With the acquisition of this domain, seven or eight times as great in extent as Great Britain and four times greater than France, it opened up the American continent to the American people from the Atlantic to the Pacific. It made the building of the transcontinental railways not only a possibility but a necessity, thereby opening up a great highway for commerce "to the East by way of the West."

The results of this acquisition in all its magnitude and importance will not be fully appreciated in a century to come. In the face of such enormous results, will this country hesitate longer to pass this bill?

The opposition to a measure similar to this was some years ago avowed to be on account of a depleted Treasury, and that time enough had not elapsed since the conclusion of the war. There was force and perhaps justice in those positions then, but these arguments certainly do not apply now.

The Committee on Pensions in their report on Mr. HEWITT's bill state that they really thought the annual outlay that will be made necessary by this bill, including the survivors of the Indian wars, would not exceed $1,370,496; but for safety, and to be sure they did not underestimate it, they added one-fourth and adopted $1,713,220 as the amount probably required. They estimated the average duration of these pensions at fourteen years, which would have made a total of less than twenty-five million dollars.

There is now no lack of money with the Government. One of the great problems of the hour is how to get rid of the surplus revenue. All sorts of schemes are started and discussed by the managers of national affairs (except perhaps the reduction of taxation) to accomplish this purpose, and there can certainly be no argument for want of money. Whatever of force the other objection had has too been weakened by the lapse of time, until I scarcely think any reasonable man can longer urge it. It is true that argument has been urged, as it seems to me, in a very extreme and absurd manner. For instance, in the discussion of this matter in a former Congress the following language was used:

> The pension act of 1871, as stated by its strongest advocate, Senator Morton, was passed upon the principle that when fifty-six years had elapsed after the conclusion of the war, and when but few of the soldiers survived, when the youngest must be 75 years, it was proper and right to give those few men in the declining years of their life a gratuitous pension.

And the same speaker, I believe, protesting against the passage of a measure similar to the one under consideration, said:

> It will not be pensioning men because they are in the decline of life; it will not be pensioning men because they are aged and infirm, because they are poor and but few of them left, or because they have received wounds or contracted disease in their country's service; it will not be pensioning men because we have a plethora of money in the Treasury. We are not pensioning these men because our resources are great, and because we are not already taxed almost beyond the power of endurance, but for reasons which I utterly fail to comprehend.

I believe the same gentleman asserted in the same debate that it never had been the policy of the Government to pension soldiers, except the indigent, until after they had passed three-score years.

Such sentiments as these utterances avow and seem to imply I feel sure find lodgment in few hearts in this great country. That indigence is to be made a condition precedent to the taking care of an old soldier is a sentiment which the American people will despise. The indigent under our humane institutions are taken care of in entire disregard of their previous lives or conduct.

The old soldier ought not to be placed on a level with the man who has passed his life in debauchery and crime, and the American people will never consent to it.

The Committee on Pensions estimated the average age of the beneficiaries of their bill to be 62 years. This is far beyond the average life, and if the Government is ever to do anything for these men certainly the time has come. The American people do not wish to withhold this act of justice until all are dead or too old to enjoy its benefits, and they will not countenance further delay in the matter.

Since Mr. HEWITT's bill has been made a special order I have been surprised to hear gentlemen say there are no precedents for this bill. So far from being correct, it seems to me the rule has been that long after the close of all our wars the survivors are granted gratuitous pensions. Those wounded or injured in the line of their duty are of course provided for from that date, and all have been provided for after many years. The survivors of the Revolutionary war were pensioned in 1818; the officers had long before been provided for. The survivors of the war of 1812 were also provided for in a similar manner.

The old soldiers for whose benefit this bill is designed, by their service to their country in bearing the Stars and Stripes in triumph into the capital of a foreign land, and the great acquisition of territory as one of the results of their labors, as well as by their age and condition, have a right to ask this bill. Many of them will never realize any benefit therefrom if longer delayed. In their old age and poverty they feel they are being neglected, and the consciousness of duty well done on their part makes this apparent neglect all the more galling. I have seen and talked with them in this Capitol since the beginning of this session, and know their feelings.

They have lived long enough to see splendid cities grow up all over the land their valor won for you. They have seen untold wealth accumulate as the result of its occupation, and they ask through us now, while the country is rich, prosperous, and happy, that they in their declining years may have their hearts and homes cheered by the generosity of the Government.

When this is done, they and all the country will "rise up and call you blessed."

Bureau of Animal Industry.

SPEECH

OF

HON. WILLIAM CULLEN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 23, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 3967) to establish a bureau of animal industry—

Mr. CULLEN said:

Mr. CHAIRMAN: The bill under consideration is an important one and well worthy of a careful consideration. The committee which reported this bill anticipated opposition and are not disappointed. They knew to a reasonable certainty the sources from which the opposition would come—from the gentlemen who consider themselves the guardians of the Texas cattle interest, and those who adhere to the dogma of State rights and State sovereignty. In anticipating this opposition the committee framed this bill in as mild terms as possible, in their judgment, not to impair its efficiency. They had no desire to raise questions which have in any measure divided parties. Their sole object was to recommend a measure which would, if approved, be a practical remedy for an evil which threatens a great and valuable industry. I shall not attempt to speak at length nor to go through the entire bill, but to call attention to its leading features and to answer some of the objections urged against it.

The first section of this bill proposes to organize a bureau of animal industry, and provides for a chief of said bureau at a salary of $3,000 per annum and a clerk with a salary of $1,500 per annum. It also authorizes the Commissioner of Agriculture to appoint a force sufficient for the collection of information in regard to the numbers, value, and condition of the domestic animals of the United States, their protection and use, and also to inquire into and report the causes of contagious, infectious, and communicable diseases among them and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be of value to the agricultural and commercial interests of the country. It provides that the chief of this bureau shall be a "competent veterinary surgeon."

This section is objected to because it is charged that it will create an army of officers to be "pensioned" on the Government. Gentlemen speak flippantly of the proposed head of this bureau as a "horse-doctor." Yet some of the best minds in this and other countries have been given to the study of the structure of domestic animals and the treatment of diseases to which they are subject. They are men of science, and graduates from some of the best universities in Europe and America.

There are no permanent officers created by this section or bill save the chief and clerk of bureau, and this is more in form and name than fact. The Agricultural Department have this matter now in charge, but not in an organized form so as to make it as efficient as this bill proposes to make it. While it is proposed that the chief of this bureau shall gather statistics on the number, value, and care of domestic ani-

mals, the main object is set out in the title: "A bill for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals." That is the main object of the bill. The force provided for to secure these objects is a temporary one.

The second section may be taken in connection with the first. It provides for the appointment of two agents, if deemed necessary, at a per diem allowance, to examine and report upon the best methods of "treating, transporting, and caring for animals, and for the suppression and extirpation of pleuro-pneumonia and other contagious diseases and preventing their spread." Gentlemen oppose these provisions because they say it involves an army of Government spies, who will claim the right to enter every man's barn-yard and make a close inspection of his domestic animals down to his "chickens." I submit that this kind of treatment of a subject of grave importance will not satisfy the demands of the thousands of men who have invested millions of dollars in the cattle industry of this country, and upon whom the people at large depend for a supply of healthy meat. Not only are our own people thus supplied but to a large extent the people of Europe, and past and present experience shows the importance, nay the necessity, of demonstrating that our meats are healthful in order to retain the European market.

Gentlemen speak of the investigation necessary to secure the facts aimed at as an unwarrantable interference with individual rights. How else can the information needed be secured? But we are told that we must not invade the soil of sovereign States in making investigations. Has it come to that point that the National Government has not authority to send its agents into States to gather information deemed necessary for the general welfare? A rigid construction of this doctrine would forever prevent the taking of a national census; yet the census agents did visit every hamlet in the land, regardless of State lines, and propounded many pointed interrogatories, even to the ages of maiden ladies. They sought and obtained the information which this bill contemplates only in part, and we have yet to hear the first complaint of a violation of either State or individual rights. The Constitution provides for a census of the people once in ten years, and under that head statistical information is compiled every decade, giving information on all the material industries of the country. These sections go no further.

In any attempt to extirpate pleuro-pneumonia it will be readily conceded that it must first be located. This bill does not propose to strike wildly and indiscriminately at the cattle of a State or part of a State because that in certain herds the disease may be found to exist. Hence the third section provides that the Commissioner of Agriculture may prepare such rules and regulations as may be deemed necessary for the speedy and effectual suppression of the disease when found, and certify such rules and regulations to the executive authority of each State and Territory and invite said authorities to co-operate in the execution and enforcement of this act. The necessity for some general rules in such case as is contemplated must be apparent to all thinking men. A few diseased animals may be found in a large herd, when separation and the isolation of those infected and the quarantine of those which were exposed might be sufficient, while in the case of a small herd or an individual animal a heroic remedy in the destruction of the whole might prove the safer and better plan. The matter of disinfection would also be an important consideration, upon which there might be a general rule.

It will be observed that up to this point the United States would act independently, and be at all the expense of investigating and marking the location of the disease. But now the State authorities are invited to co-operate and share the expense to be incurred in the destruction of diseased animals and in disinfection and quarantine. The committee gave this matter very careful consideration, and thought it best to require the States to actively co-operate and to be a party in interest in the expenditure of money. They thought it would be in the interest of economy, as a double accounting would be required to the State and National Governments, and at the same time give more efficiency in executing the trust.

Now we come to the fourth section of the bill, which provides that when a State or Territory, in which contagious or communicable diseases in cattle are found to exist, refuses or neglects to co-operate with the National Government for the extirpation of the disease, on presentation of the facts by the Commissioner of Agriculture the President may declare such State or Territory in quarantine and prohibit the exportation of cattle therefrom. Gentlemen who have taken ground against this bill think, or seem to think, that in this section lurk heresies which if enacted into law will sap the foundations of the Constitution and violate the most sacred doctrine of State rights. I wish to say here that I am a believer in State rights, properly interpreted, and I would protect each and every State in all the rights recognized by the Constitution. But I do not believe that any State can claim the right to breed pestilence and scatter it over adjacent States, whether that scourge may affect man or beast. If a State insists on the retention of a dangerous and destructive disease among its stock when means are provided for its suppression, I submit that on the same line of reasoning the adjacent States have a right to insist that it be kept within State lines and that it shall not be allowed to destroy the property of their citizens.

If it be true, as decided by the courts in the Missouri case (5 Otto, page 465), cited by the gentleman from Missouri [Mr. HATCH], that one State can not interdict the importation of cattle from another State because it comes under the head of regulating commerce among the States, it follows that Congress alone has jurisdiction over the whole subject-matter, and may, for the general good and in the interest of interstate commerce, regulate or prohibit commerce in cattle between the States presumed to be infected with a dangerous communicable disease. The gentleman from Texas [Mr. LANHAM] seems to fear that this bill discloses a conspiracy against the Texas cattle interest. I would not presume to mar the beautiful picture he has drawn of Texas, its grand domain, healthful climate for cattle, nor dispute his statement that it possesses more than one-seventh of the cattle of the United States. It is not necessary for my argument to mar his rhetoric in the slightest degree by the statement of facts. If the cattle interests of Texas are as large as represented, it is all the more important that they should be protected from the ravages of this fell disease. The disease is not climatic, nor is there any climate on earth that can resist it should it once be introduced. But the gentleman seems to fear that the Government officials would act dishonestly and conspire with dealers and transportation companies to destroy the commerce in cattle in one section of the country for personal advantage or the advantage of other sections. The intimation, it seems to me, is unworthy the gentleman or any other gentleman on this floor.

But however that may be, if it be true that there is no vestige of contagious disease among cattle throughout the length and breadth of Texas, but that they are uniformly healthy, as represented, no Government "horse-doctor" will dare to lay his ruthless hand upon them to prevent their exportation to the markets of the country and the world. However it may be with other portions of our common country where diseases among animals are known to exist, Texans may rest assured that their cattle can move forward with impunity and the utmost safety.

The very distinguished gentleman from Texas [Mr. REAGAN], who is an authority on interstate commerce, concedes that the latter clause of the fourth section, authorizing the President to declare States and Territories in quarantine, comes within the authority of Congress under the constitutional provision for regulating commerce. He says:

> I admit that the closing provisions of this section may be within the authority which Congress may properly exercise in regulating commerce between the States, interstate commerce.

While making this concession the gentleman finds fault with this section on the ground that it is a menace to the State governments, "requiring them to do certain things which lie wholly within their exclusive jurisdiction and control." In other words, he thinks it in bad taste. But he concedes the only question upon which it seems to me there can be any doubt on constitutional grounds—the right to declare in quarantine and prohibit the exportation of cattle from infected States. This question covers all of the minor questions, involving transportation companies, prosecutions, and penalties; for if this right be conceded, it follows that the power possessing the right has authority to enforce it.

In framing this provision the committee were careful, so far as possible, to avoid any controversy on the matter of State rights. It will be observed that this is the only point on which the authority of the National Government is asserted, with, of course, the right of enforcement. It was put in because without it it was believed the bill would be worthless if enacted. It will be seen that throughout this bill there is no provision for the "coercion of a State." Each State is asked to co-operate and share the expense with the General Government. They are not obliged to do so; they may absolutely refuse. In that event the United States withdraw, leaving them to manage the matter in their own way, or not at all, as they may elect. Under such circumstances the people of a State can not reasonably complain if the General Government requires them to keep their cattle within their own borders—not as a penalty, but simply for the protection of the general interest outside and in the interest of commerce.

But gentlemen grow eloquent in expressing their love for the Constitution, which they say this bill contravenes. They say this is a dangerous measure and a "fraud upon its face," that our liberties are in danger from the encroachments of Federal power; and the gentleman from West Virginia [Mr. GIBSON] takes occasion to criticise and condemn the action of the Federal courts, whose proceedings he says "have been felt by this land as the breath of a pestilence." Yet the judiciary is the creature of the Constitution, and it might be thought that the gentleman's great love and reverence for that instrument should lead him to respect the judiciary created by its authority.

We are asked with an air of triumph, "What article or section of the Constitution authorizes the organization of a bureau of animal industry in the Agricultural Department?" We might ask with equal confidence, What section of the Constitution provides for the creation of the Agricultural Department, or the Post-Office, or Interior, or any other Department, with their many bureaus and divisions? Yet we have them all, and we have them under the Constitution. The Constitution gives Congress alone authority to provide for the general defense and the general welfare, and to regulate commerce with foreign nations and among the several States and with the Indian tribes.

Under the narrow and shallow doctrine of State rights and State sov-

ereignty contended for by the opponents of this bill no State could have a commerce or transport its products beyond its own borders without the consent of the adjoining States. The regulation of interstate commerce was necessarily given to the General Government for the protection of the equal rights of the respective States. If the power to regulate does not give the power to prohibit the transportation of animals afflicted with a dangerous contagious disease, scattering death in their pathway and endangering the property of citizens, then indeed is the boasted power a "delusion and a snare."

But objection is made to this bill on account of the great expense to the Government. The answer to that is simple and brief. This bill proposes to appropriate $250,000, or so much of that sum as may be necessary. The Commissioner is prohibited by law from expending more than the appropriation. The charge that there will be an army of officers employed and that millions will be expended answers to round out a paragraph and give seeming importance to the objection, but viewed in the light of fact and of this bill, it is seen to be only the phantom of an overworked imagination.

I have said nothing in regard to the nature and extent of this malignant disease, nor do I propose to examine that branch at length, assuming that most members of this body are well informed on the subject and knowing that the owners of live-stock all over the cattle-growing sections are well informed and greatly alarmed at its continuance and threatened spread. The result of scientific investigation and the experience of thousands demonstrate that the disease is incurable. That would seem to be enough. It has existed in Russia for hundreds of years, and owing to the common pasturage on the steppes of that country, similar to our western plains, its extermination seems an impossibility. It ravaged Holland, Denmark, Norway, and Sweden; but the three latter countries have exterminated it. It reached Western Europe and the British Isles in 1842, and since that time the loss in Great Britain alone, according to the London Times, has been $500,000,000. Since 1858 Australia has lost 40 per cent. of all its cattle from this disease. It is safe to say that over this broad field, including Africa, where a single animal from Holland scattered the seeds of death, the losses have by far exceeded the total value of all the cattle in the United States at the present time.

In 1859 this disease appeared in Massachusetts from importation, but heroic treatment by the State authorities extirpated it, but not until the stock-raisers suffered to the amount of $250,000 and the State had expended $77,000. It is now known to exist in the District of Columbia, Maryland, New Jersey, and parts of Pennsylvania, New York, and Connecticut. It has assumed dangerous proportions, extending along a strip of three hundred miles in length along the coast. The local inspectors of New York city report during the past year more than five thousand cases, mostly cows which supply milk to the citizens. The same state of facts exists in Brooklyn, Philadelphia, Baltimore, and Washington, and their suburbs. These are facts undisputed and indisputable. What shall be done to circumscribe its bounds and finally eradicate the disease? That is the practical question. We are told that the respective States can accomplish the work and are pointed to Massachusetts as an evidence. It will be noticed that Massachusetts did not dally. It began early and overcame the difficulty before it became great. It was not exposed along its borders. Had the disease existed in the adjoining States and had those States been inactive, all that Massachusetts could have done would have been abortive.

New York could, doubtless, by diligence and a large expenditure suppress the disease within its borders, but of what avail would that be so long as cattle were constantly being brought in from New Jersey and Pennsylvania? So with the other infected States or districts. To exterminate the disease will require simultaneous action in all infected districts. No power less than that of the General Government seems to be able to grapple with it. Should they succeed, the American people would indeed be fortunate. I say the American people, because every man in the nation is interested in the supply of healthful beef, butter, and milk, as well as in purchasing at the lowest prices. Even now the shippers of live beef cattle to Great Britain, because pleuro-pneumonia is known to exist in this country, are obliged by law to slaughter their cattle on the wharves ten days after landing, and not allowed to put them on grass to recuperate, causing great loss.

The cattle interests of this country demand protection from this plague. They have a right to demand it. Men of intelligence and practical sense, who have many millions of dollars invested in cattle in the Western States and Territories, have thought it worth while to hold a national convention on this subject and to memorialize Congress. This convention appointed a committee to represent their views here, and that committee had many interviews with the Committee on Agriculture, and very ably represented the views of their constituents. This bill does not propose as large an appropriation nor is it as radical as was desired by those very intelligent gentlemen. But it satisfies them in its main features, and I think I may say that a measure less heroic will fail to either satisfy or protect them.

The West is thus far free from pleuro-pneumonia because the line of cattle exportation is from west to east. But cattle for breeding purposes are, in limited numbers, constantly being shipped from the East to the West. Should this disease once gain a foothold among the herds in the cattle-raising States of the West, and on our Western and Southwestern plains, the experience of Russia and Australia will doubtless be ours. A single animal may sow the seeds of death in a vast herd. What a few hundred thousands of dollars may do now will require many millions hereafter, and then in all probability fail to accomplish the purpose. The cattle industry of this country is entitled to the dignity of a national industry. The farmers, comprising one-half of the population, have a direct interest in it. They are not *doctrinaires* who split hairs on controverted constitutional questions, but practical men of sense who look for practical results. They ask Congress to protect their property from impending destruction. Will you give them that protection, or will you continue to "fight the war over again" on the "barren idealities" of State sovereignty and State rights? Have the farmers of this country any rights which the legislative authority is bound to respect, or must all legislation be in the interest of the manufacturing and commercial classes and the corporations of the country?

Agriculture is the foundation of the nation's wealth and prosperity, and yet the welfare of this intelligent and industrious class of citizens, whose surplus products give us the balance of trade with foreign nations, seem to be the last thought of in our legislative halls. The very stability of our republican institutions rests on the virtue and moral stamina of the farmers, and yet we grudge an appropriation of $250,000 to protect one of their principal industries. Let it not be said that the American Congress, composed so largely of professional men, will vote millions for vessels of war and allow them to decay on their stocks, millions for the support of an army and navy in view of future contingencies, millions for public buildings in the cities, millions for the improvement of rivers and harbors, but nothing for the encouragement of agriculture and the protection of the animal industries.

Political Rights of Women.

SPEECH

OF

HON. JOHN D. WHITE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884.

The House having under consideration the report from the Committee on Rules, and especially a proposition by Mr. WHITE, of Kentucky, to amend Rule X by inserting after the line "on revision of the laws, to consist of eleven members," the following, to wit, "On the political rights of women, to consist of eleven members"—

Mr. WHITE, of Kentucky, said:

Mr. SPEAKER: I do not know that I can occupy my time better than by reciting what has been better said on this subject by other persons.

It seems to me at least to be an anomalous state of affairs that in a great nation like this one-half of the people should have no committee to which they could address their appeals. If a petition on this subject comes here in one form it goes to the Judiciary Committee, and if it comes here in another form it will go to another committee; and petitions in reference to the political rights of women cover such a great field of investigation, at least eleven members of this House ought to be given to the consideration of that subject. In the Senate a committee has been given to the women of the nation where they can be heard. In this House, at the last Congress, a select committee was provided very much in the nature of the four additional clerks given this morning to the House post-office, only to run through the session of Congress and then to be dropped out. Now I propose that such a committee shall be a part of the rules of the House.

My proposition is to amend Rule X so that the Speaker shall appoint at the commencement of each Congress a standing committee which shall consist of eleven members, and shall be known as the committee on the political rights of women. During the last session of Congress the chairman of the Select Committee on Woman Suffrage failed to call the committee together, and I was requested to do so in his absence, being second on the committee, as follows:

WASHINGTON, D. C., *December* 6, 1882.

SIR: In the absence of the chairman of the Select Committee on Woman Suffrage, the undersigned respectfully request that you do at an early day give notice of a meeting of said committee for the purpose of considering matters referred to the same.

Respectfully, &c.,

W. P. HEPBURN.
J. C. SHERWIN.
E. F. STONE.

Hon. JOHN D. WHITE.

Pursuant to that request, I called a meeting, and from time to time we considered petitions like the following, which was referred to that committee January 11, 1883:

To the Senate and House of Representatives of the United States:

The undersigned, citizens of Massachusetts, officers and members representing the National Woman Suffrage Association of Massachusetts, respectfully petition your honorable body to submit an amendment to the United States Consti-

tution which shall prohibit the several States from disfranchising citizens on account of sex.

Harriette Robinson Shattuck, president National Woman Suffrage Association of Massachusetts; Harriet H. Robinson, Louise Bright; Hannah M. Todd, secretary; Nancy Willard Covell, Emma Frances Clarry, M. A. Dunbar, J. D. Foster; Sarah Stoddard Eddy, vice-president; Julia A. C. Smith, Salome Merritt, M. D.; Mary R. Brown, treasurer; E. S. Barker.

Finally our committee adopted a report, which was referred to the House Calendar, and ordered to be printed, March 1, 1883, as follows:

The Select Committee on Woman Suffrage, to whom was referred H. Res. 255, proposing an amendment to the Constitution of the United States to secure the right of suffrage to citizens of the United States without regard to sex, having considered the same, respectfully report:

In attempting to comprehend the vast results that could and would be attained by the adoption of the proposed article to the Constitution, a few considerations are presented that are claimed by the friends of woman suffrage to be worthy of the most serious attention, among which are the following:

I. There are vast interests in property vested in women, which property is affected by the taxation and legislation, without the owners having voice or representation in regard to it. The adoption of the proposed amendment would remove a manifest injustice.

II. Consider the unjust discriminations made against women in industrial and educational pursuits, and against those who are compelled to earn a livelihood by work of hand or brain. By conferring upon such the right of suffrage, their condition, it is claimed, would be greatly improved by the enlargement of their influence.

III. The questions of social and family relations are of equal importance to and affect as many women as men. Giving to women a voice in the enactment of laws pertaining to divorce and the custody of children and division of property would be merely recognizing an undeniable right.

IV. Municipal regulations in regard to houses of prostitution, of gambling, of retail liquor traffic, and of all other abominations of modern society, might be shaped very differently and more perfectly were women allowed the ballot.

V. If women had a voice in legislation, the momentous question of peace and war, which may act with such fearful intensity upon women, might be settled with less bloodshed.

VI. Finally, there is no condition, status in life, of rich or poor; no question, moral or political; no interest, present or future; no ties, foreign or domestic; no issues, local or national; no phase of human life, in which the mother is not equally interested with the father, the daughter with the son, the sister with the brother. Therefore the one should have equal voice with the other in molding the destiny of this nation.

Believing these considerations to be so important as to challenge the attention of all patriotic citizens, and that the people have a right to be heard in the only authoritative manner recognized by the Constitution, we report the accompanying resolution with a favorable recommendation in order that the people, through the Legislatures of their respective States, may express their views.

Now, Mr. Speaker, women consider they have the same political rights as men. I might read from such distinguished authority as Miss Susan B. Anthony, whose name has been jeered in her native State, and who has been prosecuted there for voting, but who stands before the American people to-day the peer of any woman in the nation, and the superior of half the men occupying a representative capacity. It does seem to me hard that when a woman like this comes to Congress, instructed by thousands and tens of thousands of her sex, in order to be heard she should be compelled to hang around the doors of the Judiciary Committee, or the doors of some other committee-room, preeminently occupied with other matters. But we are told there is no room. Yet we have a room where lobbyists of every sort are provided for. And are we to be told that no room in this wing of the Capitol can be had where respectable women of the nation can present arguments for consideration, for the calm consideration by their friends in this body? I say that such should be the case puts this House in an anomalous situation. I ask simply for the opportunity to be afforded the representatives of the political rights of women to be heard in making respectful argument to the law-making power of the nation. I ask that you give them a suitable room where their friends on this floor may hear their petitions and be able to present in the best shape their side of the question.

Now, I do not propose to go into the constitutional question in reference to the political rights of women, as that would extend my remarks far beyond the time allotted to me in this debate. I yield for one minute to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, ever since the organization of this House I have received petitions from my constituents in regard to this matter of the political rights of women, but under the action of the House in its organization there seems to be no committee to which they could properly be referred. A few years since, when this question of woman suffrage was submitted to the people in my State, more than 40,000 electors were in favor of it. I believe much more than that number are at the present time in favor of it. It seems to me, without putting ourselves on the question of political rights of women, it is but respectful to a very large number of people in all our States that there should be a committee to receive and consider and report upon these petitions which come to us from time to time.

Mr. WHITE, of Kentucky. I desire now to call the attention of the House to what I consider a grievance. Not long since we occupied weeks in considering the wrongs that a general in the late war (Fitz-John Porter) was supposed to have suffered, and we undertook to rectify those wrongs. I call the attention of the House to the greater wrong that Miss Carroll has suffered, the lady who planned the campaign of the Tennessee which resulted in Sherman's victorious march to the sea, during the late war, and which prevented the recognition of the Southern confederacy, and which to-day makes our flag float over one nation, and simply I believe because she is a woman and can not help herself, and because she has no political power to bring to bear. She can not go to West Point and get the whole strength of that institution, nor bring to bear its various instrumentalities for influencing legislation here. Consequently for twenty years her claim has been dishonored.

That this House and the country at large may know something of the great injustice to which Miss Anna Ella Carroll has been subjected, I submit the following report, which was committed to the Committee of the Whole House March 3, 1881:

The Committee on Military Affairs, to whom the memorial of Anna Ella Carroll was referred, asking national recognition and reward for services rendered the United States during the war between the States, after careful consideration of the same, submit the following:

In the autumn of 1861 the great question as to whether the Union could be saved or whether it was hopelessly subverted depended on the ability of the Government to open the Mississippi and deliver a fatal blow upon the resources of the confederate power. The original plan was to reduce the formidable fortifications by descending this river, aided by the gunboat fleet then in preparation for that object.

President Lincoln had reserved to himself the special direction of this expedition, but before it was prepared to move he became convinced that the obstacles to be encountered were too grave and serious for the success which the exigencies of the crisis demanded, and the plan was then abandoned, and the armies diverted up the Tennessee River, and thence southward to the center of the confederate power.

The evidence before this committee completely establishes that Miss Anna Ella Carroll was the author of this change of plan, which involved a transfer of the national forces to their new base in North Mississippi and Alabama, in command of the Memphis and Charleston Railroad; that she devoted time and money in the autumn of 1861 to the investigation of its feasibility is established by the sworn testimony of L. D. Evans, chief-justice of the supreme court of Texas, to the Military Committee of the United States Senate in the Forty-second Congress (see pp. 40, 41 of memorial); that after that investigation she submitted her plan in writing to the War Department at Washington, placing it in the hands of Col. Thomas A. Scott, assistant Secretary of War, as is confirmed by his statement (see p. 38 of memorial), also confirmed by the statement of Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, made to the same committee (see p. 38), and of President Lincoln and Secretary Stanton (see p. 39 of memorial); also by Hon. O. H. Browning, of Illinois, Senator during the war, in confidential relations with President Lincoln and Secretary Stanton (see p. 39, memorial); also that of Hon. Elisha Whittlesey, Comptroller of the Treasury (see p. 41, memorial); also by Hon. Thomas H. Hicks, governor of Maryland, and by Hon. Frederick Feckey's affidavit, comptroller of the public works of Maryland (see p. 127 of memorial); by Hon. Reverdy Johnson (see pp. 26 and 41, memorial); Hon. George Vickers, United States Senator from Maryland (see p. 41, memorial); again by Hon. B. F. Wade (see p. 41, memorial), Hon. J. T. Headley (see p. 43, memorial), Rev. Dr. R. J. Breckinridge on services (see p. 47, memorial), Prof. Joseph Henry, Rev. Dr. Hodge, of Theological Seminary at Princeton (see p. 30, memorial); remarkable interviews and correspondence of Judge B. F. Wade (see pp. 23-26 of memorial).

That this campaign prevented the recognition of Southern independence by its fatal effects on the Confederate States is shown by letters from Hon. C. M. Clay (see pp. 40, 43 of memorial), and by his letters from St. Petersburg; also those of Mr. Adams and Mr. Dayton from London and Paris (see pp. 100-102 of memorial).

That the campaign defeated national bankruptcy, then imminent, and opened the way for the system of finance to defend the Federal cause is shown by the debates of the period in both Houses of Congress (see utterances of Mr. Spalding, Mr. Diven, Mr. Thaddeus Stevens, Mr. Roscoe Conkling, Mr. JOHN SHERMAN, Mr. Henry Wilson, Mr. Fessenden, Mr. Trumbull, Mr. Foster, Mr. Garrett Davis, Mr. John J. Crittenden, &c., found for convenient reference in appendix to memorial, pp. 47-59. Also therein the opinion of the English press as to why the Union could not be restored).

The condition of the struggle can best be realized as depicted by the leading statesmen in Congress previous to the execution of these military movements (see synopsis of debates from Congressional Globe, pp. 21, 22 of memorial).

The effect of this campaign upon the country and the anxiety to find out and reward the author are evidenced by the resolution of Mr. Roscoe Conkling, in the House of Representatives, 24th of February, 1862 (see debates on the origin of the campaign, pp. 39-63 of memorial). But it was deemed prudent to make no public claim as to authorship while the war lasted (see Colonel Scott's view, p. 32 of memorial).

The wisdom of the plan was proven, not only by the absolute advantages which resulted, giving the mastery of the conflict to the national arms and evermore assuring their success even against the powers of all Europe should they have combined, but it was likewise proven by the failures to open the Mississippi or win any decided success on the plan first devised by the Government.

It is further conclusively shown that no plan, order, letter, telegram, or suggestion of the Tennessee River as the line of invasion has ever been produced except in the paper submitted by Miss Carroll on the 30th of November, 1861, and her subsequent letters to the Government as the campaign progressed.

It is further shown to this committee that the able and patriotic publications of memorialist, in pamphlets and newspapers, with her high social influence, not only largely contributed to the cause of the Union in her own State, Maryland (see Governor Hick's letters, p. 27, memorial), but exerted a wide and salutary influence on all the border States (see Howard's report, p. 33 and p. 75 of memorial).

These publications were used by the Government as war measures, and the debate in Congress shows that she was the first writer on the war powers of the Government (see p. 45 of memorial). Leading statesmen and jurists bore testimony to their value, including President Lincoln, Secretaries Chase, Stanton, Seward, Welles, Smith, Attorney-General Bates, Senators Browning, Doolittle, Collamer, Cowan, Reverdy Johnson, and Hicks, Hon. Horace Binney, Hon. Benjamin H. Brewster, Hon. William M. Meredith, Hon. Robert J. Walker, Hon. Charles O'Conor, Hon. Edwards Pierrepont, Hon. Edward Everett, Hon. Thomas Corwin, Hon. Francis Thomas, of Maryland, and many others found in memorial.

The Military Committee, through Senator Howard, in the Forty-first Congress, third session, document No. 337, unanimously reported that Miss Carroll did cause the change of the military expedition from the Mississippi to the Tennessee River, &c.; and the aforesaid committee, in the Forty-second Congress, second session, document No. 167, as found in memorial, reported through the Hon. Henry Wilson the evidence and bill in support of this claim.

Again, in the Forty-fourth Congress, the Military Committee of the House favorably considered this claim, and General A. S. Williams was prepared to report, and being prevented by want of time, placed on record that this claim is incontestably established, and that the country owes to Miss Carroll a large and honest compensation, both in money and honors, for her services in the national crisis.

In view of all the facts, this committee believe that the thanks of the nation are due Miss Carroll, and that they are fully justified in recommending that she be placed on the pension-rolls of the Government as a partial measure of

recognition for her public service, and report herewith a bill for such purpose, and recommend its passage.

Hon. E. M. Stanton came into the War Department in 1862, pledged to execute the Tennessee campaign.

Statement from Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, April 4, 1876.

DEAR MISS CARROLL: I had no part in getting up the committee; the first intimation to me was that I had been made the head of it. But I never shirked a public duty, and at once went to work to do all that was possible to save the country. We went fully into the examination of the several plans for military operations then known to the Government; and we saw plainly enough that the time it must take to execute any of them would make it fatal to the Union.

We were in the deepest despair, until just at this time Colonel Scott informed me that there was a plan already devised that if executed with secrecy would open the Mississippi and save the national cause. I went immediately to Mr. Lincoln and talked the whole matter over. He said he did not himself doubt that the plan was feasible, but said there was one difficulty in the way, that no military or naval man had any idea of such a movement, it being the work of a civilian, and none of them would believe it safe to make such an advance upon only a navigable river, with no protection but a gunboat fleet, and they would not want to take the risk. He said it was devised by Miss Carroll, and military men were extremely jealous of all outside interference. I plead earnestly with him, for I found there were influences in his Cabinet then averse to his taking the responsibility, and wanted everything done in deference to the views of McClellan and Halleck. I said to Mr. Lincoln, "You know we are now in the last extremity, and you have to choose between adopting and at once executing a plan that you believe to be the right one, and save the country, or defer to the opinions of military men in command and lose the country." He finally decided he would take the initiative; but there was Mr. Bates, who had suggested the gunboat fleet, and wanted to advance down the Mississippi, as originally designed; but after a little he came to see no result could be achieved on that mode of attack, and he united with us in favor of the change of expedition as you recommended.

After repeated talks with Mr. Stanton, I was entirely convinced that if placed at the head of the War Department he would have your plan executed victoriously, as he fully believed it was the only means of safety, as I did.

Mr. Lincoln, on my suggesting Stanton, asked me how the leading Republicans would take it; that Stanton was so fresh from the Buchanan Cabinet and so many things said of him. I insisted he was our man withal, and brought him and Lincoln into communication, and Lincoln was entirely satisfied; but so soon as it got out the doubters came to the front; Senators and members called on me; I sent them to Stanton and told them to decide for themselves. The gunboats were then nearly ready for the Mississippi expedition, and Mr. Lincoln agreed, as soon as they were, to start the Tennessee movement. It was determined that as soon as Mr. Stanton came in the Department Colonel Scott should go out to the Western armies and make ready for the campaign, in pursuance of your plan, as he has testified before committees.

It was a great work to get the matter started; you have no idea of it. We almost fought for it. If ever there was a righteous claim on earth you have one. I have often been sorry that, knowing all this as I did then, I had not publicly declared you as the author. But we were fully alive to the importance of absolute secrecy. I trusted but very few of our people, but to pacify the country I announced from the Senate that the armies were about to move and inaction was no longer to be tolerated, and Mr. Fessenden, head of the Finance Committee, who had been told of the proposed advance, also stated in the Senate that what would be achieved in a few more days would satisfy the country and astound the world.

As the expedition advanced Mr. Lincoln, Mr. Stanton, and myself frequently alluded to your extraordinary sagacity and unselfish patriotism, but all agreed that you should be recognized for your most noble services, and properly rewarded for the same. The last time I saw Mr. Stanton he was on his deathbed; he was then most earnest in his desire to have you come before Congress, as I told you soon after, and said if he lived he would see that justice was awarded you. This I have told you often since, and I believe the truth in this matter will finally prevail.

B. F. WADE.

Now, Mr. Speaker, contrast the case of this brave, patriotic, self-sacrificing woman with that of the selfish, jealous, and disobedient Fitz-John Porter.

So far as the action of this House can do it, the latter has been complimented for the inactivity which resulted in the loss of a great battle to the Union cause during the late unpleasantness, while it has done nothing but ignore the just claim of the former.

Does any one doubt for one moment that had Miss Carroll possessed the powerful political influence of Fitz-John Porter, and he obscured by the lack of it, that he would have been shot as a traitor, and she long ago received every dollar advanced by her to save the nation and her name honored as Sherman's and Grant's?

Wendell Phillips says:

Suppose that woman is essentially inferior to man; she still has rights. Grant that Mrs. Norton never could be Byron; that Elizabeth Barrett never could have written Paradise Lost; that Mrs. Somerville never could be La Place; nor Sirani have painted the Transfiguration. What then? Does that prove they should be deprived of all civil rights? John Smith never will be, never can be, Daniel Webster. Shall he therefore be put under a guardianship and forbidden to vote? Suppose woman, though equal, to differ essentially in her intellect from man; is that any ground for disfranchising her? Shall the Fultons say to the Raphaels, "Because you can not make steam-engines, therefore you shall not vote?" Shall the Napoleons or the Washingtons say to the Wordsworths or the Herschells, "Because you can not lead armies and govern States, therefore you shall have no civil rights?"

In the language of Governor Hoyt, of Wyoming Territory:

I see a castle on yonder plain, a castle beleaguered, and there are found within its walls a band of noble, heroic women. They are in peril of their precious lives and of all that is dear to them and their hearthstones. Were this vision a reality, and of you accepted as a fact, how quickly every man would leap from his seat, secure arms, and rush to the rescue. But when woman's spirit is enthralled, immured, not her person; when her rights have been usurped, when her spiritual powers have been repressed and subordinated to the selfish will of man, and the call comes for help, how slow we are to fling wide the gates and bid her be free. * * *

Man himself can not stand before God in his uprightness, man himself can not develop into his completeness while he is halved, while he is less than himself, because of denying the full development and exercise of powers to her whom God gave to be his completement. A woman who is only half a woman, who is cramped, suppressed, restricted, and restrained, she can not be all that a man needs; and so I plead in the interest of my own sex while pleading for her. I shall walk freer myself when I know that no denial is made to woman of what belongs to her—not to my wife only but to every woman on the earth. I shall be more a man, I shall stand up in the presence of mankind and before the Father of all with an uprightness, with a conscious dignity and nobility, which I can not possess so long as aught is denied to her.

* * * * * * * *

A majority of questions to be voted on touch the interests of woman as they do not those of man. It is upon her finer sensibilities, her purer instincts, and her maternal nature that the results of immorality and vice in every form fall with more crushing weight. Ay, it is woman who hath given hostages to fortune of all that is most precious on earth. Trust her, then, O ye doubting men! Trust her, and so receive, in countless ways ye know not of, the unfailing benediction of Heaven.

I defy any one to suggest any fundamental principle to substantiate our right as a nation to exercise free government which does not apply to woman as well as man. She is the equal of man in every vicissitude in life, and it is a shame to require her to ask as a charity what she is entitled to as a right.

In this free country "the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," did in 1787 ordain and establish a Constitution for the United States of America. Before the end of the year 1790 that Constitution was amended by the people of the United States, the very first article of which amendment read as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (See Constitution of the United States, amendment I, article 1.)

Now, it seems to me that the right to assemble and to petition the Government carries with it the right to present the petitions to the Congress of the United States, in which reposes all legislative powers granted under the Constitution of the United States. If this be so, is it not our duty as the representatives of the people to appoint a committee to hear the petitions of the thousands, yes, tens of thousands, of men and women who, by resolution or by vote at the ballot-box, have petitioned for the recognition of the political rights of women?

By article 5 of the amendments to the Constitution, "No person * * * shall be deprived of life, liberty, or property, without due process of law," and under that guarantee every criminal has the right of trial by jury.

Is it more important to the life, honor, and prosperity of the nation that Congress should establish courts to grant trials by jury to criminals like Guiteau or men like the alleged star-route thieves than that Congress should appoint a committee to consider the petitions and hear the accredited representatives of many of the best people of the United States who are or may be here to be heard on subjects affecting the political rights of women?

Mr. Speaker, I trust that the House will sustain me in this effort to amend Rule X, so that we shall have in the list of the standing committees of this House a committee, to consist of eleven members, whose duty it shall be to consider the political rights of women.

Chalmers vs. Manning.

SPEECH

OF

HON. ROBERT LOWRY,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 14, 1884.

The House having under consideration the contested-election case of Chalmers *vs.* Manning—

Mr. LOWRY said:

Mr. SPEAKER: It may be well regarded as an act of temerity on my part to enter upon the discussion of this question at this time under the peculiar circumstances surrounding us. This report has now been discussed for two days and many able and experienced gentlemen have engaged in the debate. It is, therefore, with extreme hesitancy and the utmost diffidence on my part that I undertake to participate. Indeed, it is only by reason of the fact that it seems to me there are yet some views of this case which have not been fully presented to the House, but which are essential, and should be clearly understood in order to dispose correctly of the primary question now pending before this body, that I am induced to do so.

It has been said here, and that by gentlemen learned in the law, that this committee has mistaken its duty, and that it has undertaken to discharge functions which were not devolved upon it by this House. And these gentlemen, without having heard the discussion which took place before that committee, many of them without claiming to have examined at length the authorities bearing upon the question, undertake to announce *ex cathedra* that there was no case in which the Committee

on Elections of the House, or the House itself, according to the principles of parliamentary law, was authorized to look behind the certificate of the governor of the State, under the great seal of the State, with the view of determining as to the *prima facie* right to a seat upon this floor.

Much has been said here as to what constitutes the *prima facie* case. There has been no controversy among the members of the Committee on Elections; there has been no controversy, as I apprehend, here or elsewhere, in reference to the point that as a general rule the certificate of election or return of the officer upon whom the duty is incumbent to make the certification as to the election of a member of this House is in the first place *prima facie* evidence of the right to the seat. No such question is properly a subject of contention. Many eloquent tongues have therefore spent, and possibly may continue to spend, their energies for naught in seeking to impress us that a rule exists the existence of which is not only granted but constitutes the very postulate of the report of the committee. But, sir, like almost all rules of the law, whether it be the common law, whether it be equity jurisprudence, or whether it be under the provisions of our respective codes, so in this case there are exceptions to that rule. And while I admit that the author of the only work we have distinctively upon the subject of contested elections has seemed to set his face strongly in favor of the doctrine of excluding these exceptions and of insisting upon the principle that the certificate of election shall not be gone behind under almost any ordinary state of circumstances, yet I think we ought to consider the influences under which that gentleman lived and the atmosphere in which he moved at the time he was receiving the education and training which prepared him for the compilation of this treatise.

This book (McCrary on Contested Elections) was prepared before its author had assumed the judicial ermine, before he took his seat upon the bench of the United States court, before he yielded to the seductive influences which have taken him away from the bench of that court and prompted him to ally his fortunes with the interests of one of the great corporations of this country. He was for a long time connected with this same Committee on Elections of this House. We all know, sir, how during that period of time the majority of this House was constituted. The history of our legislation and of the administration of parliamentary law at that time conveys to us the painful intelligence that that majority during the period of its ascendency here ruled with a somewhat high hand, and that there was not under all circumstances the strictest regard paid to the rules of parliamentary law in determining the question of the admission or rejection of members to their seats. It will be found upon even a cursory examination of the questions which were before the House and before the Committee on Elections during the time that Judge McCrary was connected with it that it was for the interest of the great party with which he was connected to presume the fact that the member holding the certificate of the governor was entitled to peculiar protection and to avoid going behind those certificates, lest by doing so the majority of the House of which he was a member should be deprived of a part of their representation upon the floor of the House. Held together by certain cohesive principles often described and having reference to the fatness of an overflowing Treasury, they presented a picture in such cases of delightful unity, and when a member of the party now in the majority here presumed to question the right to a seat of one of their number, he was not only received with a brow of adamant but disposed of on some pretext or another with a hand of steel.

Mr. ROBERTSON. I would like to ask the gentleman from Indiana a question.

Mr. LOWRY. I should prefer not to be interrupted, but I will hear the question.

Mr. ROBERTSON. Does not every authority sustain the position taken by Mr. McCrary; that is, that the certificate gives a man the *prima facie* right to a seat in every legislative body on the face of the earth?

Mr. LOWRY. There is a homely adage, Mr. Speaker, that the proof of the pudding is in the eating, and I commend it to my enthusiastic friend from Kentucky. I think if he had endeavored to get at the gist of this question by as industrious efforts as some others of us have adopted for that purpose he would not have ventured on the assumption he has just made.

And now for the proof of the correctness of my position. I have conceded the tendency of Judge McCrary's mind at the time he compiled this treatise was in favor of attaching the utmost possible sacredness to the certificate of election. But he does not contend, by any manner of means, that there are not cases in which it is proper to go behind the certificate. And the authority which I shall cite in addition to Mr. McCrary will show, I think, beyond all peradventure that, as appears from the very reason and necessity of the case must be so, these exceptions to the general rule as to the authority of the certificate as evidence *prima facie* of the right to the seat do exist, and the principle that such certificate imports absolute verity is not in all circumstances to be applied.

The section of this work I now refer to has been read repeatedly, and I now call the attention of the House to it simply for the purpose of showing that Mr. McCrary, acting under the influences I have suggested, has not favored us with a citation of the cases in which the doctrine has been held that the certificate may be gone behind, but has contented himself with referring to the case of Hunt *vs.* Chilcott, and adding in addition to the reference to that case that there are a few others. Why not give these few? Sir, an impartial author might at least have done that. More accurate and reliable parliamentarians have given many others. But to our distinguished author. He says:

SEC. 224. The case of Hunt *vs.* Chilcott (2 Hartlett, 164) is one of the very few cases in which a certificate of election signed by the proper authority has been held insufficient to entitle the holder to be sworn in as a member of the House of Representatives of the United States and to occupy a seat pending the contest. The reason for this action, however, was that the party holding the certificate had voluntarily offered evidence which impeached it.

I desire to call the attention of the House to the fact that during the pendency of that case the late revered and lamented Speaker, a Representative from my own State, Hon. Michael C. KERR, was a member of the Committee on Elections; and the Committee on Elections reported as a reason for going behind the certificate that Governor Cummings, who was the gentleman who issued the certificate and appeared before the Committee on Elections as counsel on behalf of Hunt, testified as to the facts which transpired at the time of the issuance of the certificate of election, and that by reason of the then contestee (who subsequently became the contestor) introducing that evidence, it authorized the House and the committee to go behind the certificate. While the committee so reported, Mr. KERR, on the other hand, said he had been present at the meetings of the committee, and had heard of no evidence of that kind being introduced through the instrumentality of Governor Cummings as a witness, and indeed had not heard Governor Cummings even admit in his argument in the case that there was any such state of facts existing.

The evidence which it is claimed was submitted by Governor Cummings before the Committee on Elections was to the effect that he conceived himself to be a member of the returning board of Colorado, from which Territory the contest came, and, acting in concert with one other member of the returning-board, he had voted against the two votes, constituting a majority, of those members who regularly constituted the returning board, and had then issued a certificate to Hunt because he conceived that Hunt was entitled to it upon the return of the vote.

Mr. ROGERS, of Arkansas. I would not ask leave to interrupt my friend from Indiana [Mr. LOWRY] at this point did I not know that he was an able and experienced lawyer and it would not break the chain of his argument. But I do ask leave to interrupt him just one moment in this connection.

The SPEAKER. Does the gentleman from Indiana [Mr. LOWRY] yield?

Mr. LOWRY. In view of my great apprehension that by reason of the embarrassment arising from the situation in which I find myself placed, being in some measure forced into this discussion and that without time for anything like due preparation, and fearing that I would be unable to proceed as satisfactorily if I were interrupted, I took occasion near the opening of my remarks to indicate to the honorable gentleman from Kentucky that I would prefer not to be interrupted until I had got through with my argument. However, if it will not occupy too long a time, I will be only too glad to yield to my friend from Arkansas.

Mr. ROGERS, of Arkansas. Just one moment is all that I expect to occupy.

Mr. LOWRY. I understood the gentleman to desire to propound a question.

Mr. ROGERS, of Arkansas. Not a question. I wanted to read one passage and then to make a single statement; that is all.

Mr. LOWRY. Will this come out of my time?

The SPEAKER. It will.

Mr. LOWRY. Then I must beg leave to decline the interruption, because I have promised all the time I have to spare to other gentlemen.

The SPEAKER. The gentleman will proceed.

Mr. LOWRY. In the case of Hunt against Chilcott, the proposition upon which the House rested its decision was that the governor who issued the certificate appeared as counsel before the Committee on Elections and had made a statement of certain facts which had transpired before the returning board, and that thereby the Committee on Elections and the House were justified in going behind the certificate and in inquiring whether Hunt or Chilcott, as it appeared from the returns of the election, had received a majority of the votes cast and was entitled to be seated upon the *prima facie* case.

Judge McCrary concedes, without favoring us, as I have said, with a citation of the authorities, that there have been other cases of a like character. During the course of this argument gentlemen have assumed that that is all the authority there is upon the subject. Supposing, sir, they are right and McCrary wrong, what precedent could be more pointed or more powerful?

Mr. Speaker, I know there has been some confusion in the administration of parliamentary law in this country. We have thirty-eight States of this Union, in each of which there is a Legislature composed of two branches. We have here in this city the two Houses of Congress. All of these legislative bodies have been engaged in the administration of parliamentary law as they understood it to exist. The systems adopted by all these, as is well known, were founded on the originally crude and certainly yet somewhat abstruse principles and

practice which have been handed down to us from the British Parliament.

It must be conceded that there has been great diversity of decision in the cases which have arisen in the various parliamentary bodies in this country. It must be conceded as a lamentable fact that the decisions in all those cases have not been always with reference to the principles of the Constitution and the laws. It must be conceded that here, especially, cases very often have been conducted rather with regard to party expediency and the interest of majorities upon this floor. But I apprehend there is no longer any such great uncertainty upon this branch of the law. I think it has come to be what may be termed a branch of the common law of this country, and it is to be hoped we are now settling down to sounder constitutional and legal principles in its administration. Shall those of us now in the majority fail to aid in securing so great and desirable a result?

Some of the gentlemen who have compiled treatises upon parliamentary law and practice have aided largely in enabling us to come to a conclusion as to what are the correct principles to be applied in cases of this kind. It has been, sir, in that respect, as was the case in regard to the common law before the time of Blackstone and until he brought his magnificent powers of condensation and arrangement to bear upon the subject, and, as it were, brought order out of chaos. Just so here. The rules of parliamentary law have been commented upon and digested, and principles have been eliminated upon which I think we can safely proceed in adjudicating all questions of this character and without any apprehension that mistakes will be committed.

The time allotted me in this discussion, Mr. Speaker, forbids any attempt at an examination and criticism of the individual cases. Let me, therefore, now call the attention of the House for one moment to the principal authority upon the subject of the law and practice of legislative assemblies. I refer to Mr. Cushing, a man whose mind was never warped or contaminated by being brought into contact with the partisan methods that so long existed within these walls; an author who never found it incumbent upon himself to bend a hair's breath in order to accommodate himself to the demands of supposed party interest, or the real or imaginary exigencies incident to the preservation of party majorities independently of either fact or law. In section 167, after having set forth in other sections the more general rules, and coming now to treat especially of the certificate, or what is the same thing, the return, and enlarging upon it more extendedly than McCrary, this author says:

It has already been stated that the right of a member to his seat may depend upon or be involved in—

What? I beg gentlemen on this side of the House to mark well the language—

or be involved in the return, either in form or in substance, without regard to the election. Cases of this description are now to be considered.

And in considering these cases he proceeds to say, in section 170:

Where returning officers make a mistake in the name of the person elected, and, in consequence thereof, return one who was not chosen, the mistake may be corrected, either upon the petition of the person really elected, or on motion merely, or, it is presumed, upon the representation of the returning officers.

171. Where the returning officers, by mistake, consider votes which are really given for one person as given for two or more, as, for example, where they regard votes given for A B and for A B, junior, as given for two persons; or, where, in copying the lists of votes to be transmitted by the receiving officers to the returning officers, a mistake is made in the name of any of the persons voted for, so that a part of the votes given for one appear to be given for another person, thereby apparently defeating the election of the former; and, in consequence of such mistakes, in either case, a person is returned who was not in fact elected, the return will be set aside, and the person really elected admitted as a member.

172. Where a return is obtained by means of some fraud or trick practiced by or with the consent of the returning officers, or where they are intimidated by riots and disturbance from making return of the person duly elected, and are compelled to return another; or where they are corrupted by bribery to make a false return—in all these cases the return will be set aside and the person duly elected admitted to a seat.

Now mark you, Mr. Speaker, treating exclusively of the return as contradistinguished from the election of the member, treating exclusively of the certificate of the governor, because these are interchangeable terms, I ask might not this House, in view of these well-settled principles of parliamentary law; in view of the allegation that the secretary of state, instead of following the certificate of the commissioners of elections of Tate County, followed a paper attached to that certificate which is not recognized by the law of Mississippi and is no part of this record; in view of the allegation that the holder of this certificate, both before and since the commencement of the Congressional term on 4th of March last, has declared that he would not ask to be enrolled under it and would not take a seat in this House until, in his own explicit language, he had vindicated his right to the seat—if all these allegations should be made to appear to be true, might not this House, acting upon the established principles of parliamentary law, our distinguished friend from Pennsylvania [Mr. RANDALL] to the contrary notwithstanding, but my scarcely less distinguished friend from New York [Mr. COX], distinguished like the former both as a statesman and a parliamentarian, concurring with me on this question—might not this House well determine that it would look to the facts as they are spread upon this record for the purpose of determining whether upon the face of it the title of Mr. Manning is good or bad.

What is *prima facie?* We are perhaps not all lawyers, not all accustomed to interpreting these somewhat technical terms, *prima facie*—on first appearance. The title upon the first appearance is the title that we are determining here; and the question now at issue is whether or not the House in the first place had authority to refer to the Committee on Elections the determination of this question; and next, whether it did in fact exercise that authority. The first proposition being established, let us proceed to the next.

What did the House do? Brought up as one of the strictest of the sect, not of Pharisees, but of the household of the faithful; living, as I have ever done, in the ranks of and intimately associated with the Democracy of the country, I felt it to be my duty when the question as to the force and effect of the certificate merely was presented here to follow in the footsteps of my friend from Ohio [Mr. CONVERSE]. When he was seeking to have Mr. Manning seated simply upon his certificate, and before anything was brought to the attention of the House as to the infirmities connected with that certificate, I followed as meekly as a little lamb, and voted every time in favor of seating Mr. Manning upon the certificate itself. But a halt was called in the proceedings of the House. It was whispered around, and somewhat audibly, that a mistake was probably about to be made here. We paused; and upon deliberation the resolution which the gentleman from Ohio subsequently introduced here was determined upon as the proper one in this case. I desire now to call attention to the meaning of the phraseology of that resolution.

Can it be possible that the purpose of the House, having arrived at that stage in the consideration of this question, was simply to refer to the Committee on Elections the certificate of Governor Robert Lowry of Mississippi? And that name being identical with my own, allow me to say, Mr. Speaker, that were there not, as there are, other and higher reasons, I have the very highest respect and regard for it. Was it intended that the committee should perform merely the perfunctory duty of ascertaining whether the certificate was properly sealed and properly signed, and whether Mr. Manning was properly named in it, so as to entitle the House to swear him in as a member? Was it not well understood that there was no question raised here about that matter, that not a syllable had been uttered against the authenticity and completeness of the certificate so far as its form or substance was concerned? The resolution being adopted, what was its phraseology? Observe the exact words. It referred the question to the Committee on Elections when appointed—

With instructions to report immediately whether upon the *prima facie* case *as presented by said papers* said Manning or Chalmers is entitled to be sworn in as a member.

As presented by what papers? Adhering closely still to the text, let me quote again:

Resolved, That the certificate and *all other papers in the contested-election case* of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections with instructions, &c.

Ah! "Whether as presented by said papers" Mr. Manning or Mr. Chalmers was entitled to be sworn in! But gentlemen would have us read this resolution in these words: to "inquire whether, as appeared by the *certificate* of the governor, Mr. Manning *or* Mr. Chalmers," whose name was not mentioned in or connected with it, was entitled to be sworn in. Why, sir, some of us must have been much at fault, I apprehend, when that resolution was passed if the doctrine of gentlemen on the other side of the proposition is correct. If they are correct, then this resolution *ought* to read "with instructions to report immediately whether upon the *prima facie* case presented by said *certificate* Mr. Manning or Mr. Chalmers is entitled to the seat." May I ask, in language such, perhaps, as might be used by the honorable gentleman from Colorado [Mr. BELFORD], why in the name of Heaven these papers should have been referred to the committee at all if it had not been intended at the time of the reference that the committee should inspect "the papers" and determine from them the question of the *prima facie* right? Was the House engaged in a mere matter of mummery? Were they mocking this committee? Did they intend the committee to go through with the examination of these papers and then come in and say in their report that they had examined the papers as they understood the resolution said in plain terms they should examine them, for the purpose of determining the question involved, but the House had done wrong in making the reference, and by reason of that error on the part of the House they would report upon the certificate itself?

Why did the House see proper to make this reference? One reason was that it was alleged there had been a mistake made in this case by the officer of the State of Mississippi upon whom the duty devolved of making out this return, of issuing this certificate. Another mistake was alleged to have occurred in the county of Tate, where James R. Chalmers had been returned as having received 1,472 votes, and in the making out of what was then called a tally-paper the amanuensis or scrivener who made it out by mistake wrote the name of *Chambliss* instead of Chalmers, and the secretary of state in certifying the return to the governor had acted on that so-called tally-paper and certified that *Chambliss* instead of *Chalmers* had received those votes. Now, one of the papers referred to this committee is the return of the election

commissioners of the county of Tate. They certify in unqualified and unmistakable terms that J. R. Chalmers received 1,472 votes in that county, adding to the certificate "as appears by the tally-paper" on the opposite side of the sheet. I will not occupy the time of the House in reading from the code of Mississippi. The section of the code defining the duties of the election commissioners prescribes that they shall certify the vote cast by the various counties at the general election. The board of commissioners so certified. The statute does not require any tally-sheet to accompany the returns. In four out of the nine counties composing the district there was no such thing as any paper purporting to be a tally-sheet accompanying the returns.

I give the names of the counties in order that there may be no misapprehension about the matter. In the counties of De Soto, Tallahatchee, Panola, and Union there was a simple certificate, such substantially as was signed by the commissioners of election of the county of Tate. The secretary of state followed in the other cases the body of the certificate, but in the case of the county of Tate he accepted what appeared on the face of what I think, with all respect and without going out of the record, I may denominate a mere thumb-paper, which had no existence under the statute of Mississippi, and incorporated in the certificate to the governor of the State what appeared on the face of that paper. And among the papers referred to us is the affidavit of the amanuensis or scrivener who made out those figures purporting to constitute a tally-paper. He swears, and his affidavit is uncontradicted—and in this respect I beg leave to differ with my distinguished friend, the chairman of the committee, who drew the report, when he says that that affidavit is not entitled to the utmost credence as an authentic document; it is here on the file, referred to the Committee on Elections, never contradicted and no motion made to strike it out—that gentleman solemnly swears that he does not believe he wrote the name of *Chambliss* in that thumb-paper, and if he did it was a clerical error. And subsequently to that time the same board of commissioners certified in an amended return that the vote of that county was cast for *Chalmers*, and not for *Chambliss*. Now, sir, I hold, and I think any gentleman who will take the pains to inquire into the authorities on this subject will agree with me, that this is regarded as a mere mistake of the scrivener, and that any officer charged with the performance of any duty in connection with an election may, after performing the function incumbent on him, correct an error of that kind.

But if they have once determined a question upon which they have discretion to act, having acted, they can not rescind that act and certify a second time to a different conclusion. In other words, that their discretion having been once exercised is exhausted. But the error, if indeed there were one which was material, which I deny, was merely clerical and subject to correction. This board of election commissioners did correct the informal paper and recertify; and the reformed certificate is one of the papers also referred to the committee, and one which I think they have properly considered in determining this matter.

Now, sir, can it be possible that in the case of a board of election commissioners making up their certificate of election, if their scrivener shall insert a name by mistake, no one connected with the high duty of making that certificate has the power to correct a manifest error? And after it is sent to the officer whose duty it is to consummate the transaction by issuing the final certificate, and such officer is constrained or misled into the issuance of the final certificate—as I grant must have been the case with Governor Lowry—and such final certificate is presented, even if it was presented here by the beneficiary, can it be that it cannot be called in question, but that the person whose name appears in the body of it must necessarily occupy a seat here until such period of time elapses as the Committee on Elections and the House itself can go through the masses of testimony and voluminous proofs accompanying a contested case on the merits?

Why, sir, our distinguished friend from New York [Mr. DORSHEIMER], I think it was, referred to one Rutherford B. Hayes in the course of his remarks on yesterday. Suppose now for a moment we transplant from the shades of Louisiana to the vales of Mississippi the celebrated returning board of the memorable year 1876—*redivivus* J. Madison Wells. There is, we will suppose, another Congressional election. Of the candidates in this district for Congress one happens to be Rutherford B. Hughes; and J. Madison Wells is the supervisor of elections, authorized to make up the returns. Suppose further that he has, as he would probably have, an accommodating amanuensis, and whispers in his ear for convenient purposes, "*Let your pen slip.*" The young man takes the hint and writes the name Rutherford B. Hayes instead of Rutherford B. Hughes. Suppose that gentleman should then come here on that certificate, and claim, with characteristic effrontery, the right to occupy a seat which but for that chirographical slip would be shown to belong to another man, and should claim the right to draw the salary belonging to that other man. Would the members of the majority of this House take the certificate thus presented to them and accept it as valid and binding, and say that they cannot go behind it and inquire whether that certificate had not issued wrongfully and proceed to rectify the mistake? Why, sir, I understand that so far as the majority of this House is concerned this question is already *res adjudicata*. It is settled law. I understand that the great party in this country that supported and elected Tilden and Hendricks in 1876 is irrevocably committed to the doctrine that returns which are based on fraud or mistake are worthless and entitled to no consideration.

Indeed, it is a well-recognized principle of law that mistake or error, mutual mistake in the case of contracting parties, mistake on the part of a public functionary who is directed to perform an *ex parte* duty, voids the whole transaction and may be relieved against. And it was decided by the supreme court of Florida in a case before them in reference to the contested election of a seat in the electoral college that they had the power to compel the canvassing board to correct their returns, whether they were arrived at through mistake or fraud. Of the many cases on this point, this I am sure is on this side of the House best known and most revered.

Why, sir, in this very case this question too is *stare decisis*. The courts of Mississippi have had this question under adjudication, and so far as the principle involved is concerned it remains as the solemn decision of the circuit court of the county in which this controversy originated that the certificate was improperly made up by the secretary of state as to the return showing that James R. Chambliss received 1,472 votes in the county of Tate. This question having come up in the court, and the question of fact being tried by a jury, the decree of the circuit court was to the effect that a mandamus should be issued compelling the secretary to make a return of Tate County as being cast for James R. Chalmers instead of Chambliss. The case went on appeal to the supreme court. I have here by accident a report, not official but authentic, as I understand it, of the decision of the supreme court of Mississippi. There has been some controversy here in reference to the result of the adjudication. The supreme court in reviewing the decision of the court below virtually affirmed it while formally reversing it; and why? Simply for the reason that to undertake to enforce the decree rendered by the circuit court would be vain by reason of the fact that the discretionary duty had been already performed by the secretary of state and that the certificate had been issued by the governor, the court recognizing at the same time, however, the jurisdiction of the court below over the question involved and omitting altogether any criticism upon the conclusion to which the court below had arrived. The court above quotes largely from authorities. One of them is the Florida case in regard to the electoral vote. They then say:

> In this case, the secretary of state having declared Manning to be duly elected, and the governor having commissioned him upon such declaration, we adopt the language of the supreme court of Missouri in the similar case of Bland against Rodman, 43 Mo., 256, and say: "The case has passed beyond any control of this court, and the only redress the relator has, if he considers himself aggrieved, is by a legal contest made in pursuance of law." In that case the writ was denied because the secretary of state had certified to the governor the result of the election, and the governor, acting on that, had commissioned another than the relator.
>
> If we were to require the secretary of state to make another declaration of the result of the election, it would be nugatory; it would not constitute the required credentials. If we were to command the secretary to issue a certificate of any sort to the petitioner, we would require what no law requires of him in reference to the election. If we assume that the governor would deem it his duty to regard a new declaration of the result of the election, enforced from the secretary of state by the court, nothing still would be effected, because the governor has no power to recall or vacate the commission heretofore issued.

And citing the authorities which hold that the circuit court had jurisdiction to consider these questions, although appertaining to the election of a Representative in Congress, they conclude that the decision below should be reversed simply for the reason that it would be an idle and vain thing to affirm a decree which could not be enforced by reason of the power of the authorities having been exhausted in the making of the previous certification and the issuance of the certificate by the governor.

It is said here, however, that the question is anomalous in its character; that while there is no court in all this land, no court in Christendom, in which mistakes as well as frauds can not be relieved against, when it comes up to this high court of chancery, having under the Constitution complete control "of the elections, returns" (as contradistinguished from elections), "and qualifications of its members," it is not in the power of this House to look beyond the parchment that is brought here, and look behind it for the purpose of determining the *prima facie* right. Why, sir, suppose we were in any court of justice having complete and absolute jurisdiction as we have of the question presented, whether it be a court of common law, with chancery powers, a court exclusively of equity, or a court organized under any of the codes, and the holder of any document, deed, mortgage, bond, promissory note, or what you will should come and say to the court in his pleadings, "There was a mistake in the execution of this instrument; it was intended to be executed to another; the owner of this property, or the man on whom it was incumbent to make the deed, mortgage, bond, or note, intended it for another, but my name was inserted by mistake; and I ask you to render judgment in my favor, notwithstanding that fact." Would not that case be parallel to this? And what court would hesitate to refuse to affirm the right claimed by any such party under any such circumstances?

I ask the distinguished gentleman from New York [Mr. DORSHEIMER] who assumed to deal so summarily with this report, and who is familiar with the practice in his State by which, in the administration of law, judgment of nonsuit is rendered—I ask him what tribunal there is within the confines of the Empire State in which if a litigant

were to come and present such a record he would not be driven unceremoniously out of court by a judgment of nonsuit?

But, sir, in addition to this point of manifest mistake and error, there is proof *aliunde*. There is the proof by parol, and not parol merely, because it has become a solemn matter of record.

Now it is said, I think not quite ingenuously, by the honorable gentleman from Missouri [Mr. CLARDY] that the contestee has said nothing that should conclude him; it was said before him by the gentleman from Pennsylvania, my colleague on this committee [Mr. ELLIOTT], who represents in his own person the entire Commonwealth of the Keystone State—I think it was substantially affirmed by the gentleman from New York [Mr. DORSHEIMER] who spoke on that side, and I know it was affirmed by my highly respected colleague from Indiana [Mr. COBB]—that this committee and this House had no right to take into consideration any statement by Colonel Manning in reference to the circumstances under which he came into possession of this certificate.

It is said that the district has rights, and that he can not make admissions that will be binding upon the district to its prejudice. Sec. 359, McC. on El. is citited as affirming this.

Sir, assuming that it would be to the prejudice of the district, can this be so? Is it possible that these three hundred and twenty or more Representatives, many of them experienced debaters, statesmen, and civists, are but mere automatons, or that they each come up empowered to represent a constituency and bind that constituency in all other respects, but that they can not by any act or word or deed, however solemn, affect their rights so far as the isolated question of representation on this floor is concerned? What then shall become of the solemn provisions of the law whereby it is provided that persons engaged in controversies about seats on the floor of this House shall make up certain issues? When they come to have these issues made up are they of no avail? I would like some of our friends who are so constituted that they have the happy faculty of determining seemingly by intuition some of these grave legal questions to explain to me how it is that for all other purposes the Representative can bind his constituency, but that, notwithstanding the provisions of the statute, when he comes to make up the issues in the case as the statute provides, and by reference to which the parties shall be guided in taking testimony, he can not bind his constituency by impairing his own right to sit here. Suppose this were the doctrine of McCrary and that it had been supported by one of the divisions of this House? Could they override the plain provision of the contested-election law? Section 121 of that act provides that:

> The testimony to be taken by either party to the contest shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer.

But such is not the doctrine of McCrary or the view enunciated by the House.

I believe it was the remark of a distinguished judge resident in Tennessee that he never was very much of a legal student; that, although he had some little credit for a knowledge of the law to which he thought he was entitled, he had not got it by hard labor, but that as a practitioner he had always taken occasion when an authority was cited to look a little way in advance of the clause that was read or a little way behind it, and he generally found authority to suit his purpose. And it seems that, notwithstanding such was the spontaneous way in which he acquired his knowledge of the law, General Jackson nevertheless recognized his merits as a distinguished lawyer to such an extent as to place him on the bench of the United States Supreme Court.

Now, if my friends had looked a little further into their authorities, I think they would have found that the citation they were making was not applicable to this case. Without detaining the House by referring to it again, I will simply say that it appears from the section itself, which is cited from McCrary, that the principle enunciated by the House in the cases relied on was that where a contestee failed to make answer to the notice of contest the House would not by reason of that fact turn the sitting member out of the seat; the House would not pronounce judgment by default.

I think I might appeal to even less learned gentlemen of the legal profession than my friends who have entered upon the discussion of this question with so much alacrity; I think I might appeal to them to say whether or not it is not the practice of the courts in some similar cases of non-appearance merely, to require proof unless there is something on the record tending to show a *prima facie* right to recover. I do not know how it is everywhere else. Among the people which I have the happiness to represent, however, it does not require even a tyro in the law to understand that in the absence of such apparent right, as, for instance, if a man comes into court and merely asserts that his neighbor owes him on an account, and there is a default on the part of the defendant, the plaintiff is not entitled by reason of that default to recover, but must prove up his account. But if he has a promissory note, a bond, or some legal instrument upon which he is suing, or an account verified by oath, the rule would be different So in the practice of the common law. You get your judgment of default; but if you seek to recover non-liquidated damages you have your writ of assessment and make proof. Instead of being divergent very similar is the course pursued here.

A contestant comes in here and files notice of contest. The contestee takes no notice of it, sometimes possibly by reason of sickness, sometimes perhaps by reason of overconfidence in his case. After a time the contestee becomes aware of the fact that it is necessary for him to pay some attention to the contest, and he asks to have his rights recognized in that regard, or his friends ask it for him. In such case as that the utmost extent to which the House went was to say that they would not turn a member of this House out of his seat by reason of the fact that the contestee had not answered as to the merits of the case.

But in view of the provisions of sections 2 and 3 of the statute in reference to contested elections, which sections require the parties contesting in this House to make up the issues and to take testimony in reference to them, is it not a work of supererogation on my part to propound the inquiry here, Can it be possible, if there is, either in the notice or answer, solemn admissions of fact that those facts are not beyond controversy and taken out of the arena of proof so as to entitle this House to consider them as being established in the case?

The SPEAKER. The time of the gentleman has expired.

Mr. HOLMAN. Would my colleague [Mr. LOWRY] like more time?

Mr. LOWRY. I would like to have a little more time, say the same which I have yielded to others.

Mr. HOLMAN. I move that the time of my colleague be extended.

Mr. LOWRY. I ask a very few minutes.

The SPEAKER. How long?

Mr. LOWRY. Seven minutes will do, the same amount of time which I yielded to my friend from Pennsylvania [Mr. RANDALL].

The SPEAKER. Consent is asked that the gentleman from Indiana [Mr. LOWRY] be allowed to proceed for seven minutes longer. Is there objection? [After a pause.] The Chair hears no objection, and the gentleman will proceed for seven minutes.

Mr. LOWRY. As a strictly legal proposition I assume, first, that questions which are settled by pleadings, and I think it will not be disputed that in this case the notice of contest and the answer constitute the pleadings as pertaining to contested-election cases, when there is presented upon the face of the papers certain facts affirmed on the one side and admitted on the other, those facts are put beyond the domain of controversy, and it would be idleness and folly for the contestant or contestee to proceed to take testimony upon the questions so put beyond dispute.

It will be seen that according to the maxim in which it glories, the rule of the law is here consistent with the reason and the spirit of the thing. It will be seen, I think, that the parliamentary law of this country is in harmony with the general law of the land, and with the law of all the States of the Union on this point; that when the issue is made up in reference to which the parties are at variance, then the proofs are taken on that question, and proofs not addressed to it are outside of it and *dehors* the record.

What is the character of this issue? What reference to and bearing upon it has the answer of General Manning and the papers in this case? Are not the pleadings in the case part of the papers? Was not this answer of General Manning referred to us by the language of the resolution, and were we not required to look at that answer, and if it appeared upon the papers, including the answer, that this question was put beyond controversy, that there was no *prima facie* case, or, on looking at those papers, no right to a seat apparent on their face, was it not the duty of the Committee on Elections so to report?

But there is another point of view in which this matter is to be considered, and it is this: What equity lawyer on this floor will deny that if there is a statement made in an answer in chancery it may be put in evidence even by the adversary, although it may not have been, as in this case, put in by agreement at the instance of the party himself making the answer? Is there a gentleman in the hearing of my voice who will dispute that as an established proposition? This answer was before the Committee on Elections; how does it come there? It is put there not merely on the demand for profert of the record in the case as to the merits; it is put there voluntarily by the contestee himself; and by the terms of this resolution we are asked to determine where the *prima facie* right is according to the admission in that answer, for it is a part of the papers.

Sir, that answer has been read repeatedly by other gentlemen, and I will not occupy time by repeating the whole of it; but what is the phraseology of that portion of it applicable here. It is:

> I admit that the inspectors and clerks of the several election precincts did certify to the county commissioners of election in their respective counties that you received a majority of the votes cast; and I further admit that the 1,472 votes which the commissioners of Tate County returned as cast for J. R. Chambless were in fact cast for you, and that the name Chambless was inserted in the return by clerical error instead of your name. And in this connection I state that because of said error to your prejudice I will not take a seat in said Congress, or ask the Clerk to enroll my name as a member thereof, until I have vindicated, and the House shall have affirmed, my right thereto.

That was the principle upon which the contestee acted in the first instance. All honor to him for it; all honor to him as a former Representative from the great State of Mississippi. Sir, I regret that he has come down from that high estate. What is the position that he now occupies? When that certificate was first placed in his possession he said to himself, What have I here? A certificate issued upon the assumption that James R. Chambless had 1,472 votes in Tate County instead

of James R. Chalmers. That certificate would constitute my death-warrant. It is an unclean thing, whose touch is pollution, and whose companionship is political death.

Yet, sir, we find the contestee coming here now and asking us to take up this condemned thing, to roll it as a sweet morsel under our tongues, as I have no doubt our friends on the other side would be glad to have us do, to make up the record in that misshapen way and then take it home to our districts and call upon the one hundred and ninety-eight Democratic constituencies represented on this floor to commend and approve of it as a thing of good report and altogether lovely. Sir, others may take such course as they will; but acting, as I understand myself to do, in harmony not only with a large majority of the committee but with the predominant sentiment of this side of the House, I trust that on this question the voice of the majority here will be of no uncertain sound, and will be not only in harmony with the principles proclaimed by us elsewhere, but will be such as to meet the approval of the great Democratic party of this country, now assured in case of the predominance of prudent counsels and fearless and patriotic action of another victory equaling, if not surpassing, in its magnitude that of 1876, but differing therefrom in that the country must and shall be permitted to realize and enjoy its fruits.

Pensions to Soldiers and Sailors of the Mexican War.

SPEECH

OF

HON. ANDREW J. CALDWELL,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 8, 1884,

On the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war.

Mr. CALDWELL said:

Mr. SPEAKER: The policy of pensioning soldiers is the practice of the civilized world. Great Britain, France, Germany, Austria, and the United States have for years pursued the policy of rewarding the services of their soldiers in war by providing to some extent at least for their comfort in after life. In 1878 Great Britain paid about 3½ per cent. of the total annual expenditure of the government for military pensions. In France about the same percentage of the total annual expenditure of the government is thus bestowed. Germany gives 4.1 per cent. of her total annual expenditure to her pensioners, while Austria gives only 1.1 per cent. The United States paid in 1878 11¼ per cent. of her entire expenditure for the benefit of her veterans of all wars.

In Great Britain and the European nations most of the fund goes to officers of high rank, pensions for wounds being limited to officers, while the common soldier is taken care of in different institutions and hospitals, or paid a small stipend graded just above starvation point, for the recipient. For instance, the invalid outpensioners of England receive from one and a half pence per day for the negro and sepoy troops of the East Indian army to three shillings and ten pence a day for more favored pensioners. In exact proportion as the citizen is esteemed by his government, in exact proportion to that government being for his benefit is his patriotism, devotion, and fealty in peace or in war. The policy of the monarchies of the world has been and is to require heavy and oppressive military service, to pay poor wages, and when the war-worn veteran is no longer able for duty, to decorate him, give him a cross of honor and a cold potato and let him go. The United States, as became a great republic, has not pursued that policy. The military duty required of the American citizen is the minimum of that of all the nations of the world. Having no large standing army, she relies upon her citizen-soldiery at her need to fight her battles for her. In her history that reliance has never been in vain; but when she needed soldiers they came to her call like Clan Alpine to her chief that day when mountain-side and valley waved with tartans and flashed with claymores.

Hidden away in the peaceful pursuits of life, they appear not to exist till full-armed and mighty they shake the earth with martial tread. They fight for the Government because they love her and are satisfied she will honor their valor and take care of them in age and decrepitude.

This Republic is not ungrateful, the proverb to the contrary notwithstanding. In her own good time she has sought out and aided every deserving soldier of the Revolution and the war of 1812. Her hand has been opened in bounty to her veterans of the war for the Union. Between the years 1868 and 1878 Congress voted sums varying from twenty-eight to thirty-four millions of dollars per annum to our pensioners of all wars, and between 1878 and 1883 the sums rose from thirty-five to sixty-six millions. Shall it be said we can not afford it? Nay, rather let it be said that we can not afford to neglect our soldiers. It is the people's money, paid for the nation's safety and honor. And he who has risked life and limb under the flag has a right to expect to be protected from ultimate penury and destitution. That is all a pension is, except that it has not attached to it the idea of a charity; but it is the nation's honorable bounty to the valor and devotion of her citizens. So far from being a shame to receive it, it is an honor to a man and his posterity; and this characteristic is its chief merit.

The name of an ancestor on the pension-roll of this great Republic is more to be cherished than a patent of nobility. It is not a badge of beggary. If it were, no American soldier would be willing to wear it. It is the jewel of a nation's honor and gratitude that would glitter even amid the rags of an outcast like the star of an unforfeited nobility. That people that honors its own brave honors and perpetuates itself. Our late civil war, which made a continent a battlefield, has dwarfed by its tremendous strategy and terrible conflicts all preceding history. But we should not forget the services of the gallant band who bore our eagles to unbroken victory under the Tropic of Cancer and added to the Republic the Lone Star State and the immense empire that stretches its leagues over prairie and sierra and gold-grained river to the coast line of the Pacific. The veterans of Mexico enabled the young Hercules, who in 1776 could scarcely strangle the serpents around his cradle, to bestride the continent like a colossus.

The heraldic blazons of the arms of great States through which the sun lights this Hall are the witnesses of the valor and conduct of the battle-scarred men who emancipated them from sloth and savagery, and gave them to liberty and progress. Texas, California, Utah, Nevada, Colorado, Arizona are the captives these legions brought to Rome. In these ranks were 930 men from Massachusetts, 1,690 from New York, 420 from New Jersey, 2,117 from Pennsylvania, 1,274 from Maryland and the District of Columbia, 1,182 from Virginia, 805 from North Carolina, 1,120 from South Carolina, 1,987 from Georgia, 2,981 from Alabama, 7,392 from Texas, 2,235 from Mississippi, 7,341 from Louisiana, 5,392 from Tennessee, 4,694 from Kentucky, 5,334 from Ohio, 1,037 from Michigan, 4,329 from Indiana, 5,791 from Illinois, 146 from Wisconsin, 229 from Iowa, 6,441 from Missouri, 1,372 from Arkansas, 289 from Florida, 541 from California, 578 from Salt Lake City—a total of 67,339 volunteers, who, with regulars, marines, and sailors, made in all, in round numbers, 100,000 men, of whom there survive, it is thought, from 11,000 to 13,000 men. Coming from every part of the Union, their claim to pension can not certainly excite prejudice in any generous heart.

The confines of sectional animosity between the North and South being long since passed, shall it not again be written, the Parthian drinks of Arar and the German of the Tigris? It would sound like a twice-told tale to recount the story of their services. Under circumstances that put to the test all soldierly qualities, these men deserved well of their country. From Palo Alto to Buena Vista; from Vera Cruz to the city of Mexico; whether fighting in plain or plaza; through chaparral or the walls of Monterey; facing guerrillas or the vomito, their patience, fortitude, courage, and discipline did honor to the American arms. As the host went down the Cordilleras on their march upon the capital the mists of the mountain wrapped them round like winding-sheets. Each snow-crowned peak lifted its white summit like a marble cenotaph for the devoted band, while in the torrid sky above them the Mexic eagle soared with the serpent in its talons and screamed defiance and ill-omen. They lost no fight. Under that sky of brass they made no retrogrades. Right onward was the march, till they poured like a stream of fire over the causeways that ran with Castilian blood upon the *triste noche* of Cortes, and burst through the Gate of Innocence into the city. The great bell tolled out from the cathedral tower as when, three hundred years before, the teocallis of Montezuma wailed its despairing music over the conquest of Mexico. Perhaps 33,000 of this army, and certainly 25,000, gave up their lives.

Thirteen thousand soldiers and widows remain to receive recognition at the hands of their country. The million and a quarter of dollars necessary to pension them will grow less and less as death each year carries them off. But it is said that pensions for service can not be given. Since 1818 that has not been an open question in this country. By the act of that year Congress pensioned the survivors of the Revolution then alive, and widows, for service rendered. This principle has received recognition by the act of 1871, which swelled our pension-list to its present dimensions, if, indeed, that needed any recognition which had been the settled policy of every party and every warrior and statesman who ever had control of the councils of this Government. But it is said you must draw the line somewhere. You must not pension the Indian fighter. The Government has never recognized them. Yes, but the Government *has* recognized their services by granting them land-warrants. And where is the distinction in principle? A man is to be pensioned for fighting British and Hessians and Mexicans and rebels, but he must not be pensioned for fighting Indians. I regret that the bill reported by the chairman of the committee [Mr. HEWITT, of Alabama] has been pushed aside by the bill now under consideration. But this bill, as a matter of sound policy, as a matter of historic justice, should pass, and this great Government acquit itself of the debt of gratitude it owes to the veterans of Mexico.

Fitz-John Porter.

SPEECH

OF

HON. BARCLAY HENLEY,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 1, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter—

Mr. HENLEY said:

Mr. CHAIRMAN: Owing to the elaboration and exhaustiveness with which this subject has heretofore been treated, I shall endeavor to present my views with great brevity. The point has been made by the opponents of this measure that the finding of the court-martial against General Porter was and is conclusive, and should be accepted as *res judicata*. There is force in this plea, unless since the adjournment of the court the innocence of General Porter has been made to appear; and that phase of the case gentlemen upon the other side seem to have completely lost sight of. Let us suppose, for example, that since the verdict of that court new evidence has been discovered from which it appears that the defendant was wholly and absolutely guiltless of any misconduct, and that, so far from deserving the obloquy which has attached to him ever since the judgment of that military court, he should have been the recipient of the emoluments of office and the gratitude of his countrymen. I want to ask my friends on the other side whether, if such is the case, they would still maintain that the verdict of that court should stand and that no reparation was due to General Porter. Not a man upon the other side will rise in his place and say so.

If General Porter is innocent, and that fact is sustained by proof, then reparation to him is due, and the propriety of this measure can not in any such case be questioned. If he is guilty, then this measure should not prevail; hence it will be seen that this discussion should simply be confined to the question of his guilt or innocence, and that all reference to the alleged finality of the judgment of the court-martial and the doctrine of *res judicata* must necessarily be the idlest irrelevance. I say again, if it is made to appear here that General Porter was innocent of the misconduct of which he was found guilty by the court-martial, then I presume that no one will have the hardihood to say that some reparation is not due him, and that, too, with as little delay as possible.

Some gentlemen on this floor have lashed themselves into a glow of indignation because it has been intimated that they ought to accept the judgment of others upon this matter. I am quite frank to say that I have not that intellectual grasp of all things upon earth that enables me to decide all questions without availing myself of the riper experience and more extended observation of others. If we can not in our legislative capacity rely upon the opinions and good judgment of others and upon the reports of committees, &c., if we were driven to the necessity of examining personally into the facts in support of or against every legislative measure, then it is plain to be seen that very little would be accomplished by any Congress. I presume that no member understands by personal examination or personal knowledge the facts in support of one bill in ten that receives his vote. Hence it is that in reference to matters which come before this body we must of necessity depend upon the probity, knowledge, and good judgment of our committees and our fellow-members. The majority report of the committee to whom this bill was referred is signed by eleven members out of thirteen. *Prima facie* that establishes the rightfulness and justness of the measure. But the views of a majority of the committee are assailed upon this floor and wide discussion has been opened up, extending back to the origin of the court-martial; and therefore, for the sake of argument, setting the report of the committee to one side, I shall consider the other matters that have been alluded to in the discussion upon this bill.

But I may at the outset be permitted to say that I think the remark of the gentleman from New York [General SLOCUM] was so obviously plain that it goes almost without saying that as to certain phases of this matter the civilians on this floor will much more likely arrive at a correct conclusion if they submit to the judgment of military experts than if they rely upon their own untrained minds.

I am glad to announce to the House that in following the guidance of my colleague [General ROSECRANS] in his opinion as to what General Porter should have done upon a given emergency I am simply taking the shortest cut to a correct conclusion. If, upon these particular matters, I can not trust Generals ROSECRANS and SLOCUM, then who can I trust?

If it were a question of law, I should probably expect them to submit to my dictation; but being a question of war, what am I to do? To this there can be but one answer. That is, that those two gentlemen, both members of the committee, first, are men of high character, and second, that their training and experience in life qualifies them in the highest degree to pass upon the military aspects of this case. The man who doubts this as to my colleague, if there be one on this floor, let him read of the battle of Rich Mountain, of the scarlet glories of Iuka, and of the imperishable renown that attaches to the name and fame of the victor of Corinth. Sir, the forked tongue of jealousy and detraction have hissed through serpentine lips at the name of Rosecrans; he, too, has felt the weight of official disfavor, but as decades shall roll on brighter and purer shall grow his fame as patriot and warrior, while his traducers shall go down to ignoble oblivion. Sherman was condemned by the same influences as a lunatic; and I might go on at any length, but the task of exhuming the putrid and forgotten animosities engendered by the heat of a bitter contest is an ungracious one, and I forbear. I conclude this digression by saying that it is no humiliating abdication of my intellectual functions as a representative of the people when in a case like this I follow the judgment of men like these.

I shall endeavor to be absolutely and perfectly candid, as I intend to vote according to my conscientious convictions. I admit that the verdict of the court-martial is entitled to very serious and grave consideration, because it was a court organized under the usage and laws of military warfare, composed presumptively of honorable men, whose sole object was the impartial consideration of the matters submitted to them. But, sir, under what circumstances, when and where did that court sit? It sat in this city and at a time when if you turned your gaze heavenward nor sky nor sun could be seen through the dark and lurid smoke of battle, at a time when from end to end this continent rang with the detonation and crash of war; at a time when through all ranks and ages of society, from lisping child to hoary grandsire, the people were wild, mad, delirious with the excitement of that mighty contest—an excitement that left no department of human life unvisited, that was felt in the marts of commerce, in the field of agriculture, on sea and on land, which penetrated to the forum and was even felt within the hallowed precincts of the pulpit; an excitement as all-pervading as the ambient air. Amid this seething chaos of heat and passion this court-martial convened, and under such circumstances found its verdict of guilty. As I have said, it was convened here in the city of Washington, the capital of the nation, where every one, where everything sentient and animate, was dominated by the spirit of war.

I ask gentlemen upon the other side whether such a state of affairs could be conducive to that patient, dispassionate, painstaking examination of a case without which justice may be defeated? On the contrary, is it not plain to the comprehension of every man upon this floor that the intensity of feeling that then existed, the solicitude, deep and heartfelt, for the fate of the Union, the asperities and animosities that were aroused throughout the land, made it well-nigh a sheer impossibility that the facts of the case could be considered as they should have been considered? And then it will be remembered that the dominating spirit of that day, the Secretary of War, sent that communication to the court-martial urging dispatch—a communication which under the circumstances was such that it can hardly be fitly characterized in this place

Remember that dream of a soldier's life, promotion, depended upon the favor of the Secretary of War. He sent that court-martial a communication urging dispatch. And the same day upon its receipt, and without hearing another word of testimony, the court adjourned, failing to heed the demands or entreaties of General Porter to send for or produce his witnesses. The secrecy of the deliberations of that court-martial has never revealed how the nine men composing it voted upon the final question of guilt or innocence. But the world does know that one of them stepped down from the bench of the judge and took the witness-stand, thus casting upon himself the delicate duty of passing upon the weight and credibility of his own evidence.

And the world also knows that soon, very soon, after the adjournment of this court many of its members received their promotion.

I need not pause here to refer to facts that crowd the pages of all antecedent history, nor to turn the leaves of books upon moral philosophy, written by the great masters of thought, all of which go to show that in times of intense popular excitement the mere accusation of a crime amounts to conviction. The tumultuous and lawless history of our frontier country, even of my own State, California, afford many examples of it. Near my own locality I know many years since a brutal and mysterious murder was committed; as to who committed it was and has been ever since a mystery; but upon a mere accusation, soon after the discovery of the murder, and when the minds of men were mad with excitement and frantic with rage, a crowd came near hanging a man whose innocence was subsequently thoroughly demonstrated. These facts are trite. No one can deny them. Now, then, so much for the verdict of that court-martial. Year after year passed away; one decade is gone, another one nearly so. A President of the United States, animated as I dare assume by proper motives, creates a board of inquiry to review the facts in connection with the prior conviction of Fitz-John Porter. Why was that board created?

It has been said on this floor that were Garfield alive he would antagonize this bill. Let us see. On the 18th day of January, 1875, he himself moved in this House the appointment of a board of officers to re-

view the findings of the court-martial by introducing the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the President of the United States to convene a board of officers of high rank in the Army, unconnected with the armies or transactions in question, to examine the evidence alleged to have been discovered by and to be in the possession of Fitz-John Porter, unattainable at the time of this trial, and report what, if any, bearing such evidence, if substantiated, would have in the findings and sentence of court-martial in his case.

And then wrote a letter to General Porter upon the matter, of which the following is a copy:

WASHINGTON, D. C., *February* 19, 1875.

DEAR SIR: Your two letters came duly to hand, together with the pamphlet. I owe you an apology for not answering you sooner.

I introduced the bill to which you refer, not because I was conscious of any intentional wrong done you by the court, for I have never concurred in the severe reflections which have from time to time appeared in the public press on the motives and conduct of that court, but I am willing that any new evidence you may have shall be presented to the Government in an official form, and reported to the President by a board of officers who were in no way connected with the trial or with the operations of the army to which the trial related.

I have spoken to several members of the Committee on Military Affairs, and understand them to be willing to report the bill to the House. They have not yet had an opportunity to do so, but I hope they will before the session closes.

I shall consider your pamphlet as confidential, unless you otherwise direct me.

Very respectfully, your obedient servant,

J. A. GARFIELD.

General FITZ-JOHN PORTER,
Morristown, N. J.

To those gentlemen who talk about the judgment of the first court being *res judicata* and the creation of the board of inquiry being without authority of law I cite the fact that General Garfield at all events had a different opinion, and wanted this second investigation to be made, and surely did not consider that its finding would be void or amenable to the animadversion that is launched at it on this floor.

That board consisted of three officers of the United States Army, each and every one distinguished for his military eminence, and selected presumptively because of his supposed capabilities to discharge the duty devolving upon him. The red specter of war, the distracting tumult and the wild swirl of civil strife, are not present to disturb that investigation. The blue sky is no longer obscured by the smoke of battle. The hearts and minds of those men are no longer racked by solicitude for the perpetuity of this Union. The Union's integrity for the time has been established and is no longer a matter of concern or doubt. There is nothing to disturb the mental or moral equipoise of that court. There was no Secretary of War, fierce, vengeful, and malignant, demanding hasty and precipitate conviction. Politics were never obtruded into the counsels of that court. It sat for six months, patiently, fairly, calmly, sifting, analyzing, weighing, and considering testimony and law. This court, mark it, had not only all of the testimony that was before the court-martial, but in addition to that it had testimony that was inaccessible to that court; testimony of the most important and material character; that is, testimony relating to the whereabouts upon a particular time of the respective armies, Union and confederate. The court makes a finding which is a complete exoneration and vindication of General Porter. But in addition to that another actor now steps upon the scene.

A man of majestic stature in the military annals of American history, the most successful general of modern times, and a man upon whose brow the universal acclaim of Christendom has placed the chaplet of chiefest of victors in the late civil war; victorious in war, for eight years President of this Republic, still a Republican in politics, he tells us in an elaborate published article, on his honor as a man and on his reputation as a soldier, that Fitz-John Porter is an innocent man!

A gentleman upon the other side has marshaled before the House the opinion of the Comte de Paris, who is eulogized as a dispassionate foreign military critic, and who it was claimed had pronounced in favor of the guilt of General Porter. But the research of the gentleman from New Jersey [Mr. PHELPS] has furnished the country with the fact that upon the newly-discovered evidence which was brought to the attention of this critic he also changed his opinion, and in a later edition of his work vindicated Porter by a full retraction of his former opinion; that while for many years he was in error in respect to certain of the facts upon which General Porter was convicted, a subsequent review of the testimony and of the additional evidence adduced before the court of inquiry had completely revolutionized his judgment. If it were not for wearying the House I might cite the names of many other distinguished men whose opinions coincide with that of General Grant, but time presses. It is impossible, amid the duties of this session, for each individual to examine all of the testimony in this case. In order to make up our minds and to determine as to the propriety of this measure, we must avail ourselves of the opinions of others. I am asked to say that the finding of the court-martial should be entitled to greater weight than that of the military commission. I can not do it; I can not do it for many reasons. I can not do it because I am bound to say that I distrust the entire sincerity of the professions of faith made by gentlemen upon the other side. Is there anything to impeach the finding of the Schofield board of inquiry? Listening to the observations of some of my friends upon the other side, it seems that there is. Now, I am not a military man, as are some gentlemen on the other side. They may know more than I do about General Schofield. They apparently appreciate the force of the finding of the Schofield board, but seek to impeach or break it by saying and charging that General Schofield, when he rendered that finding upon the Fitz-John Porter case, was a candidate at the hands of the Democratic party for the Presidential nomination; that while he (Schofield) summoned witnesses and heard testimony and sat weeks and months and listened to the arguments of counsel, administered oaths and went through the entire investigation, he was governed by his political aspirations rather than by the testimony in the case, and rendered his verdict with an eye single to facilitating his Presidential aspirations!

Now, I have never seen General Schofield. But he may merit these imputations, though I hardly think so, because I have read something of the history of this land. I have read something of the "battles, sieges, and conquests" by which the perpetuity of this Union was established; I have heard orator, poet, preacher, layman, and historian, and I tell gentlemen upon the other side that the united voice of our people bears testimony in reference to General Schofield which, if true, entitles him to the deathless gratitude of every lover of the American Union; and without pretending to the intimate knowledge with reference to him claimed on the other side, I express it as my belief, founded upon universal public assumption, that no more gallant or accomplished soldier ever drew blade, and that before he would have penned the judgment of exoneration of General Porter actuated by the motives imputed to him here he would have plucked his right arm from its socket.

The opponents of this measure have asserted with "dammable iteration" that Reverdy Johnson, General Porter's counsel before the court-martial, had admitted that his client had had a fair and impartial trial; but the gentleman from New Jersey [Mr. PHELPS] exhibits a letter on this floor from this lawyer denouncing this statement as absolutely false. How, then, stands the case? We are asked to reject this bill with the following facts staring us in the face, namely: Against the bill we have the report of two members of the military committee out of thirteen, and the judgment of the court-martial; and that is about all.

THOSE FAVORING THE BILL.

In favor of the bill and for many years heartily indorsing its justice we have a long list of eminent statesmen, civilians, military chieftains, jurists, and public men.

Take a glance at a few of them. I cull some of their names from the elaborate and classic speech of the gentleman from New Jersey [Mr. PHELPS]. But let me present in recapitulation and in logical order the points impelling us to a support of this measure.

First. The majority report of the Committee on Military Affairs.

Second. The order of the President of the United States ordering the creation of a board to investigate and report upon the case.

Third. The report of that board after a patient hearing of many months, completely vindicating General Porter; and in this connection should be considered the commanding abilities and high character of Generals Schofield, Terry, and Getty, constituting the board.

Fourth. The opinion of General Grant.

Fifth. The opinion of Benjamin R. Curtis, a Republican, and for many years on the Supreme Bench of the United States, who said:

I think General Porter was improperly convicted on the evidence before the court which tried him, and he is at liberty to use this opinion when and where he chooses.

The opinion of a lawyer of loftiest eminence, Daniel Lord, another Republican. Said he:

At the time of General Porter's trial I read the proceedings with astonishment at the testimony received and acted on, and am convinced that the trial was substantially conducted on an order to convict.

Of the same tenor are the following opinions of Sydney Bartlett, J. G. Abbott, and Judge Shipman, all jurists of great distinction.

Said Bartlett:

You are entitled to my judgment in the matter, which is that the evidence fails to support the charges against you, and that acquittal instead of conviction should have been the result.

Said Abbott:

The finding of the court seems to me so unwarranted by the whole evidence that I should be glad to think it was the judgment of a tribunal utterly illegal and not recognized by the laws of the land.

Said Judge Shipman:

With all deference to the members of the court, I thought then, and still think, their conclusions unwarranted by the evidence.

Charles O'Conor, recognized wherever the English tongue is spoken as the head of the American bar, and whose repute as a jurist is coextensive with the limits of Christendom, says:

I am convinced that a new trial ought to be had in the case of Fitz-John Porter. There is no adequate evidence of the misconduct alleged, and the record leaves it very doubtful whether any opinion was ever formed against him which can justly be regarded officially authoritative.

Said Governor Newell, of New Jersey, a Republican:

I had several conversations with President Lincoln. The President was much interested, and said cheerfully that he would gladly grant a reopening if any new evidence exculpatory of General Porter could be adduced. He said that he had no prejudice, but had been obliged to form his opinion from Judge Holt's examination, as in his multitude of cares he had not been able to make a personal investigation.

These are the unbought, unpartisan opinions of America's most distinguished and patriotic citizens, and when to them we add the names of Generals ROSECRANS and SLOCUM, upon what ground can we base our objection to this bill? The human understanding shrinks from the fruitless endeavor to cope with the swarm of reasons that multiply as we proceed in the investigation. Who is Fitz-John Porter? Bred to the profession of arms at our National Academy, early in life he gained imperishable renown upon the fields of Mexico; up to the hour of his accusation he wore unstained the "white flower of a blameless life;" up to that time were an example wanted of intrepid demeanor in the face of the enemy, of tireless vigilance, of soldierly accomplishment, and an absolute insensibility to fear—were such a man wanted, I say the Army without dissent would have pointed to General Porter. And with all this I am told he exemplified in his social life the poet's words—

The bravest are the tenderest,
The loving are the daring.

To conclude, then, Representatives, give him back that blade that in an hour of frenzy and partisan madness you wrenched from his grasp; its brightness has been dimmed by no dishonor. For many a weary year this gallant soldier has waited for this act of tardy and imperfect justice. For many a year has he been a "fixed figure for the hand of scorn to point its slow, unmoving finger." Oftentimes has hope died out in his heart to return again with a reviving sense of earthly justice. Join us, then, in this benign act of reparation; forget your prejudices; be just; do right. For over twenty years has he been an outlaw from his profession, his hopes desolated and his character defamed. Lift him up, then, to the sunlight again, and by your decree obliterate every mark and stain that haste and passion and partisanship and malignity have placed upon him, and he need ask no more.

Does Prohibition Prohibit?

SPEECH

OF

HON. PETER V. DEUSTER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. DEUSTER said:

Mr. CHAIRMAN: I have listened with a great deal of interest to the adverse and favorable arguments on this bill. From my standpoint it does not involve the temperance question, but simply the question whether justice shall be done to a great industrial interest; an interest whose legitimacy is recognized by the laws of the land; an interest that has paid more toward the support of the Government than any other in the vast category of enterprises of the New World. I take it, sir, that we have only to deal with questions as we find them, without drawing in side-issues distinct from and entirely foreign to the subject under consideration. If there is a moral phase of the pending question, it attaches to the organic law under which high wines are recognized as property and taxed, rather than to the present stage, where simply justice is demanded for taxable property. Still, gentlemen have spoken upon this floor of what they are pleased to term the moral phases of the bill, thus dragging in an issue which should have remained wholly foreign to its discussion. In spite of these reprehensible tactics, I am, however, not afraid to meet this question now or, moreover, at any time when it is presented in proper form and can be legitimately discussed. If this bill is to be defeated as a means of advancing the cause of teetotalism, misnamed temperance, equal and exact justice would seem to demand that it be reclothed in the verbiage of a law far-reaching enough to wipe out all intoxicants, whether they appear in the form of high wines or beer. I contend, sir, that drunkenness and disorder result in a greater degree from the social proscription of liquors and continual agitation on the part of fanatics than from any other cause. It is the old story of Eden repeating itself; the tree in the center of the garden was a temptation because it was forbidden, and the same may be said of whisky and other intoxicants. The intemperate use of intoxicants is confined almost exclusively to those reared amid customs which proscribe the social glass and which leave it to inherent human viciousness, allied to independence of all restraint, to break down the barriers and turn the social glass into a lawless and protracted debauch. A remedy of such an evil surely does not lie in a refusal to pass the bonded warehouse bill. Teach manhood self-respect, not by curbing and treating it as a thing unable to take care of itself, but by allowing it the largest and broadest degree of personal liberty, and a long step will be taken in the direction of reform.

A FORCED ISSUE.

Several gentlemen on the other side of the House, I regret to say, have obtained a pretext through the pending bill for the delivery of temperance orations; and as their argumentation challenges contradiction, I consider it my duty, although reluctantly, to reply thereto on this occasion, not as the champion of intemperance, but as the advocate of a personal liberty which makes manhood not only responsible but respectable, rather than the cringing slave of arbitrary law.

THE USE OF STRONG DRINKS NOT UNLAWFUL.

As regards the manufacture, sale, and use of alcoholic or intoxicating beverages known under the common designation of liquors, I confess that I have been unable to find any law, either in ethics, or among the statutory enactments of this or any other civilized country, that forbids the drinking of liquor. And this is the most unanswerable argument that I can advance to my prohibition friends in support of the assertion that there is no wrong *per se* in drinking. The practice has been sanctioned by all the nations of the earth since the dawn of time, and nowhere can any evidence be discovered of its discontinuance by virtue of legislative prohibition. I claim, therefore, and the irrefutable logic of facts sustains me, that it is a right within the sacred province of human liberty that can not be abrogated or interfered with without invading and endangering the safeguards of personal freedom. If you seriously assert the counter-theory you arrogate to yourselves an assumption of authority that is inconsistent with the eternal principles of justice, and which, if allowed to prevail, would enable you with equal propriety to prescribe and control my diet, my dress, my mode of living, my religious faith, and to violate every right with which the law of nature has endowed me. If we even listen to this remarkable proposition, can the human vision see or the prophetic mind foretell the end? The very principle of rational self-government is threatened with annihilation. The right that is dearest and most sacred to all, the right to regulate our private affairs and to pursue our own happiness under the guidance of our own judgment and by the use of our own property, is denied.

THE DUTY OF GOVERNMENT.

Government is the creature of the people and is established for the prime purpose of securing to its citizens the full enjoyment of all the rights and privileges which naturally belong to man, and it should always be its first supreme effort to guarantee by its legislative enactments the greatest liberty in the pursuit of happiness consistent with the rights of others and with justice.

A law curtailing the personal liberty of a citizen is unjust and tyrannical and will operate against the best interests and the welfare of society. Edmund Burke says: "Bad laws are the worst sort of tyranny." In a country like ours they are of all bad things the worst. A law ill advised and badly executed is worse than the vices and injuries it would restrain.

THE EVIL OF INTEMPERANCE.

The great argument used by the prohibition advocates in their crusade against the use of liquor is that it brings ruin and degradation to the body and character of the drunkard and desolation and woe to his hearthstone. Their theme is a pathetic theme. The field of oratory presents no better opportunity for the graphic portrayal of misery. But it is a misery which is in no manner amenable to a legislative cure, however it may appeal to the heart of the legislator, and from this unhappy picture of despair we must simply draw the lesson and profit of adversity. No cloud but hath its silver lining. If there is drunkenness there is also sobriety, and where you find misery and ruin you will also find happiness and prosperity. If you find abuse, look and you will see use. There it is in a nutshell—the use and abuse. And let me say right here to the advocates of prohibition that it is beyond all earthly province to control a single human passion. That power rests alone in the Supreme Ruler. It is, therefore, rank folly, in my estimation, to legislate against the continuation of drunkenness. Does any one candidly believe that by a stroke of the pen we can repress the desire to drink even cold tea? Prohibitory legislation can not prohibit, and never will.

DRUNKENNESS AS A CAUSE OF CRIME.

Very frequently it is urged in behalf of prohibition that liquor excites the passions and, like a spark dropped into a keg of powder, causes an explosion of anger that is often attended with tragic and fatal results. I admit this. But no less is it true that where one murder is the consequence of drunkenness, statistics will point to ten murders committed in cold blood by assassins whose feelings were not inflamed by drink. Such a proposition is untenable, and no argument can be drawn from it to justify sumptuary legislation. The whole hue and outcry against the use of liquor is indeed extremely offensive and insulting to the intelligence of our people. Their appetites can not certainly have become so universally depraved that it is necessary to legally regulate them; we can not have lost so much of our manhood that we are no longer able to maintain our private lives with sobriety and self-respect.

MODERN LUNACIES.

The same false and morbid sentimentality which ostracizes spirituous

beverages of all kinds has, besides, culminated at different times in this country, especially in New England, in a ludicrous opposition to the most popular forms of social amusement. The theater has been made an object of proscription upon the puerile ground of immorality; card-playing has been inveighed against and interdicted, and other lunacies have been allowed to sway more or less a diseased public opinion. The time is indeed not yet distant when the spirit of the blue laws reveled in a new revival, and sometimes it would even now seem as if it were still rampant among us. But notwithstanding its occasional manifestation, it is safe to say that its strength is broken; the genius of civilization advances with such progressive strides that blue laws and sumptuary laws must soon entirely pass into the traditions of the past—grim relics of Puritanical bigotry and fanaticism. We are gradually emerging from the era of a false severity and asceticism in morals and we begin now to incline rather to the broadest ideas of personal liberty consistent with the decalogue. Public opinion indorses in fact in the most unequivocal manner the doctrine of the fullest enjoyment by the individual of all the rights and privileges known to man.

THE TRICKERY OF PROHIBITIONISTS.

The public good demands protection to the citizen in all his rights, and any curtailment or abridgment of them can be only justified when the public safety is threatened. But the public good and the good of society are catch-words that are very frequently misused; and it is a striking instance of this abuse that prohibitionists invite us now to destroy coolly and ruthlessly an industry that furnishes vitality to the people, that represents an enormous investment of capital, that has its ramifications through every town and hamlet in this country, that defrays two-fifths of the expenses of this Government, and that is in itself entirely proper and right. Under the plea of protection to society they say, "Close the saloons and groggeries and we won't have any more drunkenness."

PROHIBITION IN ITS RELATION TO THE CRAVING FOR LIQUOR.

But drunkenness, Mr. Chairman, does not come from the groggeries. It exists in the depraved appetite. You may drive the liquor trade under cover, but it will still flourish, because you can not banish the inordinate craving for liquor from the human heart. As well attempt to pass a law enforcing chastity among mankind. The one would be about as successful as the other. We ought to reconcile ourselves to the fact that this frailty does exist. It can not be eradicated by any process which the ingenuity of human wisdom can devise, if this process be not confined to the application of moral suasion, and viewed from this standpoint, prohibition can not too strongly be condemned. However leniently we may look upon it, it must ever appear to us as the queerest invention of modern legislation. It is a contrivance that does not assume to regulate or control the liquor traffic. It reaches further than that. It goes away down into the heart of man, lays hold of his wayward passions, and attempts to destroy all traces of wickedness and frailty. It aims to act as a tonic. Yet I am inclined to be skeptical. I am rather of the belief that prohibition, if it were to prevail, would result in evasion—in the evasion of the very ends for which it would be instituted.

THE PRACTICAL SIDE OF THE LIQUOR QUESTION.

Thus far I have shown that justice does not demand a prohibitory law for the suppression of the vice of drunkenness, in contravention of the fundamental principle which guarantees to each individual the inalienable right of personal liberty in the pursuit of happiness. Now, however, I will endeavor to show that it is to the interest of the General Government as well as of the governments of the States to uphold and protect this right.

It is needless to remark that the Government of our Republic can only be maintained by large expenditures for which the necessary money must be contributed by the people, either through direct taxation or through other sources, as the wisdom of the law-making power may direct; but at present these expenditures are mainly covered by the income which the General Government derives from duties on imports of foreign merchandise and from internal contributions which are known as revenue taxes.

The annual report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1883, puts the amount of internal revenue taxes so far as they are derived from liquors as follows:

On spirits distilled from fruit	$1,127,950 25
On spirits distilled from grain and other materials	67,957,906 48
Rectifiers' special tax	180,800 12
Retail liquor-dealers' special tax	4,624,587 77
Wholesale liquor-dealers' special tax	455,915 51
Manufacturers of stills, special tax	1,160 43
Stills or worms manufactured, special tax	4,020 00
Stamps for distilled spirits intended for export	7,434 00
Total	74,368,775 20

And the beer tax during the same fiscal year is thus given:

On ale, beer, lager beer, and porter	$16,426,050 11
Brewers' special tax	184,885 49
Special tax of dealers in malt liquors	289,680 20
Total	16,900,615 81

Altogether the General Government derived between the 1st of July, 1882, and the 30th of June, 1883, the subjoined sums as taxes from liquors of all kinds:

From distilled liquors		$74,368,775 20
From fermented malt		16,900,615 81
From vinous liquors		216,559 00
Duties paid on imported liquors:		
On beer, ale, and porter	$511,382 75	
On champagne and other sparkling wines, in bottles	2,219,372 31	
On still wines, in casks or bottles, and on vermouth	3,148,078 22	
Total on spirits and imitations of brandy	3,350,898 96	
Total on spirits and wines and beer, ale, and porter		9,253,340 71
Total of additional and discriminating duty on said imports		12,053 42
Sum total received by the General Government on duties paid for imported, and revenue taxes paid on distilled spirits and fermented malt and vinous liquors		100,751,344 14

FIGURES THE BEST REFUTATION OF PROHIBITION.

The expenses of the General Government in all its branches, civil and military, for the last fiscal year amounted to $265,408,137, and more than two-fifths of this large sum were raised from the manufacture and sale of alcoholic liquors. In view of this fact we may well doubt whether a statesman of average ability and intelligence will ever be found who would dare to advise the prohibition of an industry so fertile of revenue as this liquor industry. By what means would he supply the loss of income which the Government would have to bear if the excise laws became superfluous? All civilized nations draw large revenues from their excise laws. But of us it is asked that we satisfy a morbid moral sentiment, entertained by a fluctuating and comparatively small fraction of our people, by the passing of laws which would deprive the Government of its main source of income--of those immense sums which are now paid into the Treasury of the nation by the producers and sellers of spirituous beverages, but which would fail to come in if we destroyed and banished our liquor industry.

CONFISCATION THE END OF PROHIBITION.

It can not be questioned that with the Government rests imperatively the duty of giving protection to property and a fostering care to all the lawful occupations of its citizens. For this reason mainly the Constitution of the United States forbids the taking away of the property of any person, except in case of necessity and for the public good, and in such a case it ordains that the full value be paid for the same. But as regards alcoholic, malt, and vinous liquors, it is undeniable that they are property in the legal sense of the word, and as such they ought therefore to be entitled to a considerate treatment. Liquor is property—an article of merchandise. To forbid its sale can not but be equivalent to its confiscation; and at this the advocates of prohibition are certainly aiming. Their motive is solely destruction without compensation "Thou shalt not steal," we read in the Decalogue. But to injure the neighbor's property, to make it useless to him, is as sinful as theft. And equal in heinousness to theft would be the injury which it is contemplated by a band of fanatics to inflict upon our distillers and liquor-dealers through a wholesale proscription of one of the staple articles of merchandise. Is there really no wrong in despoiling thousands upon thousands of good and industrious citizens not only of their property, but of the very occupation by which they acquire not only subsistence for their families but wealth for the nation? Is the Constitution of the United States a dead letter and indeed powerless to protect the owners of distilled and fermented liquors and wines in the free use and disposal of these articles of merchandise, on which they pay such heavy taxes not only to the national, but also to State and municipal governments?

MAGNITUDE OF THE LIQUOR INDUSTRY.

But, Mr. Chairman, let me now show the vast amount of property which would be made valueless by prohibitory laws, and also the magnitude of the industry which would thereby be affected, or rather destroyed. I again quote from the report of the Commissioner of Internal Revenue and subjoin the following statement of the quantities in taxable gallons of each kind of spirits passing through the distillery warehouses during the fiscal year ending June 30, 1883:

	Gallons.
Bourbon whisky	8,662,245
Rye whisky	4,784,654
Alcohol	10,718,706
Rum	1,801,960
Gin	545,708
High wines	8,701,951
Pure, neutral, or cologne spirits	28,295,253
Miscellaneous	10,502,771
Production of fruit brandy	1,253,278

The sum total of this table puts the entire production of distilled spirits for the last fiscal year at 75,266,586 gallons. On the 1st of last October there was, however, a still larger quantity of distilled spirits in the United States, as is shown by the following figures, which, by the way, do not yet include the fraction of spirits which was locked up at that time in the customs bonded warehouses:

	Gallons.
In distillery and special bonded warehouses	73,847,103
In hands of wholesale liquor-dealers	13,921,482
In hands of retail liquor-dealers	28,180,650
Total	115,949,235

Here we have property in the distillery warehouses amounting to

73,847,103 gallons from which the General Government may derive an income of $66,462,392.70. The real value of this property I am not prepared to state, but taking a low figure at $2 per gallon, it will reach $147,694,206. Add to this the value of the 42,102,132 gallons in the hands of wholesale and retail liquor-dealers at the same figure, and we have an additional sum of $84,204,264, or a total value of $231,898,470.

The report of the Commissioner of Internal Revenue also gives the following figures relative to the extent of this industry and its daily operations during the last fiscal year: Distilleries, with a daily spirit capacity not exceeding 30 gallons, registered 673, operated 616; with a daily grain capacity not exceeding 5 bushels, registered 575, operated 439; with a daily grain capacity exceeding 5 and not exceeding 10 bushels, registered 178, operated 136; with a daily grain capacity exceeding 10 and not exceeding 20 bushels, registered 136, operated 123; with a daily grain capacity exceeding 20 bushels and not exceeding 60 bushels, registered 163, operated 135; with a daily grain capacity exceeding 60 bushels and not exceeding 100 bushels, registered 42, operated 29; with a daily grain capacity exceeding 100 bushels and not exceeding 500 bushels, registered 139, operated 101; and with a daily grain capacity exceeding 500 bushels, registered 100, operated 91. Here we have 1,660 distilleries in operation whose daily use of grain averages 42,132 bushels.

The materials used for the production of distilled spirits were:

Malt, bushels	1,478,971
Wheat, bushels	291,368
Barley, bushels	73,380
Rye, bushels	2,987,473
Corn, bushels	13,428,469
Oats, bushels	122,583
Mill-feed	240,340
Molasses, gallons	2,373,106
Other materials, bushels	22,203
Total number of grain, &c., bushels	18,644,787

The same report gives, besides, the number of cattle and hogs fed at registered grain distilleries in the United States in 1883 as follows:

Number of cattle	63,272
Number of hogs	53,396
Average increase in weight of cattle, pounds	217
Total increase in weight of cattle, pounds	13,779,266
Average increase in weight of hogs, pounds	108
Total increase in weight of hogs, pounds	5,818,759
Total number of cattle and hogs fed	116,668
Average increase in weight, pounds	167
Total increase in weight, pounds	19,598,025

All these figures give a fair exhibit of the extent and magnitude of the distilling business and of the amount of property involved in its maintenance. But this point is perhaps yet made clearer by the following table:

Amount of revenue taxes from spirits in 1883	$74,368,775 20
Capital invested in distillery buildings, machineries, &c	24,247,595 00
Value of spirits lying in distilleries and special bonded warehouses	147,694,206 00
Value of spirits in the hands of retail and wholesale dealers	84,204,264 00
Total value, excepting revenue tax	256,226,065 00

Increase in weight of cattle and hogs fed in grain distilleries in 1883, 19,598,025 pounds.

BEER AS AN AMERICAN BEVERAGE.

But let us now consider the value of the production of beer and vinous liquors. As regards beer, it is of very great antiquity as a beverage, but in modern times its manufacture has assumed such a magnitude that probably no other industry employs so large an amount of capital. The use of beer in this country was common among the first settlers. William Penn established the first brewery in Pennsylvania and furnished beer to the German immigrants who settled in Germantown. And before him even the Plymouth Pilgrims established a brewery in Massachusetts. They must indeed have been quite fond of beer, as we find in Mourt's Journal of the Plantation, published in 1632, that shortly before the landing of the Mayflower a consultation was held on board, and that one of the principal reasons for landing as soon as possible was that the stock of beer was nearly exhausted. But for that the Pilgrims would have sailed farther south, as Massachusetts was not their original destination. From the above work (edition by H. M. Dexter, page 39) this passage is of high interest:

> We had some Beere, Butter, Flesh and other such victuals left, which would quickly be gone, and then we should have nothing to comfort us in the great labour and toyle we were like to undergo at the first. Munday the 25, being Christmass day, we began to drinke water aboard (the Mayflower) but at night the Master caused us to have some Beere, and so on board we had divers times now and then some Beere, but on shore non at all (because the stock was getting low).

By the last United States census we are informed that the number of establishments engaged in 1880 in the manufacture of fermented malt liquors was 2,191, while their invested capital amounted to $91,208,224. The cost of materials used by them was, according to the same source, $56,836,500, and the value of their product amounted to $101,058,385, while the wages paid to their employés amounted to $12,198,053. For the year 1882 the report of the Commissioner of Internal Revenue puts the number of breweries at 2,371, which indicates an increase of 180 breweries since the year of the census.

The census also shows the number of persons employed to be—male, above 15 years, 26,001; female, above 15 years, 29, and children and youth 190. The report of the Commissioner of Internal Revenue for 1883 puts, besides, the number of retail dealers in malt liquors at 8,006, and the number of wholesale dealers at 2,186. The whole number of persons employed in the brewing business it puts at 36,412. It also puts the product of this industry for the year 1883 at 17,757,892 barrels, or 552,375,654 gallons, representing a market value of $124,305,244, exclusive of the revenue tax, which at $1 per barrel amounts to $17,757,892.

VALUE OF A BREWERY.

As a complement to these statistics, it may perhaps also be of interest to show the capital invested in a single brewery and the sums of money necessarily used in one year for its operation, and I subjoin therefore the following figures, which were furnished to me by a friend for whose character for truth I can vouch. They are these:

Capital invested in real estate, brewery, buildings, ice-cellars, &c	$100,000
Capital invested for machinery used in its operation	60,000
Capital invested for vats, barrels, &c., used in its operation	20,000
Capital invested in horses, harnesses, wagons, &c., used in its operation	10,000
Yearly expenses for fuel, wood, coal, &c., used in its operation	5,000
Yearly expenses for repairings	3,000
Yearly expenses for feed of horses and shoeing of same	3,000
Total	201,000
Malt used in 1883, 70,000 bushels; cost of malt	80,000
Hops used in 1883, 38,000 pounds; cost of hops	35,000
Capacity of the brewery, or its yearly product, 32,000 barrels.	
Value of said product	224,000
Taxes paid thereon	32,000

EXTENT OF OUR BEER CONSUMPTION.

From the Brewers' Journal it appears that in the last year the sale of beer in six of our States alone amounted to 12,528,297 barrels, of which there were produced in the State of New York 5,843,254 barrels; in the State of Pennsylvania, 1,706,946 barrels; in the State of Ohio, 1,585,852 barrels; in the State of Wisconsin, 1,298,183 barrels; in the State of Illinois, 1,071,403 barrels; and in the State of Missouri, 1,022,659 barrels. In 1882 the sale of beer amounted altogether to 16,952,085 barrels, at a value of $122,616,680.

PRODUCTION OF VINOUS LIQUORS.

As regards, further, the manufacture of vinous liquors, we learn from the census of 1880 that in that year they were produced, in one hundred and seventeen establishments, to a value of $2,169,173, and at an expense of $1,557,188, of which the sum of $216,559 was paid out in salaries. The capital necessary for the buildings and machinery used in their production amounted to $2,581,910. This industry is yet in its childhood and is destined to become a factor in the wealth of the nation. If no hostile legislation breaks it down it will expand and develop itself into a great source of wealth to our wine-growers, who raised, by the way, in the last year 17,487,000 gallons of grape juice, at a market value of not less than $17,000,000.

THE CALAMITOUS EFFECTS OF PROHIBITION.

The persons, Mr. Chairman, who are directly employed in the manufacture and sale of alcoholic liquors are, however, by no means alone interested in the prohibition issue. That issue extends further; it affects the whole nation. Destroy by the operation of a prohibitory law the great wealth involved in the liquor, beer, and wine industries; make useless the enormous capital invested in the buildings, machineries, and utensils necessary for the operation and maintenance of distilleries, breweries, and wine-cellars, and see then how this will affect the other industries of the nation. Drive from our market articles of merchandise of a value of hundreds of millions of dollars, and make these articles valueless to their rightful owners, without giving them any other return for the property thus made valueless, and see whether such action will not depress the money market and depreciate all other values of the nation. It would be an undertaking pregnant with ruin. Many industries would suffer and be crippled by it. The farmer who cultivates the soil would be injured in the home market relative to his surplus of cereals. Corn and barley would be reduced in price perhaps one-third of their present value, because the brewer, the maltster, the distiller would not be found as purchasers, and the enormous quantities which are now used and bought by them would hardly be taken and paid for by those who clamor for prohibitory laws. The planting of hops would have to be abandoned, and also the cultivation of the grapevine, which promises such a rich and paying yield. The great outlay which the farmer has hitherto made in procuring posts for his hop-fields and for his vineyards would be wholly lost to him, for he would find no purchasers for the products which once constituted the main part of his income.

But not the farmer alone, numerous other occupations would also be crippled. The cooper would find his toil a dreary one, because his best customers, the distiller and the brewer, would have no more work for him. The blacksmith, the harness-maker, the carriage-maker, would no longer have any big bills to present to the brewer, and they would feel sorry over the loss of their best customer. The coal merchant could no longer send his cart to the brewery or to the distillery, and he would look in vain for the ready cash which was once there for him in abundance. The blower of glass bottles would receive no new orders; bottles would become superfluous articles. The foundry-men would lose their best customers for numerous and costly machines.

The railroad, steamboat, and canal-boat companies as common carriers would find their income greatly reduced on account of the loss of extensive freights. Even the dealer in groceries, the baker, the butcher, and other trades would have cause to regret the breaking-up of the brewery and the impoverishment of its owner, who would no longer be able to give employment to a large force of employés and workmen upon whom these smaller trades depend in part for their subsistence.

TEMPERANCE PETITIONS IRRATIONAL AND BASED ON FANATICISM.

If all these facts were well understood and conscientiously considered, could a just and fair-minded man sign a petition to Congress for the enactment of prohibitory liquor laws? And yet the fact exists that numerous petitions from all parts of the country for the suppression of the manufacture and sale of intoxicating liquors in the Territories of the United States and in the District of Columbia have been sent to former Congresses and also to this Congress with thousands of signatures. The Ladies' Christian Temperance Union, if I am correctly informed, has taken it upon itself to procure signatures to these petitions, and there is no doubt that further petitions will receive thousands upon thousands of names. But do numbers add to the merits of a petition? Suppose that the Communists should send petitions to Congress praying for a law that no person should be allowed to possess any property, but that all property should be condemned and held by the Government in common for all its citizens—would not such petitions be disregarded and thrown aside? If, for instance, all the poor people in the country could be induced, through the aid of well-disciplined organizations, to sign such petitions, so that the petitioners would number several hundred thousan ds or even a million, would that number change the real merits of the case, or would it induce one member of Congress to pay the least regard to their prayer? The merits of the request contained in a petition, its justice, and not the number or social position of the signers ought to be considered by Congress.

AUDACITY OF OUR TEMPERANCE FANATICS.

The honorable Senator BLAIR, from New Hampshire, presented, if I mistake not, on January 31, ultimo, a petition of 3,741 inhabitants of the District of Columbia asking for the passage of a law prohibiting the manufacture and sale of all alcoholic beverages within this District; also three other petitions signed by inhabitants of the Territory of Washington and one from Dakota and the Territory of Idaho respectively, asking for the same law. In vain I search for a substantial reason that could prompt non-residents of this District to concern themselves in so lively a manner with its affairs. In vain I ask for a substantial motive for such unwarranted interference, and I fail, indeed, wholly to perceive the particular advantage which any inhabitants of those remote Territories could derive from the destruction or maintenance within the limits of the District of Columbia of the manufacture or sale of malt or spirituous liquors. I can not ascribe this interference to any other agency than that of the fanatic crusade which misguided enthusiasts in the cause of temperance have organized over the whole United States so as to overwhelm this Congress with petitions of this sort and make it appear that the American people desired the destruction of one of the main industries of the country. How many of the signers of such petitions have likely themselves at least for the term of one year abstained from the use of alcoholic liquors? If every individual signer of them were indeed obliged to make affidavit that he had not taken or used any spirituous liquors within a year anterior to the signing of his name, how small a number of signatures would these petitions not contain!

THE WORKING OF PROHIBITION IN KANSAS.

Besides the petitions in question, the honorable Senator from New Hampshire [Mr. BLAIR] laid, however, further before the Senate a statement from James A. Troutman in illustration of the efficiency of the prohibitory liquor law of Kansas, and he took care to say that it had materially decreased the number of saloons; that under it an unusually large percentage of prosecutions had ended with convictions, and that the principle of prohibition had grown stronger in the State of Kansas.

But as regards the first point, we are unfortunately not told how many side-places, club-rooms, or other contrivances for the clandestine sale of liquor have sprung into existence in that State since the inauguration of the prohibitory liquor legislation. In refutation of this point I need merely direct the attention of Congress to the experience of the State of Maine.

The second point mentioned by the honorable Senator [Mr. BLAIR] only shows the futility of each and every measure which makes men transgressors of the law for following their own inclination in the choice of their food and drink. Such laws are not and will not be recognized as binding. They are evaded and broken whenever an opportunity is offered.

As to the third point, the overwhelming defeat of St. John, the late Republican and temperance candidate for the governorship of Kansas, gives, it would seem, a quite curious illustration of the spread of the prohibitory sentiment. Another illustration of this spread is perhaps also presented by the fact that a prominent brewer in Milwaukee stated to a friend of mine, who passed through Milwaukee and inspected there one of the largest breweries in this country, that the sale of Milwaukee beer in Kansas had experienced a large increase during the last two years.

ANTIQUITY AND GENERAL USE OF SPIRITUOUS BEVERAGES.

The source of the evil of intemperance lies not in the saloons nor in the breweries and distilleries, and with a prohibition of the sale of liquors the evil is not banished or done away with. It rather takes root in the inclination and appetite of man, in the frailty of human nature. Man craves for a change in his food and drink, and from the earliest time history informs us indeed that water and milk were not the only fluids used for drink. After the flood Noah planted the grapevine and made wine from its fruit. The old Egyptians and the Romans knew the art of brewing beer and they used fermented malt liquors, besides wine, for drink. In modern times coffee, tea, and chocolate, and divers other articles are used in the preparation of drinks, and in modern times also the art of distilling liquors from cereals, potatoes, &c., came into general use, and the product generated by distillation became an article of merchandise and came into great demand among all civilized nations. Thus liquors are now generally used as beverages all over the civilized world.

DRUNKENNESS NOT CURABLE BY HUMAN LAW.

Human nature is the same now as it has been in former times, and the desire for a beverage stronger than water exists to-day as strong as ever. The moderate use of strong drink, as experience teaches us, is not hurtful to a healthy man; it is alone the abuse of intoxicating beverages which makes drunkards and constitutes the source of so much crime and misery among us. Nobody can detest the vice of drunkenness more than I do. But what unfailing remedy can we apply to remove or at least to lessen it? To entirely banish this vice from human society is a task which will prove impossible, because we can not change by law human nature. Society must bear with the drunkard the best way it may, because morality can not be established by legal enactments. To lessen in a great way the extent and frequency of drunkenness can only be the work of wise and strict license laws.

THE TRUE CAUSE OF CRIME.

The assertion that liquor begets crime is one of the sophistries of temperance orators. The greatest and most crafty criminals keep aloof from the use of liquor. They fear that it may dull their intellect and thus become an obstacle in the successful execution of their criminal enterprises. That many crimes are committed by men under the influence of liquor nobody will deny; neither, however, can it be denied that numerous crimes are committed by men who would never taste liquor. Liquor alone is not the cause of crime; the evil, unbalanced passions for gain, for revenge, for lust, for hatred, are rather the inward springs for the commission of crime, and drunkenness furnishes sometimes merely the opportunity which sets the spring in operation.

A DEMAND FOR WISDOM AND MODERATION.

Excessive drinking is an insanity of the appetite. But to treat the appetite of all individuals as if they were insane brings on the same confusion that we should have if we took our mode of living from the life of the insane. We should then make ourselves crazy without aiding the few insane who require a special treatment. On the same principle we ought to deal with this vice of drunkenness. Persons who from an inherent abnormal desire, or from indolence, or poverty, or want of occupation, from inability to bear the constant toil of hard work, or on account of disease or a weak and sickly constitution, or by excessive indulgence in other passions, become addicted to drink and by and by fall an easy prey to the vice of drunkenness, should not be the cause or furnish the pretext for laws which deprive the people of their personal liberty, destroy the value of property, and drive to poverty thousands of hard-working men by the destruction and prohibition of their lawful occupation.

ILLICIT DISTILLATION THREATENED.

Alcohol and distilled spirituous liquors are too great a factor in our national life to be entirely banished or dispensed with. They are used all over the country for scientific, medicinal, and commercial purposes, and if it were possible to exclude them to a considerable degree from the reach of the people, numerous illicit distilleries would be established in places difficult of access and carefully hidden. The opportunity of obtaining liquor clandestinely would be as ample as it is now. The use and abuse of liquor would by no means assume smaller proportions, and the main object of prohibition would be badly frustrated. Drunkenness would hold its victims with firmer clutches than ever, because men fond of liquor would buy it cheaper and in larger quantities; and you could not regulate the sale of liquor as you can now by wise and well-enforced license laws.

Illicit distillation, if once generally established and tolerated among us, would give rise to perjury, murder, and all sorts of crimes; a general demoralization and disregard of law would indeed follow in its wake. Were prohibition the law of the land there can be no question but that illicit distilleries would spring up like mushrooms in our rural districts, and as they would furnish an inferior whisky they could not but exercise the most deleterious influence upon our rural population. The farmers would distill whisky from their superfluous corn crop,

regardless of spies and the dread of the law; they would clandestinely sell it or exchange it, and they would thrive on the ruin of the once legitimate but now outlawed distillers. Nothing less than an interdiction of the planting and raising of corn could indeed stop the spread of illicit distillation were it once started by prohibitory legislation. Nothing less than an interdiction of the planting of corn, barley, hops, and the grapevine can in reality ever put a stop to drunkenness.

LEGAL REGULATION AS AGAINST PROHIBITION.

Mr. Chairman, it is impossible for me to comprehend how intelligent men can advocate the prohibition of the manufacture and sale of spirituous and fermented liquors and wines for no other than the avowed end of suppressing thereby the vice of drunkenness when they should know that they aim at an object which must forever lie beyond the reach of the legislative power. Can they not see that their advocacy of prohibition must ultimately result in the aggravation of the very evil which they think it incumbent upon themselves to eradicate? And do they not understand that their demand for the suppression of the liquor traffic involves an immense confiscation and destruction of property of various forms and the enforced idleness of thousands of skilled and unskilled workmen? A contemplation of a few of the more pernicious effects of prohibitory enactments might perhaps cause them to hesitate, and if they would once hesitate and study the liquor question with an unprejudiced mind they could not fail to advocate the legal regulation of the traffic in liquors rather than its legal prohibition.

THE RANK OF SPIRITUOUS BEVERAGES IN OUR FOREIGN COMMERCE.

In my remarks I have as yet not alluded to the high importance which the export of distilled and fermented liquors has attained in our foreign commerce, and that I may rectify this omission, I subjoin herewith the following figures relative to the quantity and value of our domestic exports of distilled, spirituous, and fermented malt liquors and wines during the fiscal years of 1880, 1881, 1882, and 1883.

Liquors and wines.	Quantity.	Value.
BEER, ALE, AND PORTER.		
1880:		
In bottles—dozen (quarts or equivalent)	146,739	$262,450
In casks—gallons	111,308	36,368
Total		298,818
1881:		
In bottles—dozen (quarts or equivalent)	164,276	292,421
In casks—gallons	201,376	55,367
Total		347,788
1882:		
In bottles—dozen (quarts or equivalent)	176,426	328,405
In casks—gallons	141,978	55,791
Total		384,196
1883:		
In bottles—dozen (quarts or equivalent)	220,792	409,348
In casks—gallons	215,938	81,094
Total		490,442
DISTILLED SPIRITS AND WINES.		
1880:		
From grain, gallons	10,112,598	2,568,685
From molasses, gallons	1,285,268	397,247
From other materials, gallons	20,640	43,613
Total		3,009,545
Wine, gallons	154,887	123,317
1881:		
From grain, gallons	13,920,984	2,878,388
From molasses, gallons	839,599	296,448
From other materials, gallons	59,160	73,095
Total		3,274,931
Wine, gallons	68,181	69,915
1882:		
From grain, gallons	8,374,990	1,727,526
From molasses, gallons	563,911	191,871
From other materials, gallons	51,345	69,641
Total		1,989,038
Wine, gallons	65,140	67,909
1883:		
From grain, gallons	3,925,586	1,620,912
From molasses, gallons	578,786	250,361
From other materials, gallons	133,463	111,610
Total		1,982,883
Wine, gallons	80,972	77,280

STATISTICAL MEMORANDA OF THE BREWING INTERESTS IN THE CITY OF MILWAUKEE.

In addition, and in the form of an appendix, I deem it also appropriate to insert here the following statistical statement relative to the magnitude of the brewing interest of but one city, the city of Milwaukee, and of one of the principal brewing establishments of that city:

THE PHILIP BEST BREWING COMPANY.

Capital invested		$3,387,825 00
Number of employés		643
Wages paid per year		$385,523 22
Number of horses in use		207
Number of wagons in use		112
Taxes paid in 1883		$30,246 18
Revenue taxes paid to the United States Government, after deducting the 7½ per cent. rebate		$348,150 50
Raw material purchased in 1883:		
809,136 bushels of barley, at 80 cents per bushel		$647,308 80
800,314 pounds of hops, at 66½ cents per pound		$532,208 81
2,362,000 pounds of rice, at 3 cents per pound		$70,860 00
The latter all of domestic growth, raised in Carolina and Louisiana.		
Ice used, 48,207 tons, at $1 per ton		$48,207 00
Disbursements of various kinds:		
Revenue-stamps (as before stated)		$348,150 50
Barley (as before stated)		647,308 80
Hops (as before stated)		532,208 81
Rice (as before stated)		70,860 00
Ice (as before stated)		48,207 00
12,920 gross of new bottles bought		84,193 00
New cooperage bought:		
Whole barrels	$898	
Half-barrels	5,528	
Quarter-barrels	29,418	
Eighth-barrels	20,922	
		89,551 40
Labor (as before stated)		385,523 22
Other operating expenses		836,548 55
Making the total disbursements for the year 1883		3,042,551 28

Special attention is called to the amount expended for the following purposes:

For feed—hay, oats, corn, &c.	$14,211 73
Postage-stamps	2,913 28
Wagon repairs	4,333 46
Machinery repairs	24,750 00
Cooperage repairs	17,752 81
Stationery	5,977 72
Signs, show-cards, &c.	10,888 43
Coal (22,469 tons)	97,436 00
Insurance	30,048 52
Repairs on buildings	31,280 00
Freight paid to the railroad companies for the transportation of barley, hops, and empty packages returned to Milwaukee	122,420 00
Revenue paid to the railroad companies from our customers on beer shipped to them	187,998 13

Of the employés of this company, taken from all nationalities, there are 341 married males, and, figuring for these the average census figure of five persons to a family, we get 1,705 persons; there are unmarried males, 179 persons; and, as dependent on these, 21 persons; from which we get a total of 1,905 persons directly deriving their living from the brewery.

In order to show the importance of the brewing interests to farmers and the community at large, the following figures are offered:

The average yield of barley per acre is at the highest estimate 30 bushels; based upon this average it will require 26,971 acres to raise the 809,136 bushels before-mentioned. Figuring on an average of 100 acres to a farm, this would give 269 farms, and figuring each farm with 5 persons, we get 1,345 persons. The average yield of hops per acre is 405 pounds. To raise the before-mentioned 800,314 pounds of hops it would take about 2,000 acres, and figuring the farms on the same basis as above, 20 farms and, at 5 persons to a farm, 100 persons would depend for their income on this single brewery. Of the rice used we have no statistics at hand, as far as the yield per acre is concerned, but we can safely presume that 100 persons obtain their living from the raising of this product, so far as it is consumed by this brewery. Altogether there are therefore 1,545 persons directly earning their living through the brewery.

The Philip Best Brewing Company has over 3,000 accounts with saloon-keepers in its books, not including the accounts of private families, and 2,766 saloon-keepers out of the 3,000 are married, supporting and employing help. Figuring 5 persons as dependent on each of these 2,766 business men, we get 13,830 persons.

In making a recapitulation of the number dependent for their living, directly or indirectly, upon this one establishment, we get the following figures: Directly connected with the brewery, 1,905 persons; farmers, their families and help (low estimate), 1,545 persons; customers, their families and help, 13,830 persons; mechanics, such as carpenters, masons, coppersmiths, machinists, wood-turners, sign painters, &c., constantly employed, 100; these with their families would amount to 500 persons, making at a very low estimate a grand total of 17,780 persons.

The Philip Best Brewing Company has over 3,000 customers in business, occupying houses or parts of houses; some of them have their business in their own houses, but a greater number of them do business in rented premises, and occupy dwelling-houses separately, making at a low estimate over 3,000 tenants. What, if the traffic in beer and liquor be abolished, or greatly diminished by prohibitory laws, is to be done with all these vacant stores or buildings?

On the basis of the Philip Best Brewing Company's statistics I would figure the result of the Milwaukee brewers' operations approximately as follows: Total sales for 1883, about 1,059,762 barrels, of which the Philip Best Brewing Company sold about 36 per cent., or a little over one-third. Not having the accurate sales of all the Milwaukee brewers at hand, I figure them at just two-thirds more than those of the Philip Best Brewing Company, and on this basis I arrive at the following figures for the Milwaukee brewers:

Capital invested approximately	$8,000,000 00
Number of employés, approximately	2,000
Wages paid per year, approximately	$1,156,569 66
Number of horses in use, approximately	700
Number of wagons in use, approximately	336
Taxes paid in 1883	$90,738 54
Revenue taxes paid, after deducting the 7½ per cent. rebate	$980,279 85
Raw material purchased in 1883:	
2,427,408 bushels barley, at 80c.	$1,941,926 40
2,400,942 pounds of hops, at 66½c.	$1,596,626 43
4,724,000 pounds rice, at 3c.	$141,720 00
(The latter all of domestic growth, raised in Carolina and Louisiana.)	
Ice used, 144,621 tons, at $1 per ton	$144,621 00
Disbursements of various kinds:	
Taxes paid in 1883	$90,738 54
Revenue stamps (as above stated)	980,279 85
Barley (as above stated)	1,941,926 40

Hops (as above stated)	1,596,626 43
Rice (as above stated)	141,720 00
Ice (as above stated)	144,621 00
New bottles bought	252,579 00
New cooperage bought	268,654 20
Other operating expenses	2,509,645 65
Labor	1,156,569 66
Making the total amount expended during 1883	9,083,360 73

Out of these enormous expenditures special attention is called to the following items:

Feed, hay, oats, corn, &c	$42,635 19
Postage-stamps	8,739 84
Wagon repairs	13,000 38
Machinery repairs	74,250 00
Cooperage repairs	53,258 43
Stationary	17,933 16
Signs, show cards, &c	32,665 29
Coal (67,407 tons)	292,308 00
Fire insurance	90,145 56
Repairs on buildings	93,840 00
Freight paid to the railroad companies for the transportation of barley, hops, and empty cooperage packages returned to Milwaukee	367,260 00
Freight paid to the railroad companies by the customers of the Milwaukee brewers	563,994 39
Based on the itemized calculation of the Philip Best Brewing Company we get 5,715 persons as directly depending upon the Milwaukee brewers for a living	5,715
On the same basis I figure that it will require 80,913 acres of land to grow the barley used in Milwaukee for brewing purposes, and that from this source 4,035 persons (farmers, their families, and help) obtain their living	4,035

To raise 2,400,942 pounds of hops will require about 6,000 acres of land or 60 farms, and the owners of these farms with their families and help constitute about 300 persons.

To produce the rice above mentioned will surely require 200 persons; trebling the number of customers in the beer business, their families and help as estimated by the Philip Best Brewing Company we get 41,490 persons; trebling the mechanics and other artisans, 1,500 persons; making at a low estimate a grand total of 53,240 persons who make their living directly or indirectly from the Milwaukee brewing interest.

Figuring on the above basis we find that the Milwaukee brewers alone furnish the means of subsistence of from 9,000 to 10,000 tenants doing business in rented buildings or stores. If the traffic in beer, &c., be abolished, or greatly diminished, where will the owners of these stores and buildings look for occupants?

In conclusion, Mr. Chairman, no one regrets more than I the channel into which the discussion of this bill has drifted. The projectors and advocates of the measure had little reason to expect that it would call forth the best oratorical efforts of the so-called temperance champions in the display of their staple in trade, of the long-drawn-out tales of misery and woe—of a misery and woe, which are the mere results, as I have shown, of unrestrained appetites, irritated and maddened by an ever-awakening and aggravating agitation and pernicious social proscription of alcoholic stimulants. They have made drinking rather than drunkenness a vice, without recognizing that man is so constituted that he rebels against unwarranted restraint. It is this characteristic that in ninety-nine cases out of one hundred transforms him into the monster they have so eloquently depicted. I am sorry, Mr. Chairman, that the demon of drunkenness sleeping within the heart of man should have been awakened upon this floor by these noisy champions of sumptuary law. While sleeping he was harmless, and the sons of men touched glass with glass in social joy without baneful effect to the home and the hearthstone. The bill before the committee calls for a simple act of justice to a recognized industry, in no wise involving the wide range the discussion has taken, and as an act of justice it should be enacted into a law.

Mississippi Overflow.

SPEECH

OF

HON. WILLIAM C. OATES,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 24, 1884,

On the joint resolution appropriating $300,000 to prevent the overflow of the city of New Orleans, La., and the country adjacent thereto.

Mr. OATES said:

Mr. SPEAKER: No man sympathises more deeply and heartily with a people in distress than I do. But, sir, the Congress of the United States never was intended to be an almshouse. We are not here to dispense charity, nor to take charge of and direct, nor indeed in any manner to interfere with, the domestic or local affairs of the people of this country. These belong to the States. Should any overpowering calamity or uncontrollable disturbance occur within a State and the proper authorities thereof appeal to Congress for assistance, I should not withhold my vote, but would feel that it was my duty as a Representative to do what I could to save the State and its people from destruction. But, sir, what is the resolution now before us? Its title answers the inquiry, "A joint resolution appropriating $300,000 to prevent the overflow of the city of New Orleans, La., and the country adjacent thereto."

No calamity has actually occurred. There is simply a probability, as shown only by letters and telegrams of an unofficial character. A great and wealthy city of 300,000 people, without having made an effort or expended a dollar of her own money, so far as this House has been advised, appealing to Congress for an appropriation of as many dollars as it has population to prevent an overflow is a fitting commentary on paternal government.

Mr. Speaker, Congress has no constitutional power to make such appropriations as that now proposed. The only clause in the Constitution under which any crank pretends to find authority for it is the following, in section 8 of article 1:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States.

This invests Congress with the taxing power and expresses only in a general way the three grand purposes for which this power may be exercised. As to the manner in which Congress may use the money obtained to effect these grand purposes we must look further on in the same instrument for more minute and specific directions or grants of power.

The first, to pay the debts, is so unambiguous and self-defining that nothing more is necessary, notwithstanding "to borrow money" and "to coin money" follow as express grants.

The second, to provide for the common defense, is followed by the express grants, "to raise and support armies," and "to provide and maintain a navy."

Now, in the absence of these specific directions as to how the grand purpose of common defense is to be accomplished, Congress might adopt some other method, such as buying our peace by paying an invader the money of the Government to withdraw from our shores, or using the money to pay for assassinations and poisoning of the common enemy. But the Constitution comes to our aid and tells us plainly how to provide for the common defense: by raising armies and providing a navy.

The third grand object, to provide for the general welfare, finds its field of operation and application in all of the other express directions or grants of power. For example, to regulate commerce, to establish rules of naturalization, to make uniform laws upon the subject of bankruptcy, to provide for the punishment of counterfeiting, to establish post-offices and post-roads, to promote the progress of science, to constitute judicial tribunals inferior to the Supreme Court, to define and punish piracies and felonies and offenses against the law of nations committed upon the high seas, to declare war, to make rules for the government of the land and naval forces, to provide for calling forth the militia, to provide for organizing, &c., the militia, to exercise exclusive legislation in this District, and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." I presume it is not necessary for me to enumerate the "other powers" named in the paragraph just read. No one is so obtuse as not to be able to distinguish them.

As there is, then, no express grant of power to Congress to bestow the largesses of the Government upon either real or fancied objects of charity, there is nothing from which such a power can be implied, since the general welfare, as we have seen, is provided for and specified in many ways in the Constitution. And the tenth article of amendment declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Such measures as that now proposed, not being among the powers expressly nor impliedly delegated, reside in the States, and Congress can not exercise them.

This is not a government of original but of derived powers. Its powers are limited and enumerated in the instrument of its creation. The third and most comprehensive grand purpose for which taxes, imposts, and excises are to be laid and collected, it should be observed, is not to provide for the general welfare of the people of the United States, for such is not the language employed. That purpose as expressed is "to provide for the general welfare of the United States;" that is, to provide for the general welfare of that government called "the United States," or that government which the States unitedly established. The purpose was and is political, and not domestic; hence the enumeration and particular specification, so far as the cardinal principle of brevity applicable to a constitution would admit, of what should be done and to which the revenues of the Government should be applied.

I do not contend for a strict construction but a strict observance of the Constitution. I do not contend for a strict or narrow construction, but I do contend for the Constitution which I have sworn to support and defend; and I do so because it is the palladium of the liberties of the people, and the oath is binding on my conscience. Whenever by express words a power is delegated to the United States, I, as a Representative, will vote for any measure proper in itself, though not within the expressed power, if it be necessary to give full operation,

force, and efficacy to such expressed power. Everything which I can conscientiously concede to have been confided to "the Congress" by the Constitution I will most cheerfully, yea, generously and liberally, exercise to ameliorate suffering humanity or to advance the interests of the whole people of the United States, without distinction as to locality or previous condition.

But further than this I will not go, because I believe in the restraints on discretion imposed by a written constitution. If it be admitted that Congress can do anything which the Constitution does not prohibit, which is the rule of construction a Legislature puts upon a State constitution, there are so small a number of these that you in effect subvert the Constitution and substitute the unbridled will or discretion of a majority of the members. Legislation would then depend more on the state of Congressional stomachs than upon a written Constitution. Centralism in all of its amplitude would be then established, enthroned where boasted American Liberty once presided.

"To regulate commerce with foreign nations, and among the several States, and with the Indian tribes" is an express grant of power to Congress. Publicists, statesmen, and scholars have held, and in fact it has been judicially determined, that Congress, to give force and amplitude to this provision, may exercise an implied power to appropriate money out of the Treasury for the improvement of the navigation of rivers and harbors. Under the express grant of power to Congress "to provide and maintain a navy" we can appropriate money for the maintenance of the Naval Academy at Annapolis under an implied power, for the reason that no one can deny that by this means skillful officers are supplied and the Navy made efficient at least in that respect. Incidental to this naval power is the right of Congress to appropriate money for the relief of Lieutenant Greely and his party. The expedition in my judgment was a foolish one, but the Government ordered or permitted him to go, and, having done so, humanity and duty unite in demanding that the Government shall do all it can to rescue and save him and his party from destruction.

So, too, there being an express grant to Congress of power "to raise and support armies" and to make rules for the government of the land and naval forces," there is an implied power to maintain at the expense of the public the Military Academy at West Point for the education of officers to command the armies in an efficient and skillful manner. The same or a similar rule applies, and very properly, too, to the power "to establish post-offices and post-roads," and in fact to all of the express delegations of power. Many acts of Congress are claimed by the thoughtless, and sometimes even by the members of Congress, to be violations of the Constitution when they are not obnoxious to that censure. But the force of precedent in this House and the Senate is so much honored that hoary error stalks abroad on stilts and violates the Constitution with impunity, and with no better apology or excuse for it than that some American Lycurgus had set him the example.

I have no veneration, sir, for age nor precedent when panoplied in error and fatally bent on mischief. If, as we are told, in 1812, Macon, Calhoun, Johnson, King, Randolph, Troup, and other great men voted $50,000 to be used in purchasing and shipping flour for the relief of the starving people of Caracas, in Venezuela, who were suffering from the effects of a terrible earthquake, and also for the people of the island of Teneriffe, who were starving in consequence of their crops having been eaten up by locusts; or if, still later, in 1847, Calhoun, Webster, Cameron, Corwin, Sam Houston, Reverdy Johnson, and other noted statesmen voted with the majority to tender provisions to Great Britain for the relief of the people of Ireland and Scotland during the prevalence of a famine, do these justify the adoption of the resolution now before the House, or the appropriation for the overflow on the Ohio?

In 1812, the House of Representatives struck out of the resolution the latter part, providing for the island of Teneriffe, ostensibly because they did not have evidence sufficient of the suffering of the people, but really because the island was under British dominion, and it was not probable that any advantage to the foreign policy would be obtained thereby. Mr. Rhea spoke against extending aid to Teneriffe as a mere charity, but in favor of Caracas, and he said in doing so he was "actuated by a regard to the interests of the United States, which peculiarly required them to cultivate amity with and conciliate the South American provinces." Mark you, a war was then in progress with Great Britain. After the resolution was so amended as to apply only to Caracas, it was passed unanimously.

In 1847, March 1, now a little over thirty-seven years ago, when Mr. Crittenden introduced into the Senate his bill to appropriate $500,000 for the relief of the people of Ireland and Scotland from famine, among other things he said:

> So far as the constitutional argument is concerned, with the voice of suffering ringing in my ears and this precedent before me (Caracas), I lay down all objections at the feet of charity.

Mr. Niles said they had better leave the business of dispensing alms to the liberality, generosity, and better judgment of their constituents. He felt that he had no authority to vote half a million of money for the people of Ireland—none at all in his representative capacity. He did not feel justified in taking the people's money for any object which was not committed to our charge. It was all wrong. Senators seemed to rely on the precedent established by the act of Congress—an inconsiderate act he considered it—giving a portion of public money in the case of the earthquake at Caracas. He did not regard that as establishing a precedent for this appropriation, which would be placed on record to justify similar appropriations for all time to come. He would not put his hands into the public Treasury to make an improper, he had almost said unconstitutional, use of the public money, of the money of his constituents.

Mr. Butler, of South Carolina, said that with the views he entertained of the Constitution and our national policy he could not vote for the bill. Mr. Bagby, a Senator from Alabama, said that he denied that they had any constitutional authority to appropriate money for such objects. He thought he could see some of the consequences of such a precedent as this would be. * * * If this system of national charity was to be indulged in, he asked where would it end? He said they had no such power; and if they had, human imagination would not be able to fix to it a limit. The revenues of this country were derived from one source, and one only. They are derived from the people of the United States, and they were derived for specific purposes. Mr. Mason, of Virginia, said that he could not but see in it a perversion of the trust reposed in them under the Constitution of the United States.

One Senator alone, Mr. Hannegan, of Indiana, contended that there was constitutional power to make the appropriation, and he put it upon the ground that there was no prohibition against it. But when Mr. Bagby asked if the Senator contended that Congress could do anything not prohibited in the Constitution, he put it on the teaching of the Saviour in the parable of the good Samaritan. Mr. Webster, in his remarks, did not touch the constitutional question, and Mr. Dayton said they had a precedent in 1812, which in this instance he desired to see followed. Mr. Fairfield, of Maine, said no Senator had put his finger on a single section of the Constitution which authorized them to give this appropriation, although they were contending for the constitutional power to do so. It was a very easy thing to expend charities in this way; but he thought they should put their hands in their own pockets and do it, but they had no right to put their hands in the pockets of the people.

Mr. Calhoun spoke in a very low tone, so that he could not be very distinctly heard, but the remarks of the Senator from Indiana caused him to explain why he had no constitutional objection to the measure. He drew a distinction between the foreign and domestic policy of this Government. Entertaining these views, he had voted for the appropriation for the relief of the people of Caracas in 1812. And it is true that the Constitution does not undertake to deal with, prescribe, nor limit the external or foreign powers or policy of this Government. The Constitution is a compact between the States, while outside to all the world this is a nation and may use the money of the Government in advancing whatever international policy the Congress and President may deem best for the general welfare of the United States as a nation.

When Mr. Crittenden's bill was put on its passage in the House of Representatives G. W. Jones, of Tennessee, moved to lay it on the table, and there were 75 yeas to 79 nays. John Quincy Adams, John Bell, T. H. Benton, Andrew Johnson, Jacob Thompson, Seaborn Jones of Georgia, Chase of Ohio, Houston, Cobb, and Chapman of Alabama were among those who voted to table and against the bill.

There are plenty of precedents still later and more in point which not only tend to show the impropriety of such legislation, but how, in their administration, such munificent appropriations may be used for corrupt partisan purposes. I will mention one:

In May, 1874, there was an overflow of the Alabama and Tombigbee Rivers, reports of which to Congress, in an unofficial way, were doubtless greatly exaggerated, as they almost invariably are in such cases, and Congress appropriated $400,000 for the relief of the suffering people along those rivers. Rations were purchased and distributed under the then Republican administration; but how? A large portion of the money was laid out for bacon, which was distributed, not in time of the overflow, but in the following September and October, not only in the river districts, but in the hills and mountains of Middle and Eastern Alabama for the purpose of corrupting and controlling the November election in the interest of the Republican party.

The carpet-baggers with the overflowed bacon sought the voters on the hills and in the high mountains during the prevalence of a drought and tried to tempt them like the devil did the Saviour, and doubtless with much greater success as to a certain class of them. The Democrats then raised a great outcry against such flagrant violations of the Constitution and corrupt administration. If it were unconstitutional then, why is it not so now? The gentlemen who favor this measure are not harmonious for the reason that one class of them want the money to be immediately expended in strengthening the levee along the river front of the city of New Orleans, while the others desire a larger appropriation for the relief of the destitute and suffering people higher up the river, where it is said that more than 100,000 have been driven from their homes, and that these are generally poor laboring colored people who are dependent on the country merchants to advance supplies to them on the prospect of the crops they may make, and the flood so impairs that prospect that they can not get supplies, &c.

Now, allow me to analyze this charitable business upon the part of Congress and see if it is right.

Take three citizens of Barbour, the center county of the district I have the honor to represent, of equal standing, wealth, and merit. Two of them are farmers and the third is a merchant. One of the farmers sells his possessions, and to better his prospects in life removes to and purchases a plantation in the rich bottom of the Mississippi, the most productive land in the world. The grand old Father of waters affords him splendid commercial facilities. The merchant, with a like purpose in view, locates in New Orleans. The third remains away from any grand river or great metropolis upon his poor lands in Barbour. He has no rich soil, no great commercial advantages, but he is content by incessant toil to dig out of the impoverished soil but little if any more than a bare subsistence after paying his taxes. These have to be paid. The poorest laborer in the land may not have any property, and can thus avoid the payment of State and county taxes, but the exactions of the tariff, like death, are inexorable and will not be evaded nor postponed. These taxes, you will remember, in section 8 of the Constitution, are to pay the debts and provide for the common defense and general welfare.

The farmer on the Mississippi, with comparatively little expense, sees his crops grow and bear in all the luxuriance and abundance of his most fervent hope. At the marketing he sees his cotton bales by the hundreds rolled upon the steamer, upon which he is entertained with all the elegance that any lord of the earth could desire. Four to five millions of dollars a year which are appropriated out of the Federal Treasury on river and harbor bills have been expended upon the improvement of the navigation of that great river, which insures his safe and speedy landing in New Orleans. He finds his old friend, the merchant, and sells him a good bargain in cotton, buys his large stock of supplies, and returns, he and his merchant both benefited and happy. They did well that year.

But the next year the river rises, the levee breaks, and the plantation is flooded, submerged, the stock drowned, the corn is swept away, and there is distress and weeping where but a few days before smiling plenty greeted the eye and happiness reigned supreme. He appeals to Congress and says, "Your coffers are full to overflowing; you collected it from my old friend in Barbour, in common with the other people of the United States, to pay your debts and run your Government, but you do not need it; your credit is good. Go on paying interest; it does not matter about paying the debt now. Give me a few hundreds or thousands of this money to aid me; I need it; I am overflowed; and whatever others may say, I know that my old friend in Barbour does not mind it. He has poor land, it is true, lives in the back country, and is not going to live near a river; but he sympathizes with me and wants so badly to be taxed for my benefit that he demands that his Representative and Senators in Congress shall legislate a little outside of the Constitution in order to do it."

But what of the merchant? Why, the first time we hear from him since the flood set in he is not yet overflowed but he does not know how soon he may be. He says the Legislature of his State is not in session; that the one million of dollars which Congress gave to the Mississippi River Commission less than two months ago has been expended, and he does not intend to spend 20 per cent. of what he is worth to strengthen and raise the levee along the river front to save the city from an overflow and his property from destruction, and if he does not get security some one will hear from him at the next election. He says that he knows that his poor old farmer friend in Barbour would be delighted if Congress would add a few nickels more to his taxes in common with all the other people, to build up and make that levee a magnificent breakwater and render him, his merchandise and his home, his wealth and his splendor, perfectly secure against overflows for all time to come. This would of course bring joy and gladness to every farmer throughout the land. The language of these flood appropriations is: "Blessed are those who make their homes upon the banks of great rivers or in the lowlands hard by, for if an overflow occurs Congress will see to it that no great loss is sustained provided the money in the Treasury holds out." The title of the bill under consideration should be changed to that of "A bill to insure against water," with the honorable Secretary of War as chief actuary.

It is, in fact, worse than the hypothesis I have used for illustration. It is confessed that the people to be benefited along the river are improvident negroes, to whom the country merchants will not make advances. It is notorious that when the Government begins to distribute rations to that class of people they utterly refuse to work and will live upon Government rations as long as they can get them and will not try to help themselves. It encourages thriftlessness and vagabondism. If there be anything in which the people of this country ought to be free, it is in disposing of their own property or money, every man in his own way. The burdens of government are always onerous and its revenues coerced from the people. Therefore, the people have the most vital interest in seeing to it that their hard earnings, which through the channel of taxation go to the Treasury, are applied to the purposes of government for which they are collected. And if gentlemen wish to popularize themselves by a munificent display of generosity and charity, let them do so at their own expense. When that test is applied the country will be able to determine whether any of that benevolence which is now exhibited at public expense is pure demagogy or true charity.

The utter injustice of thus appropriating money, which is the common property of all, for the benefit of the few is manifest when we examine the precedents and practice of Congress. It illustrates with emphasis the wisdom of the framers of the Constitution in withholding from Congress such powers. Why, sir, the cyclones which have recently swept through portions of Alabama, Georgia, the Carolinas, Virginia, and other States destroyed more property and killed or wounded more people than all the floods that have occurred in the United States within the last three years; and yet—how strangely inconsistent—a resolution to appropriate $100,000 for their relief was smothered in the Senate. Why was this? Were the unfortunate people who suffered by these cyclones to the extent in many cases of all their property and bodily disability by wounds less worthy objects of the nation's charity than the man whose house was carried away by the overflow of a river upon whose bank he purposely erected it?

Why should Congress be thus partial and unjust? There can be but one answer, and that is that the precedents, the ridiculous precedents, do not extend to cyclones; they only authorize appropriations for relief from suffering caused by earthquakes or the overflow of rivers. Efforts are being industriously made to extend the precedents so as to relieve against storms, fire, locusts, and grasshoppers; and Kansas, being a progressive, reliably Republican State, has half-way succeeded in establishing a precedent for appropriating money out of the Treasury to cure all the diseased cattle. The appeals were so overpowering that the Senate passed an appropriation of $50,000 to stop the ravages of the foot-and-mouth disease, which, according to the prophetic statesmen, was contagious, and was going to kill all the cattle in the United States unless this big Government interposed and throttled it. But this bill or resolution met with some objection in this House. The veterinary surgeons have carefully examined the fatal disease and found it to have been caused by an unusually large deposit of ergot in wild oats which had been gathered unawares in much of the hay which had been fed to the cattle, and not contagious at all; and now the cattle-disease appropriation bill sleeps that sleep which knows no waking, upon the Speaker's table.

If the relief of a single section, district, city, or community is for the general welfare of the United States, and therefore within the power of Congress to protect out of the Treasury, then the people of any and every village, hamlet, and neighborhood, yea, every individual in the United States, are equally within that power, and it is the duty of Congress to extend that protection to them. If the power exists to extend such aid to large communities in time of great distress or misfortune, it extends likewise to small ones similarly circumstanced; and if aid is extended to the one, why not to the other? But such is not the practice. No instance can be found where Congress has made an appropriation, through charity, for the relief of one man, or a dozen men constituting a neighborhood, on account of a total destruction of their property by fire, storm, drought, caterpillars, or any other calamity which befalls men, except one case of earthquake in Caracas, floods, and grasshoppers. For of such are the precedents.

If a village or small community is swept away by a terrible tornado, as some have been, a thing which comes without previous warning and against which men can not well provide, and one-half of the people residing there are killed or severely wounded and shorn of all their means of subsistence, and Congress has the power, without awaiting a certification from the State that the suffering and destitution are beyond its power to relieve or control, to appropriate money for their relief, it is criminal neglect and damnable partiality not to do so. But there is no precedent. The logic of the position of those who claim such power or favor such appropriations as that now proposed, or the two recently made for the sufferers by the Ohio overflow, answers for them the petition of the mangled, bleeding, groaning villagers in these words: "We are sorry for you, but the precedents show that you are really too insignificant and your calamity too small for Congress to notice."

I boldly assert that any citizen who, by misfortunes usually called providential, has lost his property and been reduced to utter poverty and want has as much right to be relieved from the United States Treasury as any person who received benefits from the $500,000 given for the relief of the Ohio sufferers; just the same; no greater, no less. The Legislatures of the great and prosperous States of Ohio and Kentucky were in session, and those of West Virginia and Indiana, I presume, could have been assembled in two days. No requests came from these to Congress, no certification of inability to take care of their suffering people and tide them over the flood; and the city of Cincinnati protesting against aid and saying by telegram that she would provide for her own people, there was a scramble in this Chamber between Republicans and Democrats from the river districts to see which could first obtain the recognition of the Chair to move for a larger appropriation or to speak his piece in exaggeration of the high waters and great suffering. It presented a scene altogether at variance with the high notions of dignity and due deliberation which a new member thinks should usually appertain to the proceedings of the House. The gentleman from New York [Mr. HISCOCK], a leading Republican, twitted this

side of the House as State-rights men and sticklers for the observance of constitutional limitations. He said that the Constitution was not in his way at all, but he thought that on that particular measure it might give this side some trouble, and that he would like to hear from some members whom he named. Hon. S. S. COX, admitting that the measure was outside of the Constitution, gave reasons for his affirmative vote similar to those given by Senator Crittenden concerning his for the Ireland resolution in 1847. Mr. COX said:

I know how painful it is to discuss matters of this kind. Feeling has no words. Emotion is still. Our babble is the tossing buoy, indicating where the anchor is. Why not have voted this measure in graceful silence; and if by our inconsiderate vote there may be any breach of the Constitution God Almighty in His infinite goodness will pardon and condone it.

Mr. REAGAN said that many things had been done in the history of the Government for which it might be difficult to find a precise warrant in the Constitution. But when the things so done are not of that class in which the rights of the States or liberties of the people are involved no great harm results, and that such emergencies were not contemplated by the framers of the Constitution, and now come up to be acted on by the representatives of the people, and all they can do in such cases is to avoid such a violation of the Constitution as trenches upon the powers and rights of the States and upon the liberties and securities of the people.

Here we stand, in the presence of a great calamity—no right of a State involved, the liberty of no citizen involved—and on such an occasion our attention is called to the dangers of violating the Constitution, and we are challenged for a warrant for the appropriation of money to relieve the people so situated. Why, sir, in the history of the action of Congress for the last twenty years, when the liberties of the people have been stricken down by the acts of Congress, when the rights of the States have been trampled upon and denied them, we have heard no protest from the Republican side of this House.

To which Mr. HISCOCK responded, "Oh! the gentleman hears none now."

The appeals made and the horrible condition of the flood sufferers was described with such sympathetic vividness on all sides that it required extraordinary courage upon the part even of those members who believed it wrong to vote against it. Many, doubtless, whose convictions were the other way were intimidated, morally coerced, into voting for it. The pressure was so great that of the two hundred and forty members present, upon a call of the yeas and nays only twelve were found to have voted against it. But a few days later, when the second appropriation was passed, twenty-nine members voted against it. And now that the flood has assuaged and all the suffering and destitution consequent upon it have been relieved, the Secretary of War reports an unexpended balance of upward of $125,000. Three hundred and seventy-five thousand dollars, the amount expended, could have been paid by either one of the great and wealthy States whose people were involved without draining the State treasury. But it is getting so that the people do not look to their State governments for help, and seem to think that the United States Treasury is on tap for the public and gives forth the elixir of life for the healing of all the ills that flesh is heir to.

We have a list of soldier or military pensioners requiring annually at least $75,000,000. Then we have civil pensioners and special civil pensioners, including the widows of the deceased Presidents, and some members of Congress desire to greatly extend these. There are also judicial pensioners, under a law which allows all United States judges at seventy years of age to retire from service on full salary for life. Except as to honest pensions to soldiers, reasonable in amount, which I favor, I am opposed to the entire business of special legislative favoritism. The fault and the correction of these evils lie with Congress.

As to these special appropriations called charities my objection is twofold. They are unconstitutional and they are unjust. If a great calamity befalls a people or city—such, for instance, as the Ohio overflow—occurs when Congress is not in session, the waters assuage before the assembling of Congress, and no appropriation is made. There has never been one for or on account of any calamity, however destructive and deplorable in its consequences, if Congress is not in session and does not assemble until the suffering people have pulled through a space of forty days. The uncertainty, want of uniformity, spasmodic and partial character of such appropriations satisfy me that the framers of the Constitution did see these evils and purposely withheld from Congress the power to thus appropriate the revenues of the Government; and it is to be hoped that these unwarranted precedents will be followed no longer.

Air, fire, and water, the three great elements essential to existence, when in unbridled commotion are the source of destruction. Why should there be a difference if Congress is to relieve against the destructiveness of either? Water is the least harmful and easiest avoided, as members of Congress are supposed to know. Perhaps their unfamiliarity with it prompts this strange inconsistency of conduct.

I am aware of the fact, and am sorry that candor compels me to admit it, that the Constitution is well-nigh an obsolete instrument in the legislation of Congress. I know, too, that in the estimation of some people a man subjects himself to ridicule who objects to a measure for unconstitutionality, notwithstanding every member here has sworn a solemn oath to support the Constitution. At the beginning of the present century the Democratic party was founded by Jefferson upon the doctrine, which has ever since been fundamental with it, and without which it could not survive a single day, that the Government is one of limited and enumerated powers. Eliminate that doctrine from the Democratic creed, and I would not give the snap of my fingers for all that would be left. How can men professing Democratic principles so recklessly and inconsistently set them at defiance in practice? It is not ignorance, but ambition which prompts it. It is traceable directly to that cause.

The Republicans are not inconsistent with their party principles when they vote for such appropriations. They are never restrained by any constitutional shackles. With them it is a question of expediency merely. The fundamental doctrine of that party is that this is a Nation, spelled with a big "N," and that it is the judge of its own powers. They regard the Constitution as useful only in maintaining the forms of the Government. They hold that there is no restraint upon the power of Congress except these, and that the will of the majority is the supreme law. That party, true to its principles, adheres to paternal government, undertakes to be the guardian of all the people and provide for their wants, regulate their domestic affairs, furnish them employment, regulate wages, bestow bounties to aid one industry, subsidies to aid another, and to a third a monopoly. It is the friend of monopolies, the champion of jobbery, the author of corporation insolence, the originator of bossism, believes in high taxation, and is the ally of the money power.

Such has been its teaching and tendency, with some honorable exceptions among its members, ever since it originated with Alexander Hamilton and John Adams. The Democratic creed opposes interference by the Government in any manner with the domestic affairs of the people; does not believe that the Government can aid one class except at the expense of some other, opposes bounties, subsidies, and monopolies; is in favor of low taxes and an administration of Government on the most economical basis, and looks with an eye of distrust and jealousy upon any enlargement of Federal power or diminution of the reserved rights of the States. Its slogan is, "The people are best governed when governed least."

But the Republican side of this Chamber say, "Why talk you of the Constitution and the reserved rights of the States? They were settled by war twenty years ago." Not so! Prior to the war State-rights men adhered to the doctrine that secession was a legitimate and proper remedy for the States to resort to in case the Federal Government invaded the sanctity of their reserved rights. The Virginia and Kentucky resolutions of 1798 and 1799 declared that the States were themselves the judges of infractions of the Constitution, as well as of the mode and measure of redress. There were but two questions settled by the war. One of these was African slavery, and the other was the right of a State to secede from the Union for any cause. These were submitted to the high court of force and decided in the negative. I was on the losing side in that trial.

I, in common with my confederate comrades, made the best fight we could, and with the same degree of good faith, manhood, and courage with which we fought we accepted the award and will ever stand firmly by it. But that which was not involved was not decided, and consequently, speaking for my single self, I have not surrendered on the character of this Government and never will. I maintain that this Government is now just what it always has been since the ratification of the Constitution, a federal republic, made so by that instrument, a government of limited and enumerated powers; in other words, a great government without power further than is expressed or necessarily implied in the instrument of its creation. He alone who observes the Constitution and respects its provisions is a true friend of constitutional government.

If anything more were wanting than what I have already said to prove that a government of limited powers is best, the annually increasing number and variety of bills brought before Congress demonstrate its utter inability to do the legislation which ought to be done, and if it goes outside of the Constitution in order to enlarge its jurisdiction it will but hasten the ultimate failure of the Government as a republic, to be succeeded by anarchy or monarchy. The late war had no other effect on the Constitution than is shown by the last three articles of amendment. In all other respects the Constitution is the same, and these three did nothing more than to emancipate the slaves, enfranchise them, and make them citizens with equal political and civil rights with white people.

The late Chief-Justice Chase, the most lucid and learned judge who ever sat upon the bench of the Supreme Court of the United States with the exceptions of Marshall and Taney, in the case of White *vs.* Texas, in one short sentence emblazoned upon the judicial record in letters of crystal splendor the true character of the Government of the United States when he declared that the Constitution established an indissoluble union composed of indestructible States. The one can not subsist without the others. This declaration was at once the illumination and comprehension of a grand system of government as it is and as it was after the crucial test of a war that shook the continent; yes, and as it will be recognized with advancing years when the young men who are to succeed us, growing with the marvelous growth and development of the country, shall assume the enlarged responsibilities of their time. Let them find no bad precedent without a protest, and in the dim vista of the future this great Government will be more perfect and its hundreds of millions of people will in all that makes them great surpass

those of any nation, ancient or modern. This is my Government and the only one to which I shall ever owe allegiance. I was once its honest enemy for cause. So were my people. With no repentance, no apology for the past, we are now its friends, and cordially unite our voices with those who sing—

The Star-Spangled Banner! long may it wave
O'er the land of the free and the home of the brave

The Bonded Extension Bill.

SPEECH

OF

HON. BISHOP W. PERKINS,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. PERKINS said:

Mr. CHAIRMAN: I can not in the few minutes allotted me discuss the many features of this proposed legislation, nor do I expect to contribute to the information already gained by this committee during this discussion. In fact, in my judgment, the distinguished gentleman from Massachusetts [Mr. LONG] in that admirable speech of his exhausted this debate.

But believing this proposed legislation to be bad in principle, and thinking it would be vicious in practice, I desire to briefly notice the logic of some of the appeals made to us by the advocates of this bill.

We are told that these taxes are imposed and these restraints enacted as penal legislation—the taxes imposed as penalties and the restraints enacted to prevent fraud and a corrupt debauching of the public service; and we are assured that the legislation has been measurably successful, and hence it is argued that it should be stricken down or repealed.

If the eloquent gentleman from Ohio [Mr. HURD] is correct in his statement of the proposition, to my mind the logic of the argument furnishes one of the strongest reasons that can be offered in opposition to this bill.

But by others we are told that this is a great industry struggling against adverse circumstances to sustain itself, and that, involved in debt in consequence of the non-consumption of its manufactured products, it should as a debtor to the Government be favored by this proposed legislation.

The logic of this argument is that temperance and sobriety have been growing in this country until we find the distillers organized and at the doors of Congress asking for relief, and confessing they can not sustain themselves without governmental assistance. They beseech us to modify existing law, enacted, as is admitted by all, for worthy purposes, that they may thrive and prosper upon the favorable legislation. This is their demand, and in the piteous tones of old they cry, "Save me, Cassius, or I sink;" and this demand necessarily involves one of the great moral questions of the day. Why should this aid be extended? Why should this industry be encouraged by special legislation? Why should the Government of the United States become a partner in this business, furnishing the capital as a banker, while the work of manufacture and of accumulation goes on? In what do these distilleries contribute to our growth and grandeur? In what do they contribute to our material prosperity and greatness? In what do they contribute to our happiness and honor? In what do they contribute to education, Christianity, and a better government? In what do they add to our greatness abroad and to our pride and boast at home? In what do they contribute to comfortable homes and to the happy prattle of innocent childhood? These are some of the many questions that necessarily press themselves upon our attention in considering this appeal to our sympathies and to our favors in behalf of the millions invested in the manufacture of rum in our land.

Again, we are told in this debate that the taxes due to the Government from manufactured whisky are not needed, that we have an overflowing Treasury, and that without wrong or prejudice to any interest or to any branch of the service this favor can be granted the distillers. With what consistency does this argument come from the Democratic side of this House, when we remember that from the first day of this session to the present it has been assuring us that we must have a retrenchment of governmental expenditures; that the country could not stand the vast sums annually appropriated for carrying on its affairs, and in consequence of which the several departments of this Government could not be given the appropriations requested.

If this statement is true, why was it that the advocates of this bill voted to cripple the railway postal service of the country and refused to appropriate money enough to pay the faithful and overworked servants of the people now employed in that service? Was it that the railway postal service, which carries happiness and pleasure to every home in the land, visiting every hamlet and contributing to every industry, might be sacrificed that rum-making might be preserved and encouraged? But in my judgment this tax is needed, and sorely needed, and will be so long as we have poor, illiterate children to educate and maimed and crippled defenders of this nation to pension.

If this tax is not needed for other purposes, I would have it levied upon the manufacture of whisky until every poor and deserving soldier of the recent war is pensioned, and until every widow and orphan left in want by that merciless conflict is made happy by the nation's charity. And again we are told, in pathos and genuine sympathy, that if this proposed relief is not granted ruin and disaster will break down their industry. And then they ask us, What will you do with the farmer's corn? I answer in the language of the Hoosier in Indiana, when DAN VOORHEES, from the hustings, put substantially this same inquiry to the people of his State: "If," said the old Hoosier, "they manufacture less whisky and consume less corn, we will have better men and less hell." And, Mr. Chairman, with the logic of the old Hoosier, I submit this debate.

Liberal Pensions to Soldiers and Sailors and their Dependent Ones, but No Pensions for Civil Services.

The more you examine this matter the more you will come to the conclusion which I have arrived at, that this is neither more nor less than a gigantic system of outdoor relief for the aristocracy of Great Britain.—*John Bright on England's civil-pension list.*

SPEECH

OF

HON. S. M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 2, 1884.

I would persuade my countrymen that it is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that they will find happiness or their liberties protected, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings like the dews of heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires—such a one only under which our States may remain, for ages to come united, prosperous, and free.—*Andrew Jackson*

On the bill (H. R. 999) granting a pension to Septimia R. Meikleham, sole surviving granddaughter of Thomas Jefferson.

Mr. STOCKSLAGER said:

Mr. SPEAKER: Together with three of my colleagues of the Committee on Pensions, I signed the minority report of the committee which has just been read, and which recommends that the bill and amendment be indefinitely postponed.

What is this bill? It is a bill to grant a pension of $2,500 per year during life to Mrs. Meikleham, who is the sole surviving grandchild of Thomas Jefferson, author of the Declaration of Independence, and the third President of the United States.

It is based upon the ground that for the great services performed by Thomas Jefferson in framing that matchless instrument, which has no equal in literature, the Declaration of American Independence, and other services as President of the United States, we should pension his grandchild, Mrs. Meikleham, because she is his sole surviving grandchild and because she is in need.

Mr. Speaker, I confess that if the basis of our legislation was sympathy and sentiment, this is a case which would appeal to both. Certainly to none of the great founders and preservers of this Republic do we owe a greater debt of gratitude than to Thomas Jefferson. Even Washington, who is sometimes called the father of the country, did no more, in my judgment, to give us our matchless form of government than did Thomas Jefferson. To Jefferson more than to all others together we are indebted for the exclusion of the Hamiltonian theory of "a stronger government" or a "kingly form of government" and the adoption of our democratic-republican form of government, under which we have grown and prospered without a parallel in the history of the world—a government which to-day challenges the governments of the world ancient and modern, for an equal in all things which tend to the liberty, peace, and prosperity of all the people. Far be it from me to detract aught from the name, fame, or achievements of this greatest of Americans. But, Mr. Speaker, this body is not a great eleemosynary institution to provide for the poor and needy, however illustrious or however humble their ancestry. It is a body controlled and limited by a written constitution, and whose powers and duties are therein plainly

laid down. And no man who ever lived in this country was a more powerful advocate of a strict construction of that instrument than Thomas Jefferson. He was indeed the founder of the great party of which I am proud of being an humble member, and one of its chief tenets then was, and ever since has been, "equal and exact justice to all; favoritism to none."

But, Mr. Speaker, aside from the constitutional phase of the matter, there are other very grave reasons why this bill should not pass. That the principle involved in the bill and the practice to be inaugurated by its passage are thoroughly wrong and mischievous, my good friend, the gentleman from New York [Mr. ROBINSON], who is the author of this bill and who prepared the report, will freely admit. I am sure he is opposed to the inauguration of a system of civil pensions in this Government. I am sure he condemns it as heartily as any one upon this floor. But he will appeal to the sympathies of members in behalf of this poor woman and say that it should stop after this bill is passed. Does my honored friend not know that such appeals will always be made in favor of the inauguration of such a system, or the enlarging it by adding class after class to the list? He must, he does know it. Why, sir, one of the cases in which this odious system was enlarged in the last Congress was gotten through this House by the most earnest appeals to members. I refer to the bill increasing the pension of Mrs. Lincoln to $15,000 per year. It was stated that she was poor and sick and had not the means to procure necessary medical treatment. It was passed. A short time ago she died, and it was stated at the time by the newspapers that she had $70,000 in bank. If you legislate upon any such a principle you are at sea without rudder or chart.

In the early days of the Republic such a thing as a civil pension was not dreamed of. Even Hamilton, the great advocate of a kingly form of government, admitted the inexpediency of civil pensions in this Government. In the seventy-ninth number of the Federalist, written by him, in discussing that feature of our Constitution which provides that the salaries of the judges of the United States courts shall not be diminished during their term of office, and in opposing an enforced retirement of judges after they arrived at a given age, he uses the following language:

> In a Republic where fortunes are not affluent and pensions not expedient, the dismission of men from stations in which they have served their country long and usefully, on which they depend for subsistence, and from which it will be too late to resort to any other occupation for a livelihood, ought to have some better apology to humanity than is to be found in the imaginary danger of a superannuated bench.

From the foundation of the Government down to the year 1869, no attempt was ever made to establish a civil-pension list in this country. The Republican party in 1869, when they increased largely the number of Federal judges, added to the bill making the increase the following provision:

> Any judge of any court of the United States who, having held his commission as such at least ten years, shall, after having attained the age of 70 years, resign his office, shall thereafter, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation. (Statutes at Large, volume 16, page 45.)

Many of us remember too vividly the humiliating spectacle which we witnessed during the last Congress growing out of the operation of this vicious law. The Supreme Court was overwhelmed with work and was years behind. One of the judges, who had not served long enough to entitle him to the retired pension under the law, was a hopeless invalid and could do no work at all; but he tenaciously held on and refused to resign so some one could be appointed who could perform the duties of the position, drawing his salary and performing no service, waiting until the time should elapse that he would be entitled to a pension. Congress was appealed to, and an exception was made in his case so he could draw his pension, and he resigned. I hope we may never witness such another scene. I am glad to know a bill has been introduced in this House repealing this provision. I hope it will be repealed, and we will not be troubled with it again.

When that measure was under consideration in this House, my predecessor, the illustrious Michael C. Kerr, with his clear, statesmanlike vision, saw the danger from such a precedent, and used this language in opposition to it:

> I have, however, several objections to the substitute offered on behalf of the Committee on the Judiciary. The first objection is that it undertakes, as a pioneer measure, as an initial enactment, to introduce into our system of government the practice of pensioning retired officers. It proposes to pension judges not only of the Supreme Court, but of the circuit and district courts, whether State or Territorial; to pension all of them after they shall have served in a judicial capacity for ten years. It is the first attempt, so far as I know, to organize in this country a civil-list, a pension-list of retired officers, and that, too, upon full pay. I think it is intrinsically a pernicious and a vicious proposition. I think it is not in harmony with the principles of our Government, with the principle of representative, elective, republican government. * * * Once establish the practice of retiring and pensioning officers, although now limited to the judiciary, and it will be speedily extended to numerous other classes, and will soon become a great source of additional expenditure, and, in my judgment, a very great evil. Establish the principle, and its rapid growth will be assured.

No language could express the objections to this whole system more tersely and fully than was done by Mr. Kerr.

One of the very evils against which he then inveighed so ably and eloquently we find present with us to-day—that of adding other classes. The last Congress was fruitful in precedents. A bill was passed to pension Mrs. Garfield, Mrs. Polk, and Mrs. Tyler, which, with Mrs. Lincoln, who had been previously pensioned, are all the widows of Presidents who were then living. A precedent was thus made of pensioning widows of Presidents at $5,000 per year, more than five times as much as the poor soldier who lost both his eyes and goes wandering up and down the earth in total darkness.

My friend from New York, Mr. ROBINSON, is disposed to criticise the minority of the committee because some of the members signing the minority report were members of that Congress, and did not protest against the passage of that bill.

Mr. Speaker, that bill originated in this House. We were in the midst of the deepest sorrow over the assassination of the Chief Magistrate of the nation. His long and painful suffering and the devotion of his wife to her husband had filled the hearts of our people with sadness and sorrow, and with deep and tender sympathy for Mrs. Garfield. The Senate amended the bill by including Mrs. Polk and Mrs. Tyler. In this connection I desire to repeat what I said in the last Congress upon this subject, the first opportunity I had:

> With undue haste, within a few months after the death of President Garfield, we gave his widow a pension five times greater than that received by the widow of any soldier who lost his life in any of our wars. The poor soldier who lost both his eyes in defense of his country, and who must spend the balance of his life wandering up and down the earth in total darkness, now gets a pension of less than one-eighth the amount given her; and all this, Mr. Speaker, with the full knowledge of the fact that she was the owner of property estimated to be worth $400,000, over $300,000 of which is in bonds, money, and stocks. Sir, I regret that Mrs. Garfield did not refuse to accept the pension voted her, and thus rebuke our action in voting it to her. It would have been a noble example to which we could have pointed with pride in all future time. After the bill passed this House the names of Sarah Childress Polk and Julia Gardner Tyler, the widows of ex-President Polk and ex-President Tyler, were added by the Senate, and they were each given $5,000 per year. It was represented that these ladies were needy. A precedent for pensioning the widows of ex-Presidents has thus been firmly established during this session of this Congress. The Government has been gradually drifting into a paternal government; and opposition to that bill would have been useless in this House; and the person who would have dared to interpose an objection would have made himself an object of ridicule in this House, and, I fear, by a great many persons outside of this House.

It did not stop there. That Republican Congress added persons disabled or incapacitated by disease in the Life-Saving Service and also in the revenue-marine service, all strictly civil employments. Bills were also introduced placing employés of the railway mail service and the internal-revenue service who were disabled in service on the pension-roll. In the Senate, the great apostle of the Republican party, Mr. EDMUNDS, introduced a bill to place all the employés of the Government who may retire or be retired one year's pay, and after fifteen years' service, two years' full pay; after twenty years, a pension of half-pay; after twenty-five years, a pension of two-thirds; after thirty years, three-fourths pay; after thirty-five years, four-fifths pay; and after forty years' service, full pay. This was certainly a grand scheme to pension upon the country the Republicans who have been employed so long in the public service, but whom he expected to be retired after the next Presidential election. This shows the growth of the system if once entered upon, and is a warning to us to stop here and now and not go further in this way.

I beg gentlemen to pause before they establish another precedent, a precedent which will be construed in favor of the grandchildren of all our Presidents. My distinguished friend from New York says the pension is not asked on account of his services as President, but because he was the author of the Declaration of Independence, and the precedent could do no harm, as there can be but one author of that instrument. That is true. But it is also true there can be but one author of the emancipation proclamation, and so we will find that pensions will be asked for many other persons who have performed distinguished civil services. The whole system is wrong. It rests upon a theory of government which our fathers abhorred. It is an outgrowth of monarchy. It is the worst kind of class legislation. It fastens the governing class, party, or family as pensioners upon the Government. John Bright, the great English Liberal, in referring to England's civil-list, says:

> The more you examine this matter the more you will come to the conclusion which I have arrived at, that this is neither more nor less than a gigantic system of out-door relief for the aristocracy of Great Britain.

If we would avoid a similar condition of affairs in this country, let us beware of establishing the dangerous and subtle precedent proposed by this bill.

It may be said, We are granting liberal pensions to the soldiers and sailors of our wars; why not pensions in the civil service. I admit we give our soldiers and sailors and their dependent ones larger and more liberal pensions than any other country in the world, and I thank God for it. I would go further. I wish to say here and now I am in favor of the most liberal pensions for military and naval service. The principle is right, and has been acquiesced in ever since the foundation of the Government. It has never been our policy to keep up a large standing Army in time of peace, like the locusts of Egypt, to eat out our substance, but we depend upon the patriotism and intelligence of our people, upon our volunteer soldiery; and if we are true to our pledges and promises to the soldiers and grant liberal pensions, we need never fear that they will fail us in the hour of need.

The hazard of the service and the insignificant pay they receive is another reason for pension. The soldier, for the mere pittance of $13 per month, leaves home, family, friends, and loved ones behind, takes

his life in his hand and offers it a sacrifice, if need be, on the altar of his country.

How is it with civil employés of the Government? Government positions are sought because of the honor and emoluments they offer, and for no other reason. A hungry band of them is always on hand, Micawber-like, waiting for something to turn up. They are not compelled to remain in the service. Even a Federal judge who has urged his appointment, if a railroad corporation offers him more, accepts it and resigns his position. This illustrates the difference.

Again, civil pensions are anti-republican and anti-American. They savor of orders, classes, and royalty. We want no more of them in this country. There is too much of them already. The great masses of the people heartily despise them. We have our swells and our snobs everywhere. New York is said to be more essentially English than either Manchester or Liverpool. Indeed, it is said coats of arms and such toggery are more common in the fashionable drives in New York than in London. Sir, they are even found in the offices of the Federal Government. The Attorney-General of the United States, Mr. B. Harris Brewster, has his coat of arms, which he not only displays upon his carriage and the gilt trappings of his horses, but has even had the amazing hardihood to have it stamped upon the portfolio of his office. Out upon such aping of royalty! Why, sir, what would Washington, Jefferson, or Old Hickory have thought of such performances? It is a disgrace to our time.

Mr. Speaker, even out West, in my own State, we have a great man, an aspirant for the Republican nomination for the Presidency, who, according to the public prints, is not satisfied with being the grandson of his grandfather, but is now busily engaged in an attempt to trace his ancestry back to the Plantagenets of England. But, sir, I am persuaded that this will not aid his Presidential aspirations. I believe he will find that on the broad plains and prairies of the great West, in the pure democratic atmosphere of that region, if not in this whole country, a plain farmer in homespun blue-jeans, if worthy and qualified, is more popular than a kid-gloved scion of royal aristocracy. The people of this country do not believe in "blue blood" or in a "divine right to rule," and they will have none of it.

But, Mr. Speaker, the rapid growth and the effect of a civil-pension list may be seen by an examination of England's civil pension list.

I desire to call the attention of the House to a partial list. Many amusing things appear in it, and it will repay perusal.

I will first call attention to the dukes, marquises, and earls only, leaving out viscounts and barons:

Dukes	28 families and	519 relatives have drawn	$48,800,450
Marquises	33 families and	626 relatives have drawn	41,529,950
Earls	200 families and	3,391 relatives have drawn	240,906,010
Totals	261	4,536	331,236,410

Then follows the royal family, to wit:

Her Majesty the Queen	$3,096,895
The Prince of Wales	600,915
Prince Alfred	132,980
Prince Arthur	132,500
Prince Leopold	126,750
Princess Royal	40,200
Princess Helena	30,000
Princess Louisa	30,000
Duchess of Cambridge	30,000
Princess Augusta	15,040
Duke of Cambridge	111,015
Princess Mary	25,000
Prince Edward (of Saxe-Weimar)	16,785
Princess Leiningen	7,300
Prince Victor of Hohenlohe	9,300
Households of deceased sovereigns	29,825
Total annual payments in connection with royal family	4,434,865

Then follows a very singular list, called civil-list (royal) pensions. This class is made up of the special pensions granted by the Crown, contains hundreds of names, and the imperfect list which I have seen only runs back to 1838. The civil-list, however, began in 1760, upon the accession of George III, in consideration of his surrendering the prerogative of the Crown to grant lands and rents, called the hereditary revenue of England.

In 1782, on account of abuses, Parliament fixed the limit of the civil-list at $475,000, and provided that until the list was reduced to that sum the Crown should be limited to $3,000 per annum, and the grounds for granting future pensions by the Crown are fixed as "distress" and "desert."

In 1837, on the accession of Queen Victoria, Parliament empowered her to grant new civil pensions to the amount of $6,000 per annum, in lieu of prerogatives surrendered.

These pensions are granted for almost every conceivable reason, I will call attention to only a few: Sir John Newport put down "for half-century a well-paid comptroller of British exchequer and chancellor of the Irish exchequer, pensioned at $5,000 per annum." Comptrollers of the United States exchequer all get rich, I believe. Seven teachers to her majesty, namely, German, Italian, singing, writing, French, music, and dancing, pensioned at an average of $500 per annum; Annie E. Drummond, sister of Sir R. Peel, private secretary, at $1,000 per annum; a large number for literary merit, at an average of about $750 per annum; John Britton, an impoverished author; Joshua Alder, marine zoologist, suddenly reduced to poverty by circumstances over which he had no control, $350; Gerald Massey, a lyric poet sprung from the people, $350; Dinah Muloch, authoress of "John Halifax, Gentleman," $300; W. T. Best, organist of Saint George's Hall, Liverpool, $500; John Hullah, of tonic-sol-fa reputation. What that is I do not know. It may be the Committee on Ways and Means or the late Tariff Commission might inform us. But this is enough to show upon what flimsy pretexts the Crown of England has placed civilians upon the pension-list.

This list, however, is small when compared to the whole list of England's civil pensions.

I have in my hand a list containing thousands of names of persons who have been pensioned by the legislative department of the British Government. This is only a partial list, and includes men whose pension is not less than $750 per annum. The total civil list of England now amounts to over $20,000,000 annually.

The oldest pension named in the list is that to the heirs of Sir Thomas Clarges, the date of which is put at 1673, or two hundred and nine years ago. The amount paid to him and his heirs is put at $905,000.

The next is the Duke of Schomberg, who was accidentally killed by a shot from his own side in the battle of the Boyne, in 1690. In 1695 his heirs were granted a pension of $20,000 per annum, which was paid to 1854, when it was reduced to $2,000. The amount which has been paid to his heirs is put at $3,400,000.

The next oldest is that to the Duke of Marlborough, the date of which is put at 1710, or one hundred and seventy-two years ago. The amount which has been paid to him and his heirs is put at $3,420,000.

One man was pensioned for the sum of £7,191 on the excise, and for £3,384 on the post-office revenue, making the annual sum $52,875, because he was descended from an illegitimate son of Charles the Second.

Of the thousands of names upon this list, as published, less than one hundred and fifty of them have been pensioners for more than twenty-five years. Less than 5 per cent. of the names upon England's civil-pension list are of more than twenty-five years' standing. Let us take warning from this. Notwithstanding the fact that England's civil-pension list is more than two hundred years old, yet 95 per cent. of the names upon the pension-list, according to the best information which we can get, have been added within the last twenty-five years. And I think I would be safe in saying that fully 75 per cent. of them have found their way there within the last ten years.

But this is enough to show that the system of civil pensions should not be adopted in this country.

In England the royal family and its favorites are pensioned upon the government for civil services or for no services at all to the government. But our policy has always been, liberal pensions to soldiers and sailors and their dependent ones, but no pensions for civil services. It illustrates the difference between republicanism and monarchy.

The desire to create a civil-list in this country and the precedents thus far being entirely the work of the Republican party, and the opposition coming mainly from the Democratic party, illustrates forcibly the difference between the two parties. It is the same difference which existed at the formation of the Government. The Republican party, being the legitimate descendant of the old Federal party, maintains the old Hamiltonian ideas of government. And the cry of a few years ago in favor of a "strong government," a Nation with a big "N," and for "the man on horseback," as well as the declarations of Mr. Garfield in a speech in this House, in which he said, "The fame of Jefferson is waning and the fame of Hamilton waxing in the estimation of the American people, and we are gravitating toward a stronger government, and I am glad we are," indicate to thinking persons that that party is still the party in favor of a "kingly form of government." When you remember that Hamilton advocated a Senate for life and regarded the British constitution as the *ne plus ultra* of perfection, you will see the full meaning of Garfield's declaration.

The fact that the Democratic party under the lead of Jefferson originally combated that theory of government and favored the nearest approach to a democracy consistent with public order and the public good, and has continued to do so to this day, opposed centralization and favored home rule as strongly and as forcibly, marks its position and emphasizes the difference which will always exist in this country between the Democratic party and its opponents, under what name soever they may appear. And when the questions growing out of the war, the tariff question and all kindred questions, are disposed of and settled, the same difference will be found to exist.

For one, I rejoice at being an humble member of the Democratic party; and I appeal to my Democratic friends in this House to be true to the tenets of the party, and never let it be said of us that we established a precedent for civil pensions, a position which even Alexander Hamilton, the great leader of the monarchical party at the foundation of the Government, admitted was not tenable in a republic, but let us follow the teachings of the fathers; let us be governed by the teachings of Jackson, who said:

I would persuade my countrymen that it is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that they will find happiness or their liberties protected, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings like the dews of Heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires—such a one only under which our States may remain, for ages to come, united, prosperous, and free.

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. RICHARD GUENTHER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 1, 1884,

On the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. GUENTHER said:

Mr. SPEAKER: I am in favor of retiring the trade-dollar from circulation, if for no other, for the reason that they are used to defraud ignorant people not only in this country but in Europe. Many complaints have lately reached us that poor emigrants are imposed upon by being induced to buy these trade-dollars, worth in this country 85 cents, for $1. I wish to have these poor people protected by withdrawing the trade-dollars, and I am in favor that the Government should give what it received for them, $1. I am in favor of the passage of the bill as reported from the committee. This bill simply retires the trade-dollar and treats them as bullion.

But after this House voted to strike out the fourth section the effect of the bill will be to increase the coinage of silver dollars. Section 4 reads as follows:

SEC. 4. That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

The effect will now be an increased coinage of the silver dollar containing 85 cents' worth of silver. I am of the opinion that there are already too many of these silver dollars in circulation. They are now piled up in the vaults of the Treasury, and nobody wants them. I do not want to see all the gold go out to buy silver bullion, have this coined into standard dollars and then hoarded up in the Treasury. I want money for the convenience of the people; the people do not consider it convenient to have so much silver in circulation as we now have. They certainly not in favor of having the amount increased; but still this bill with the fourth section omitted, will do this very thing.

Mr. Speaker, I am prospectively interested in silver mining, and my individual interests would lead me to vote for any measure which would tend to enhance the value of silver, as this bill, with the fourth section out, undoubtedly would. But, Mr. Speaker, I also bear in mind that I have public duties to perform, and I mean to perform them to the best of my ability, whether by doing so my private interests may or may not suffer.

This consideration and the conviction that this bill as amended is not for the best interests of the whole people, but intended to bull the silver market, I must cast my vote against it.

The Bonded Extension Bill.

SPEECH

OF

HON. D. H. SUMNER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. SUMNER said:

Mr. CHAIRMAN: The measure under discussion, proposing to extend the time within which the internal-revenue tax on the manufacture of whisky shall be paid, is purely a question of policy, to be determined in accordance with a wise and rightful exercise of the authority vested in the Government for the purpose of laying and collecting taxes.

The only purpose for which taxes may be laid and collected is that of revenue for the necessary and legitimate uses and expenses of the Government. Beyond that the Government has no right or authority to go, and any taxation outside of that is an arbitrary and unwarrantable exercise of power.

There are two methods of obtaining revenue for the General Government: One by indirect taxation under tariff laws imposing duties upon imports; and the other by direct taxation—never resorted to except in cases of great emergency caused by the existence or results of war—imposed and collected, not by the general officers of the Government, acting under and by virtue of general laws, but under the direction of a special act brought into existence because the revenues from tariff taxation were, for the time being, insufficient.

Under the indirect system of taxation, that imposed by tariff laws, it is settled that one of the resultant or incidental objects may be the encouragement of or protection to our domestic industries. In considering such a law a very wide range of thought and discussion is entirely legitimate and proper, because it involves questions of international policy, commercial relations with foreign countries, and their bearing upon our national policy and welfare. But here we have nothing of that kind. The taxes involved under the terms of this bill are only those direct taxes that are imposed upon the products of the labor of our own people. In this case, then, no one will claim that the Government has a right to collect revenue beyond the necessary and legitimate uses of the Government. That would be drawing from the business of the country a large part of the capital invested in that business and locking it up in the vaults of the Treasury and keeping it in idleness. The power to tax gives no such power as that. The power to collect revenue gives no power to hoard the money of the people and prevent the legitimate use of it by them in their own business affairs. A failure to pass this bill will have just that effect.

The facts out of which arises the necessity for the relief asked in this bill are as follows: The Government imposed, as a war measure, an internal-revenue tax of 90 cents per gallon for all whisky manufactured in the United States, which tax must be paid and the liquor removed within three years from the time of distillation. This, in effect, throws the article upon the market when the three years expire, whether there is a demand for it or not. The taxes on about 70,000,000 gallons are now, or soon will be, due, amounting to more than $60,000,000, for which there is no immediate demand, and the relief asked for in this bill is that the time for removing the liquor and paying the tax may be extended for another three years, upon the express condition, however, that the owners secure and pay to the Government interest on all taxes due and not paid at the rate of 4½ per cent. as long as the extension is accepted and taken advantage of. Another feature of the situation is that at the time this relief is asked there is a surplus of revenue, amounting to about $150,000,000, lying idle in the Treasury, with an estimated increase for the year of about sixty millions, from which it appears that there has been collected and is in the process of collection in the neighborhood of $200,000,000 of taxes in excess of what was and is needed to meet all the legitimate uses and expenses of the Government. Then, it must be remembered that the tax the payment of which this bill is intended to suspend for a time is a tax of about 400 per cent.—that is, a tax that is four times the amount of the original cost of the thing taxed.

Suppose, for the time being and for the sake of the argument, we do not take into consideration the fact that the Government has already assessed and collected a very much greater amount of revenue than it has any right or authority to do, because in excess of the needs of the public service; also, that it has assessed under this special internal-revenue system vast sums in excess of what it has any right or authority to collect, because not needed as revenue to be expended for the support of the Government, and that it is now hoarding in idleness a hundred and fifty million dollars of the people's money which ought to be in circulation as a part of the business capital of the country—we ask what right has the Government to demand and what wisdom is there in the policy that requires the withdrawal of upward of sixty millions more from the circulating medium of the country, and to that extent lock up capital and cripple the business interests of the country just at the time when all departments of the Government are industriously inquiring for a plan that will supply a circulating medium to take the place of the present currency that is being gradually but surely contracted, and must soon go below the demands of business and the wants of the people?

One of the answers we have heard is that the necessity for the extension arises from overproduction, and that overproduction is not a good ground for relief. This we regard as a mere pretext. Overproduction! Think of it! One of the very worst features of the present political situation, that which tempts every man in or out of Congress, that which incites and inaugurates extravagance in the public expenditures and fosters corruption in partisan politics, is an overproduction of revenue. Does it follow that because the Government has been and still is guilty of an overproduction of revenue by excessive taxation, by and under the acts and advice of the opponents of this bill, that these manufacturers are guilty of that which merits condemnation because they furnished the farmers of the country with a good market for their grain and cattle somewhat beyond the demand for the manufactured article three years after the exercise of their judgment? It seems to me not.

But the strangest part of this overproduction argument is found in the allegation that the overproduction was brought about by the distillers with the intention to cheat and defraud the Government of the taxes thereon. This charge is sufficiently answered by the fact that it is now and always has been utterly impossible for distillers to cheat the Government out of one cent of internal-revenue taxes. Every dollar's worth of property, real and personal, that is in any way connected with the distiller's business is under the absolute control and in the possession of revenue officers, and every move that is made and every

act done by any one in connection with the business is by and under the sole and direct supervision of Government officials. They weigh the grain, take proof of the standard, measure the product when done, and finally keep it in charge until the taxes are all paid. And this even is not all. The distiller is at all times under bonds in at least double the amount of any and all possible liability, with good and sufficient sureties, and the minute that any crookedness is discovered all his property is liable to be seized and forfeited, fines and penalties imposed, and imprisonment enforced. Fraud is impossible on the part of the distiller.

We are asked, however, what about the whisky-ring frauds? I am glad of an opportunity to answer this question. The whisky-ring frauds were inspired by the demands of the Republican party bosses for a corruption fund, and inaugurated and carried on by the Republican officials in charge of the distilleries. It was the result of a conspiracy between the Republican bosses and certain disreputable distillers by which it was expected to furnish a perpetual campaign corruption fund with which they could defy and defeat all appeals for reform and honest government. But the whisky-ring frauds have nothing whatever to do with the questions arising under the provisions of this bill. Those frauds were perpetrated during the process of manufacture by secretly drawing off and not delivering to the Government a certain proportion of the whisky manufactured, while this bill only asks for an extension of the time within which to pay the taxes upon what has been manufactured, delivered to, and is now in the possession and under the control of the Government. One word further in regard to overproduction. For every 22½ cents the distiller expends in the manufacture of a gallon of whisky he becomes liable to the Government for 90 cents tax. Who, then, is most benefited by overproduction? The Government gets four to one.

The opposition to this bill is founded, as it appears to me, almost entirely upon selfish motives, coming from as many different sources as there are different interests having particular ends to serve. At the head of the list we find the prohibitionists, whose sole object seems to be a desire to cheapen whisky and in that way cause an increase of drunkenness, so that they can have a larger field from which to select examples to illustrate the doctrines of their party. Next in vehemence of denunciation is that party of great moral ideas, known of late years as the Republican, whose death struggle is being waged, so far as this question is concerned, upon the hope of being able to win back the prohibitionists by joining hands with them against this bill, and the success of their plan to gain the support of those representatives of the liquor interests who desire to escape taxation by advocating the repeal of all laws imposing a tax upon the manufacture of whisky. What a combination! How comprehensive and all-satisfying is this great plan—this much-lauded God-and-humanity party framing a platform that both liquor dealers and prohibitionists can stand upon, at least for one political campaign. Whose throat will first feel the knife? Which lamb shall be sold first to relieve the necessities of this combination of contradictions?

The two elements I have just been speaking about, Prohibitionists and Republicans, act from the inspiration of partisan zeal, always Republican. But much of the opposition to this bill seems to come from Democrats. I expected to see protection Democrats join with protection Republicans in working for its defeat, because the continuance of protection in all its glory depends upon the repeal of the internal-revenue laws. A reduction of taxation is demanded by the people generally, and both parties recognize the fact. The point of dispute is, shall that reduction of taxation be by reducing the tariff on imports, as advocated by the Democracy, or by repealing the tax on whisky, as advocated by Republicans and protection Democrats? This is the way the issue is being joined, although, if we were to take them at their word, that a reduction of tariff rates will increase the revenue, the repeal of the whisky-tax might be joined with the reduction of the tariff rates.

This, then, is the issue: Protectionists, Democrats as well as Republicans, demand cheap whisky as a luxury, and the tariff reformers, Democrats and Republicans, demand cheap clothing, coal, salt, sugar, lumber, and other necessaries and conveniences of life. Can any friend of the workingman hesitate as to which side he will support? But that tariff-reform Democrats should oppose this bill I did not expect. They do, however, on this ground: that any favor extended to the manufacturers of whisky may, and probably will, be construed to mean not only relief by extending the time for the collection of the tax, but an act amounting to an indirect pledge to repeal the tax on whisky within the period of extension, to which they stand unalterably opposed.

This combination of adverse circumstances and conditions will probably defeat the bill. But that fact will not influence me in the least in regard to the vote I intend to cast in its favor, for I believe it to be founded upon the just rule that relief should be granted in all such cases where it can be done with perfect safety to the Government, without injury to any, and with advantage to many of our citizens.

There is another principle indirectly involved and discussed in a general way by the friends of the measure that I wish to indorse and emphasize in this connection, which is that the *collection* of a special tax upon manufactured articles intended for sale and not to be used until after sale, the market for which must depend upon supply and demand, should not be enforced until it is ready, in the judgment of the owner, to be put upon the market for sale. This ought to be provided for by a general law which would obviate the necessity for special legislation upon any such subject.

The discussion of the temperance question has entered quite largely into this debate, although wholly inappropriate, as it seems to me. So far as that question is concerned, I wish it distinctly understood that, according to my judgment and understanding, Congress has very little to do with it under the Constitution. The regulation of the sale and use of alcoholic liquors is a mere local question that belongs almost exclusively to the States. Several gentlemen have indulged in radical temperance speeches composed mainly of denunciations of the men engaged in the manufacture and sale of alcoholic liquors, which I regard as very much out of place, unfounded in fact, and opposed to right principle. They proceed upon the assumption that the use of alcoholic liquors is injurious to the human system. That is very far from being a settled question. It must not be assumed that because the abuse of the article is an evil, and a calamity to the individual guilty of it, the right and reasonable use of it is to be condemned.

I feel safe in assuming that if we find the peoples most advanced in the arts and sciences, most distinguished in war and accomplished in peace, and standing at the head of civilization and enlightenment, have always been and still are most notorious for their general and free use of alcoholic liquors, we can very safely assert that human observation and experience does not prove that the mere use of them is injurious. In illustration of this position look at the French, the Germans, and the English-speaking peoples, and tell me what conclusion you arrive at, favorable or unfavorable. The use of alcoholic liquors in this country has for a long time been steadily on the increase, while drunkenness has as steadily and surely decreased. I mean by this that the use is more general but less excessive. The principle upon which our Government is based, the right of individual action coupled with individual responsibility, is the true one, and not only in the exercise of the right of suffrage but in the regulation of individual conduct. It is in fact a matter of personal liberty. Every man has a right to think and to worship according to the dictates of his own conscience, and every man has the same right to eat and drink according to the demands of his own physical and mental requirements and condition, he being the sole arbiter and judge so long as he does not interfere with the rights and privileges of others. Equality of rights and equality of responsibility is the foundation of safe and durable government.

Post-Office Appropriation Bill.

A self-supporting postal service made inefficient and the great business interests of the people jeopardized in order that an appropriation bill may aid in consummating political results.

SPEECH

OF

HON. HENRY H. BINGHAM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 11, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885—

Mr. BINGHAM said:

Mr. CHAIRMAN: I come to the discussion of the bill now before the House, making appropriations for the Post-Office Department for the next fiscal year, ending June 30, 1885, with but one governing purpose and one controlling line of thought—that the postal service of the country, a great governmental monopoly, should receive through the wise legislation of Congress every necessary appropriation, properly guarded, that will contribute to the wants, convenience, and business requirements of the millions of our people who daily use the service and who by direct taxation contribute the revenue for its maintenance. If the Republican party last year or at any time failed to intelligently appreciate the necessities of the people and by limited appropriations crippled or in any wise impaired the efficiency of the postal service, which I deny, it becomes an example to be shunned and not in this debate to be quoted as an authority warranting a like procedure. The appropriations for the current year and the preceding year are only to be examined from the standpoint of their fruitfulness and completeness. Where failure is apparent we must apply a remedy, where there has been a surplusage we should curtail, and where there has been a non-appreciation of growth and healthy development we should, without regard to party or party advantage, judiciously and generously legislate. Certainly there should be no difficulty in ascertaining the necessary requirements for a wise, progressive, efficient, and complete postal serv-

ice. It is a department where the great mass of work done is clearly exhibited in the annual reports and expressed in figures easily understood. In its every division or bureau the percentages of the increase are apparent and well defined. Its employés are paid fixed salaries and its work is done under statute requirements or contract obligation.

No department of the Government is so nearly allied to the people. No appropriation bill passed by Congress so directly reaches the great mass of the educated and uneducated as the bill now under consideration of the House. You may legislate for the Navy and your action may destroy the *esprit de corps* so essential; by the mustering out of great sailors or by the consolidation of grades in the service present a seeming economy, and thereby limited appropriation. The legislation affects but few and the murmurs of condemnation never reach your ears. You may refuse to build new cruisers and properly arm your vessels for offensive and defensive purposes, and while conditions of peace and prosperity surround us no severe criticism or condemnation will be visited upon the dominant party responsible for the legislation. The same line of illustration might be fairly presented with reference to your action upon other departments of the Government. They concern but the limited number, and so long as your measures are not radical assaults upon the industries and labor of the country they are accepted, provided disaster does not follow. But the one exceptional appropriation is contained in the bill now before us; it is individual; it has a character of its own. When you fail to give the necessary means for the complete usefulness and efficiency of the postal service you will find a response from the country neither pleasant to be heard nor agreeable in its application. The people prefer a high rate of postage and assured efficiency of the service rather than a low rate if with it should come inefficiency and curtailment. Reduced postage must not be made the excuse for reduced and insufficient appropriations.

Our Post-Office Department to-day compares favorably in its administration of the service with any in the civilized world. It has a vast body of trained, experienced, and faithful subordinates. Recent legislation has contributed to broaden its usefulness and strengthen its organization, its *personnel* scores a high standard, and its equipment is modern and advanced.

By the act of March 3, 1883, a readjustment of the salaries of 48,000 postmasters was effected, and for the first time, for absolute work done, a corresponding compensation has been allowed—no compensation secured through influence or favoritism, but specific salary fixed for specific work done. Every postmaster in the country knows just what he is entitled to, and the great body of these officers, indicated as fourth class, receive under the act of 1883 an increased allowance, because of heretofore inadequate compensation. In the comprehensive act of readjustment but one exception has been made by the committee presenting this bill, and that applies to some nine offices, and to which unjust discrimination I shall refer later in the debate.

The money-order business, aggregating during the past fiscal year upwards of $125,000,000, was by legislation in the Forty-seventh Congress extended, the fees charged for service reduced, and the introduction of the postal note effected a convenience which, when offered to the people, they have not been slow to accept.

The letter-carrier service for the first time is now upon a basis of capacity and fitness for admission, efficiency and honesty for advancement, and an allowance of compensation that increases with service until the subordinate reaches a fair, living, just salary for the hard and extreme labor rendered.

The postal clerks are now grouped under one organization, with promotion assured only after examination if qualifications are possessed, with compensation reasonable and acceptable, and with an adjustment of labor and relief calculated to make the service reliable and trustworthy, not only as to exactness in work done but in the integrity and honesty of the official. I affirm that the administration to-day of the general service is excellent and the *personnel* efficient, because the legislation governing is wise, reasonable, generous, and the tenure of office certain. Civil-service legislation has already made its mark upon the several Departments of the Government, and while its great usefulness can not in so short a time be fully demonstrated, nevertheless two admirable results are conclusively ascertained: first, that there must be fitness for admission into the Government service; and second, once admitted, faithfulness, honesty, and capacity secure continuance. Not only is the Department in a healthy condition to properly expend for the benefit of the public the necessary appropriation, but the reduced rate of postage on letter-matter has been so generously accepted by the people in their great business and personal relations, that instead of large deficiency as estimated by the Postmaster-General in his annual report to the present Congress, every data thus far available would indicate a limited and small deficiency, should any occur. Every estimate thus far ascertained by the Department shows an increase in work because of reduced postage, which in addition to the natural growth will exhibit at the close of the present fiscal year the largest percentage of increase in the history of the service.

Will the bill now under consideration in the specific appropriations allowed carry on the service in the next fiscal year so that the wants and requirements of the people can be properly met and satisfied by this governmental monopoly? I unqualifiedly submit that it will not, and the gentleman who presents this bill knows that it will not. The Committee on Appropriations has failed, willfully failed, to recognize the magnitude of the service, the great growth of the work, and increasing business demands. The gentleman who presents this bill exhibits no familiarity with the requirements of that magnificent and mighty metropolis that adorns and makes beautiful his own industrious State—Chicago with its wealth of intelligence and activity, the business emporium of our western empire. The distinguished chairman of the Committee on Appropriations, for whom I entertain more than a high personal regard, should have brought to the examination of this bill his critical judgment and trained experience. He represents ably and at times with marked wisdom the second city of the nation; but if this measure has received his approval, certainly he has failed to know the wants and needs of that manufacturing city of homes which heretofore has found in him a willing and brave advocate.

The gentleman from New York [Mr. HUTCHINS] could not have been unmindful of the demands of his commercial and financial center, the mere mention of which typifies all that is progressive, advanced, and developed in American civilization. I am sure when we come to the details of this bill and discuss it by paragraphs there will be one of the New York city delegation [Mr. COX] who will give his vote, his rare intelligence, his thorough knowledge, and his earnest, eloquent voice in condemnation of all that is illiberal, ungenerous, inadequate, and defective. He, of all men upon this floor, knows the wants of his active business world, and his vote is never bound by party when the business interests of the people call for necessary appropriations.

In every essential that goes to the perfection of usefulness and capacity to meet the exactions of the growing work and business of the Post-Office Department the bill fails, and it fails deliberately and with malice prepense. That which is important yet secondary is allowed. The essential is always in the vocative. The bill is nominally for the conduct of the business of the Post-Office Department. It is really a bill to prevent and prohibit during the next fiscal year, because it is a Presidential year, the increase of force or appointments of men in the postal service. Whenever the estimates of necessary appropriation would allow the employment of additional men we are restricted to the allowance of the present year. Whenever material is required a reasonable appropriation is provided. The percentage of increase is admitted in appropriating for material; it is not recognized when the appropriation means additional force.

Not only is the bill political in the form and purpose I have indicated, but it carries out the notorious declaration which the metropolitan press has informed the country is to be the policy of this House in the consideration of appropriation legislation: that the estimates of the Departments submitted as necessary to maintain the Government during the next fiscal year must be reduced $50,000,000 in order that the party in control of the House can go before the people and claim special consideration because of their alleged economical and careful legislation. This magnificent result is to be accomplished without regard to either the law or the wants of the people. The contest of a Presidential year is to color all the work of this Congress. You regard legislation as but the instrument whereby you hope to accomplish purely political results. The demands of our great business world are to be wholly ignored. You think if the party in power can be prevented from appointing a few men to official place your political ambitions and hopes may be accomplished. Make no mistake; the people read motives, purposes, and results far more easily and rapidly than your Committee on Appropriations imagine. You can not starve the Post-Office Department for a single day or hour. The people are ever in relation with it, and upon this Democratic House will rest the responsibility. I emphasize and reaffirm, Mr. Chairman, wherever a division or department of the postal service requires for its natural as well as for its great increase of work because of reduced postage during the next fiscal year a single additional subordinate or employé, the bill under consideration as presented by the committee ignores the necessity and confines the Department to existing conditions of labor and men. The appropriations for men force, physical force, brain force are to be the same in 1884 and 1885 as they are in 1883 and 1884, notwithstanding the 20 per cent. of increase of work in letter-mail matter or domestic postage.

That is the teaching of this bill. That was the record made in the naval bill. It will become more and more apparent in every other bill that will be presented from your committee to this House. I will clearly demonstrate, in considering this bill in its details, that your appropriations are so limited and so meager that under the statute the service can not be maintained, and you will be forced to come to this Congress at its next session and ask for large deficiency to meet, not the growth of the service but simply its statute requirements.

Again, this bill presents to you another opportunity for political capital. Corporations receive under the statute a consideration in the form of appropriation for service rendered. This is a rare chance, and you must not let it escape.

Not content in refusing to vote additional force to meet the necessities of the service in the period of its greatest annual growth and development; ruthlessly marking down estimates and crippling the people's only means of communication which you have monopolized, you must in addition provoke possibly greater complications and incon-

veniences by attacking the railroad corporations that carry the mails, by legislating a horizontal reduction of compensation without regard to the roads that do your work in an efficient, complete, and thorough way, but at the same time give you facilities far beyond the spirit or expectation of the legislation of 1873, whereby the rates of compensation were established. The great trunk lines, which are the lungs and life of the service, are to have their rates reduced without even the opportunity of being heard, either by arbitration or by intelligent examination. They are corporations, therefore, for your political purposes, must be assaulted; and should any complications unfortunate for the mail service result you are ready with your cry, "It is another exaction and demand of corporate power!" The people will not be slow to discover your seemingly hidden purpose, and condemnation will be loud and pronounced.

I make no reference at this time to the legislation contained in the bill with reference to the land-grant, bonded, and subsidized roads. They received large aid from the generous gifts of the Government, and are therefore, by their charters, under and subject to special legislation. But it is the 5 per cent. horizontal-reduction clause in this bill that I consider unwarranted. It is a provision neither justified by examination nor investigation. It is not predicated either upon information or fact. This word horizontal has a familiar sound to the House, and is not unknown to either the industrial or labor classes of our people. Perhaps there has been a friendly and good-natured rivalry between the chairman on Ways and Means and the chairman on Appropriations as to which committee should claim precedence in submitting this novel development of statesmanship to the House and the country. It is to be regretted the Committee on Ways and Means did not secure a standing for their horizontal tariff reduction before the presentation of this bill.

The underlying general principle, which I am sure the gentleman from Pennsylvania, chairman on Appropriations, would have clearly and forcibly shown to this House as being pernicious, unequal, and unjust, might in addition and at the same time have afforded others an opportunity to quote his clear and clean-cut sentences as applicable to a horizontal reduction of railroad compensation for the carrying of the mails, especially upon the great roads that give the Department and the people every facility, convenience, and requirement. I will consider this paragraph of the bill later in the debate and submit in detail my arguments, fortified by figures and official statements.

The gentleman from Illinois, in presenting his bill, uses this language:

> While we have kept steadily in view the fact that the postal more than any other branch of the public service is constantly growing with our population, development, and business, and have conscientiously sought to make provision sufficiently liberal to promote its efficiency and avoid danger of crippling the public service, we have at the same time been mindful of our duty to the taxpayer, believing as we do that economy in expenditure is necessary in order to lead the way to the reduction of taxation. The gravest duty resting upon this Congress is the reduction of taxation. In order to accomplish that beneficent result we must see that wise economy is enforced.

Again, he states:

> Our rates of postage are almost as cheap and our facilities for conveyance as efficient as in any other country. Our system is, however, marvelous in its proportions and its efficiency. In many respects it has outstepped that of any other country in the world.

Certainly, from the gentleman's appreciation of the progressive and comprehensive character of the service and the exacting demands of 50,000,000 of intelligent people, a reasonable recognition of the necessary appropriations for a healthy and wise administration was fairly to be expected. The gentleman but raises our hopes to enjoy the pleasure of our disappointment. He indulges in rhetoric, with sentences beautiful and well rounded, but his bill carries no appreciation of the people's demands. He tells us how our "service is constantly growing with our population, development, and business," and there he stops to say "the grandest duty resting upon Congress is the reduction of taxation," and therefore you must conduct your postal business under the same allowances as last year. Grow and develop, but we can give you no additional allowance to meet the pressing wants of your growth. With what magnificent and forcible declamation did the gentleman utter the following, which I quote *verbatim* from his speech:

> As I have already remarked, we have reduced but three items below the appropriations of last year, while on the other hand we have increased the appropriations on twenty-one items over and above those of last year. The committee has investigated as far as was in their power all the items contained in this bill, and reported what they believed to be necessary for the public service.
>
> In the Third Assistant Postmaster-General's department we left every estimate made untouched in any particular whatever, because his estimates are moderate and no doubt justified by the increased business resulting from change in rate of postage.

Certainly the casual reader and those who heard the gentleman would presume his bill had been carefully framed and every requirement of the service fully considered. Let us examine it in detail, and I promise you a verification of my original proposition, that the bill fails in every essential and in every demand made necessary by the growth of the service; that where men are needed—brain force, physical force—they are not allowed, but where material is necessary, either under contract or otherwise, it is allowed, and that the summary of the bill, claiming a reduction in appropriations of $5,000,000 below the estimates of the Department, is specious, equivocal, and misleading. With what self-sufficiency he declares, "We have increased the appropriations on twenty-one items over and above those of last year."

True, the gentleman is literally correct, and I will read the paragraphs in order that the House may truly appreciate this lordly generosity and his full recognition of the wants of the people, who have by their acceptance of reduced postage increased the business on letter mail alone fully if not more than 20 per cent.—"twenty-one items increased over and above those of last year, and the entire estimate of the Third Assistant Postmaster-General left untouched in any particular whatever."

So the gentleman says. Let me read to you the items:

	Amount.	Increase.*
Rent, fuel, and light	$450,000	$10,000
Office furniture	30,000	5,000
Stationery in post-offices	65,000	5,000
Wrapping-paper	30,000	5,000
Wrapping-twine	70,000	15,000
Post-marking, rating, and canceling stamps	25,000	5,000
Railway postal-car service (not the clerks, but cars)	1,600,000	25,000
Inland transportation (star-routes)	5,600,000	350,000
Railway postal clerks	4,000,000	93,000
Mail messengers	900,000	50,000
Mail locks and keys	25,000	5,000
Mail bags and catchers	230,000	10,000
Letter-carrier service	3,600,000	100,000

*Increase over this year.

Let us now examine the items asked for by the Third Assistant Postmaster-General and the foreign mail service generously allowed by the Committee on Appropriations:

	Amount.	Increase.*
Office of the Third Assistant Postmaster-General:		
Postage-stamps	$146,000	$16,000
Stamped envelopes and wrappers	644,000	12,000
Postal cards	268,000	15,000
Registered-package, post-office, and dead-letter envelopes, locks, and seals	(?)	(?)
Engraving, printing, and binding drafts and warrants	2,500	300
Office of the Superintendent of Foreign Mails:		
Transportation of foreign mails	425,000	75,000

*Increase over this year.

Over one million appropriated to the office of Third Assistant Postmaster-General, but of this great sum, with the exception of $33,000, the whole amount is required by contract obligation. Great concession and liberality to the estimates of the Third Assistant Postmaster-General! You have given it because you were compelled to under your contract and by the requirements of your statutes. Great recognition of the growth of the postal service in the twenty-one items so willingly given to the Department. An abundance of office furniture, plenty of scales, mail-locks, wrapping-paper, stationery, letter-balances, wrapping-twine, mail-bags—quantities of this material—necessary, I concede, but not a man, no additional brain-power, no added physical force, no increase of railway postal clerks, no carriers, no mail messengers, no post-office clerks—the necessary force to handle your 20 per cent. increase of letters in their various stages from deposit to delivery—not an additional cent allowed, but ample scales to weigh them, paper to wrap them, twine to tie them, and stamps to mail them; but there you stop, and stop deliberately. The shadow of a Presidential year paralyzes your statesmanship and blinds your judgment. I repeat, plenty of material, but not one cent for brain force. Truly does the gentleman in the twenty-one items recognize the growth of the postal service.

The items of the Third Assistant Postmaster-General are allowed because under contract, and in addition the gentleman desires the people, if they want to buy postage-stamps or stamped envelopes, wrappers, postal cards, or other conveniences for mailing their correspondence, that every opportunity should be afforded, every inducement to buy offered, but no arrangement or facilities adopted to handle the vast increase of mail matter after you have purchased and paid for your stamps to mail your letters. And why? Because to appropriate for material will seem to comply with the demands of the service. Material can not vote—men can; therefore for additional force no appropriation. The bill is political, and the gentleman knows it. The gentleman comes to this House and claims with loud declamation that "the committee has allowed all the items estimated for by the Third Assistant Postmaster-General." If the gentleman when preparing the bill had taken the precaution and had followed the wise example of his predecessors and made inquiry at the Post-Office Department whether in view of the presentation of this bill, in the month of March, 1884, there was anything in error in the estimates made up and submitted by the Department five or six months ago, he would have found that there has been a radical and decided change in some of the items for which the gentleman from Illinois says "the full amount estimated for by the Third Assistant Postmaster-General was given by the committee."

I have a copy of a letter which has been in the public prints for two days (the fact has been known for some time), transmitted to the Com-

mittee on Appropriations, in which the Third Assistant Postmaster-General informs the committee that in view of the general acceptance of the 2-cent rate of postage by the people, for the first time in the history of the use of postal cards there has been a falling off from what has heretofore been an annual increase of 14 per cent. Since their introduction the annual increase has averaged 14 per cent. up to this time.

In the debate in the last Congress upon the 2-cent postage proposition it was stated that the cheapness of the rate of postage would do away with a large amount of the business that had heretofore been transacted by the use of postal cards. It was claimed, as between 1 cent for a postal card and 3 cents for a letter, the people would use the postal card; but as between 1 cent for a postal card and 2 cents for a letter, the people would use the letter. Such a declaration I made on this floor, and to-day we have the first verification of the correctness of that opinion.

We are told in this letter of the Third Assistant Postmaster-General, whose estimates the gentleman says the Committee on Appropriations "have given every cent asked for," that instead of there being 14 per cent. increase in the use of the postal card, taking the last seven months for the basis of the estimate, there was actually a decrease in their use. Therefore the Department informs the Committee on Appropriations "the estimates for postal cards can be cut down $36,000."

I charge that the gentleman presenting this bill has given all the estimates asked for by the Third Assistant Postmaster-General without consultation or that critical examination which the House and the country is entitled to in a bill carrying millions, and the letter of the Postmaster-General proves my position, and I further assert the same neglect and contempt of official experience has been followed by the gentlemen with reference to the estimates of the First and Second Assistant Postmasters-General.

As the consideration of this bill progresses we will find the gentleman will willingly accept the recommendation of the Third Assistant Postmaster-General as to cutting down the estimate for the postal cards, but when we come to any item (and there will be items) requiring necessarily an increase of the estimate, the committee, in their all-sufficient way, without any consultation with the Department, will say: "We will not accept your judgment as to an increase; we will accept it only as to a decrease."

I have given you the items where the Committee on Appropriations have acceded to the estimates of the Department. Now let me show you the paragraphs where the committee do not give the amounts estimated for by the Department, and where, to my mind, they fail to meet the demands of the growth and development of the service this year, which is but the precursor and forerunner of larger percentages for the next year. The Postmaster-General asks, "for compensation to postmasters, $12,750,000;" the bill gives $1,750,000 less than the estimate. For clerks in post-offices, $4,900,000; the bill gives $4,775,000, the same as this year and $125,000 less than the estimates. For letter-carrier service, $4,000,000; the bill gives $3,600,000; $100,000 more than the present year, but $125,000 less than the law gives and $400,000 less than the estimate. For inland transportation, $12,750,000; the bill gives $1,050,000 less than the estimates. For railway postal clerks, $4,295,000; the bill gives $4,000,000; $23,000 more than this year and $295,000 less than the estimates. For mail messengers, $1,100,000; the bill gives $900,000; $50,000 more than this year and $200,000 less than the estimates.

These are the items that appropriate for the man force and the power to do the real work of the service. Abundance of material, but curtailment of subordinate force, runs through the bill; 20 per cent. increase in domestic or letter mail and no additional force to meet the people's just claim and demands for an efficient service; plenty of postage-stamps for letters, but no men to expeditiously handle them when they reach the mails. The real work of the service is done by postmasters, postal-car clerks, post-office clerks, letter-carriers, messengers, and the railroads. The great business interests of the country are to be jeopardized that a little political capital can be gained. If the issue was made before the people upon this measure alone I am sure your condemnation would be, as it deserves to be, speedy and complete.

I invite your attention, Mr. Chairman, to the first section of the bill, line 20, office of First Assistant Postmaster-General. "For compensation to postmasters, $10,500,000." This is the first deliberate *perversion* of the law. If I did not regard the word "deception" unparliamentary I would use it. The summary of the bill shows an apparent reduction of $5,000,000 from the estimates of the Department; certainly a *specious* showing and but a seeming reduction; the statute pays the 48,000 postmasters their compensation, notwithstanding your appropriations; you know it; and no one is more familiar with it than the gentlemen presenting the bill, Mr. TOWNSHEND, of Illinois, and Mr. HOLMAN, of Indiana. The Postmaster-General submits his estimate for compensation for postmasters, $12,250,000, and your bill gives $10,500,000; $1,750,000 less than the estimate.

But the law compensates the postmasters, whether you appropriate in this bill or bring it in as a deficiency during the next session of Congress and after the Presidential contest. Why did you make it $10,500,000? I assert for no other reason than to seemingly reduce the estimates and thereby attempt to deceive the people with alleged reductions. It is easy to understand the Postmaster-General's estimate. He knows what the service cost last year, estimates its cost this year on an average annual increase of work, and reaches an intelligent conclusion. The appropriation for the present current year is $9,250,000, and the deficiency will amount to $2,000,000 or more. After going into every detail in connection with the annual growth of service, the large percentage of increase in view of reduced postage, and the readjustment and increase of postmasters' salaries under the act of March 3, 1883, the Postmaster-General submits:

> I judge that the total amount required for compensation of postmasters for the fiscal year ending June 30, 1885, will be about $12,216,358.12.

I do not think the gentleman ever carefully read this report. The increase of postmasters' salaries of the fourth class under the act of 1883 has been to some extent the cause of the large deficiency for the present year. The gentleman in charge of the bill in the debate yesterday used this language, speaking of the bill for postmasters' salaries:

> A much larger sum was estimated for, but if you will examine the report of the First Assistant Postmaster-General you will find the only sum positively known to be necessary as definitely ascertained for the purpose of paying postmasters' salaries will amount to $10,641,358. We have in this bill given the Department $10,500,000. The remainder estimated by the Department to make up the enormous sum of $12,250,000 is based upon mere conjecture of percentages of increase. We have given about what it is definitely ascertained will be required to pay salaries.

The gentleman's statement leaves the impression upon the House that he has correctly quoted from the report of the First Assistant Postmaster-General, and that in the allowances by the bill the amount asked for has been virtually conceded. Permit me to read in addition to the gentleman's reading just what has been said:

> After a consideration of all the circumstances of the case, I am of the opinion that the amount paid for the quarter ended March 31, 1883 ($2,660,239.53), is the best present basis for an estimate, which, multiplied by four, would give $10,641,358.12 for the fiscal year 1884-'85, exclusive of the annual increase in this item.

Observe the language: "Exclusive of the annual increase in this item." Those are the words the gentleman from Illinois failed to quote, and in order to complete the sense of the proposition the First Assistant Postmaster-General continues:

> Placing this natural increase at $750,000 for the present fiscal year and at $825,000 for the next year (which periods will include two readjustments of salaries at first, second, and third class offices), I judge that the total amount required for compensation to postmasters for the fiscal year ending June 30, 1885, would be about $12,216,358.12.

The garbled presentation of the report whereby an insufficient appropriation is claimed as officially correct is in keeping with the gentleman's whole argument on the bill and its paragraphs. We can conclude that but one intention runs through the bill, not to appropriate in accordance with intelligent estimates, but to present a seeming curtailment of expenditure of the people's money in order that it may be used for political purposes and political ends.

The law will give postmasters their compensation. Perhaps the gentleman is not familiar with the statute. Let me state it to him. By the act of March 3, 1813, the compensation of postmasters at all offices is easily determined, and once determined can not be changed unless readjusted under the law and at a specified date. At Presidential offices it consists of fixed rates of allowance on gross receipts; at all other offices it is fixed upon the basis of all the box-rents and certain rates of commission on the cancellation of stamps. Section 3861 of the Revised Statutes allows postmasters to deduct their compensation out of the receipts of their offices, turning into the Treasury only their net revenue. It will therefore be seen that the amount of the compensation due postmasters in any given time and the actual expenditure for compensation are entirely beyond the control of the Department; so that, whatever amount may be appropriated by Congress for this purpose, the fact remains that under existing laws the expenditure is not thereby restricted. To put it differently, the pay of postmasters is limited, not by appropriation bills but by a fixed law, and to the extent of their legal compensation the gross revenues of the postal service is not only appropriated but hypothecated to their payment. It follows, therefore, if not a dollar is appropriated in the annual appropriation bill, postmasters will receive their salaries all the same. There is nothing effected in the interest of economy, therefore, by appropriating $10,500,000 to pay postmasters while we place $50,000,000 in their hands out of which to pay themselves to the full extent of their legal dues. Therefore I conclude the amount appropriated in the bill is insufficient, and it has been fixed at $10,500,000 to seem to meet the requirements of the service, but actually to reduce the amount estimated by an intelligent Postmaster-General in order that the claim of reduced expenditures may form a part of political capital to be used in the near future—five millions of alleged saving in this bill. I have already accounted for $1,750,000.

The second paragraph in the section under debate would reduce the compensation of the postmasters of the nine largest offices in a sum total of $17,000. It reads: "And no salary of any postmaster under the act entitled 'An act to adjust the salaries of postmasters, approved March 3, 1883,' shall exceed the sum of $4,000 per annum." This proposed reduction strikes at New York, Philadelphia, Chicago, Boston, Saint Louis, Baltimore, Cincinnati, San Francisco, and Washington. The reduction in this respect is the only exception the gentleman takes to the legislation of the last Congress readjusting the compensation of 48,-

000 postmasters. I take a special interest in any legislation covering this subject, for I presented the bill to the House and explained its provisions. I have before me the record exhibiting the debate and the vote. It reads:

The House again divided—

Understand this was early in the morning of March 3, just at the close of the Forty-seventh Congress—

and there were—ayes 152, noes 21. The yeas and nays were not ordered; there being—ayes 13, noes 103.

Practically there was a unanimous vote of the House in favor of the bill, which in addition to other wise legislation gave about 10 per cent. increase to 46,000 fourth-class postmasters. In general, the first, second, and third class offices remained at about the same compensation, with the exception of the eight largest offices, New York having been adjusted under earlier legislation. The gentleman from Illinois does not so much as honor the House with a reason for this proposed change of law. Good reasons were presented when the legislation was enacted, and it should stand until better arguments are submitted warranting a change. Gentlemen who are familiar with the responsibilities of the great city offices recognize the necessity of fair compensation for the character of service rendered. Under the gentleman's change of law the reductions I read would follow:

Post-office.	Salary.	Reduced under bill.
Baltimore, Md	$5,000	$1,000
Boston, Mass	6,000	2,000
Chicago, Ill	6,000	2,000
Cincinnati, Ohio	6,000	2,000
New York, N. Y	8,000	4,000
Philadelphia, Pa	6,000	2,000
Saint Louis, Mo	6,000	2,000
San Francisco, Cal	5,000	1,000
Washington, D. C	5,000	1,000

At these nine great offices the Government requires bonds from the postmasters varying from $500,000 to $200,000. The number of subordinate force runs from 1,400 to 400. The money custody in every office exceeds a million of dollars annually, and in the larger number from three to ten millions. While you appropriate by the first section of this bill $10,500,000 for the postmasters' compensation, you would by the provision the gentleman introduces reduce the salaries of the nine postmasters now receiving $53,000 to $36,000 per annum, a reduction of $17,000, when the volume of work done at these offices aggregates 27.3 per cent. of the whole postal business. Ten million five hundred thousand dollars for postmasters' salaries for the whole service, $53,000 for the nine offices that perform over 27 per cent. of the whole business, and you would reduce this amount $17,000. I do not think you can do it if equity, justice, and common fairness prevail. I have not mentioned the obligation and responsibility of the money-order business, which must be added to the general post-office work done. Remember, the postmaster receives no additional allowance or perquisite for this labor. In New York he handles millions upon millions of money, and in other cities it reaches vast amounts. I will read for the information of the House some official data, which at my request the Department has furnished:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., March 7, 1884.

SIR: In response to your verbal request, I have the honor to herewith inclose a list of post-offices whereat the salaries of the postmasters as fixed to take effect from October 1, 1883, are upward of $4,000. Also, as to the salary of the postmaster at New York, N. Y., which was fixed by law at $6,000 from July 1, 1864 (13 Statutes at Large), and was increased to $8,000 a year from July 1, 1875, in the appropriation act making appropriation for compensation of postmasters. (See section 1, 18 Statutes at Large, page 340.)

Very respectfully,

FRANK HATTON,
First Assistant Postmaster-General.

Hon. H. H. BINGHAM,
House of Representatives, Washington, D. C.

Statement showing the gross receipts at nine of the larger cities for the fiscal year ended June 30, 1883, and the percentage of receipts compared with the total postal revenue.

Office.	Salary.	Postal revenue for year ended June 30, 1883.	Total postal revenue for year ended June 30, 1883.	Percentage of total revenue.
New York, N. Y	$8,000	$4,413,821 57	$45,097,073 24	9.7+
Chicago, Ill	6,000	1,949,180 33		4.3+
Philadelphia, Pa	6,000	1,581,791 03		3.5+
Boston, Mass	6,000	1,507,529 79		3.3+
Saint Louis, Mo	6,000	843,730 33		1.8+
Cincinnati, Ohio	6,000	638,624 47		1.4+
Baltimore, Md	5,000	540,503 92		1.1+
San Francisco, Cal	5,000	558,133 73		1.2+
Washington, D. C	5,000	292,755 95		.6+
Total	53,000	12,326,071 12	45,097,073 24	27.3+

Money-order business of same offices.

Fiscal year ended June 30, 1883.	Total number of money-orders issued and paid.	Percentage of total service in the United States (about).	Total amount of money-orders issued and paid.	Percentage of total service in the United States (about).	Total amount of fees received from the public.	Percentage of total service in the United States (about).
New York	981,401	5 1/6	$10,021,809 04	4	$14,880 80	1 1/6
Chicago	799,965	4 1/6	8,908,055 62	3 1/6	16,851 55	1 1/6
Philadelphia	330,513	2	3,844 844 19	1 1/6	11,457 05	1
Boston	381,200	2	3,353,551 48	1 1/6	8,431 20	1/6
Saint Louis	347,197	2	5,395,731 21	2 1/6	8,879 70	1/6
Cincinnati	237,332	1 1/6	2,902,872 48	1 1/6	5,852 35	1/6
Baltimore	129,802	1/6	2,074,240 37	1/6	4,718 50	1/6
San Francisco	198,885	1	3,831,933 48	1 1/6	9,752 30	1/6
Washington	110,776	1/6	1,303,377 88	1/6	4,188 15	1/6
Totals	3,517,071	20	41,636,415 75	17	85,011 60	7

Post-offices with salaries of $3,500 per annum and upward.

Albany, N. Y	$3,500
Brooklyn, N. Y	3,800
Buffalo, N. Y	3,700
Cleveland, Ohio	3,700
Denver, Colo	3,500
Detroit, Mich	3,700
Indianapolis, Ind	3,500
Kansas City, Mo	3,500
Louisville, Ky	3,600
Milwaukee, Wis	3,700
Minneapolis, Minn	3,500
New Orleans, La	3,700
Pittsburgh, Pa	3,800
Providence, R. I	3,500
Rochester, N. Y	3,600
Saint Paul, Minn	3,500

Certainly the House, in view of the statements I have read, can not consent to any reduction in the compensation of the nine great post-offices of the country—rather a large salary than a smaller, if estimated upon a purely business basis. Remember at the close of the last Congress both sides of the House voted for the bill readjusting the compensation of postmasters. Every test thus far applied to that legislation marks it as wise and equitable. Give it a complete and full trial, and after that, if the Treasury can not stand the strain of $53,000 for postmasters' salaries in the offices where 27 per cent. of the entire work of the service is done, then I can find no warrant for a condemnation of the policy that runs through every section of this bill.

Let us examine the next paragraph in this bill generously appropriating for the wants of the people in this growing service. In the debate in the Forty-seventh Congress on the reduction of postage from 3 cents to 2 cents per half ounce I used this language:

Following the example of the oldest and best established governments of the world, a monopoly under the Constitution has been delegated to the Government in the carriage of letters; and the wisdom of that action has gone unquestioned by the people even to this day. Competition by private carriers is however allowed for all other classes of matter permitted to go into the mails. So strictly has the Government maintained the monopoly, although by act of Congress letters may be carried outside of the mails, yet they must be inclosed in a Government-stamped envelope. The Government thus exacts its legal revenue, even when not performing any service in connection with letters.

A Government monopoly in the carriage of letters. Certainly if the people have any claim for consideration under this monopoly it is that the service should be as efficient and as nearly perfect as private enterprise and competition would make it. The cost of the service, which should be at all times properly guarded, is but secondary; efficiency and completeness in administration are the right of the people. The saving of a few thousand dollars in this or that special item may result in the loss of many thousands to the country. The penny-wise-and-pound-foolish policy marks the record of the Democratic party in recent years, and it has brought popular condemnation. We want at this time an enlargement of post-office facilities, not a curtailment. The bill gives $4,775,000 for clerk-hire for the next fiscal year. This is the same amount that is allowed for the present year. The Postmaster-General submits:

The appropriation for the present fiscal year is $4,775,000, or $75,000 less than the amount estimated for by the Department. It is $308,002.59 more than the expenditures for the item for the past fiscal year. The expenditures for the last year exceeded those for the year 1881-'82 in the sum of $458,682.81, or 11.73 per cent.

The number of allowances made for clerk-hire during the past fiscal year was 2,758, an increase of 478, or 20.9 per cent., as compared with the previous year. The increase of the past year over that of 1880-'81 was 1,422, or 106.4 per cent. The number of applications for clerical assistance declined during the year, mainly on account of an insufficient appropriation, was 2,604.

During the year the requests for allowances for clerk-hire were so numerous, and many of them so urgent and important, that it became necessary to make reductions in the amounts allowed at 195 different offices in order to obtain a fund out of which these meritorious applications could be granted. The necessity for such reductions, I regret to say, is becoming too frequent, and is always attended with much embarrassment to the Department and apparent injustice to the postmasters whose allowances are decreased. The appropriations for clerks in post-offices have been altogether too small for some years past, and not at all in proportion to the increase in postal business. One consequence of this illib-

erality on the part of Congress is that, as near as can be estimated, $140,000 is now annually paid by postmasters out of their own purses for clerical assistance, for which no return is expected. It is believed that about one-half of this amount is expended by postmasters at first and second class offices. It is certainly injustice on the part of the Government to make it necessary for deserving officials to bear a part of the expense of the postal service when the means are at command to relieve them.

The number of separating offices, principally of the fourth class, or offices at which postmasters are allowed clerk-hire on account of "separating" mails for other offices, is now 1,732, and could with propriety and benefit be largely increased if the appropriations for clerks in post-offices would admit of it.

In view of the increase of postal business as indicated in the foregoing table, and other information above given relative to this item, I am of the opinion that not less than $4,900,000, or an increase of $125,000, or 2.6 per cent., over the appropriation for the present fiscal year, will be required for this service for the fiscal year ending June 30, 1885.

If the gentleman in charge of the bill had but taken the trouble to read this section of the Postmaster-General's report, I am sure he would have given the small additional allowance asked for. I am constrained to state that even the Postmaster-General has erred on the side of meager appropriations in this special item. I do not consider it sufficient, and I am of opinion the Department will find itself much hampered before the close of the next fiscal year, even if the full amount asked for is appropriated. I repeat, $4,775,000 for clerk-hire is the same as the allowance for the fiscal year. Two-cent postage will increase your letter mail this year 20 per cent. Post-office clerks handle the entire letter mail, and yet for the service next year, with its added increase of this year's work, you do not give an additional dollar. Clerk-hire, under the statute, goes to the first and second class offices and separating offices of the third and fourth class.

This appropriation, therefore, is expended at 587 first and second-class offices where the gross receipts reach $27,310,657, about 60 per cent. of the entire revenue, and at 1,732 separating offices, where the revenues are great also, very great. As an illustration let me submit: In New York the allowance for clerk-hire reaches $802,935; Chicago, $354,806; and in my own city of Philadelphia it reaches $240,000. You say in this appropriation to these great business centers, where there has been added this year 20 per cent. to the letter mail, and the increase for next year may be greater, that, granted this vast increase of work, not an additional dollar shall be added to the appropriation to efficiently handle the work. Not another separating office can be added to the list; the amount allowed for this year must answer for next. Is that a fair business way of meeting the demands of the people, when you claim under the Constitution a monopoly of the letter mail? Would private enterprise thus administer this business in the year that marks the greatest percentage of increase in the history of the service? I think not. It is well to bear in mind, in addition to a recognition of this great growth, there is the same duty imposed upon Government as upon individuals—a recognition of faithful service by advancement and increased compensation. That is the life and the spirit of all enterprise; it is the discipline of service; it is the safety-valve of society. The reward of merit, if assured, brings with it fidelity, honesty, and contentment. Men are made better because they are assured promotion for faithful service. This bill will say to tens of thousands of subordinate force, no single man in the great Government service shall receive promotion during the next fiscal year, but he shall be punished by added and increased work. Cheap postage for the people and harder work for the faithful men whose years of service in any other occupation would have brought advancement and increased comfort. Gentlemen may say the clerks receive large salaries; they can be reduced. Permit me to read to you the average annual compensation of these men:

Statement showing the average compensation of clerks in the post-offices at New York, Philadelphia, Chicago, Boston, Washington, Baltimore, and Cincinnati.

New York, N. Y	$939
Philadelphia, Pa	767
Chicago, Ill	907
Boston, Mass	859
Washington, D. C	801
Baltimore, Md	913
Cincinnati, Ohio	896

Why does the gentleman so restrict the service in the year of its magnificent growth? Not a cent for increase of work; not a cent for promotion for faithful service; not a cent for extension to separating offices; and yet the gentleman points to his bill as a liberal measure. I assert that his bill is political, pure and simple, and where the necessities of the service require men he refuses because it is a Presidential year; but where the service demands wrapping-paper, stamps, mail-bags, and articles of furniture, the estimates of the Postmaster-General are acceded to, and then the gentleman claims he has generously appropriated for an efficient administration of the service. Let the party responsible for this legislation understand that the American people are intelligent and honest and will discern easily your motives and your purposes.

I will read the next section of this wonderfully and fearfully made bill:

For payment to letter-carriers and the incidental expenses of the free-delivery system, $3,600,000; $45,000 of which may be used, in the discretion of the Postmaster-General, for the establishment, under existing law, of the free-delivery system in cities where it is not now established.

The gentleman does not honor this paragraph with a passing word or notice. Those of us who reside in great cities know something of the character, efficiency, and usefulness of this branch of the service. It is an absolute necessity to output the vast and accumulating mails in the great offices; without it all would be confusion; one day's delay would bring general and widespread business injury. The many trains, carrying their tons of mail, deposit them hourly in the large offices. Once there they must be handled and delivered, for others quickly follow, and business is wholly dependent upon this established system. In New York city office alone the carrier force last year handled 258,000,000 pieces; 700,000 pieces every day. Philadelphia handled 160,000,000; almost half a million each day. Therefore, as the service grows the free delivery of necessity feels it at once. I shall not enter into details in considering this paragraph. The gentleman from Michigan has amply and intelligently covered the subject. The friends of free delivery had hoped, after the years of struggle and conflict before Congress, it had at last been established upon a basis fixed, permanent, with a subordinate force reasonably paid and promotion assured.

Free delivery is established in one hundred and fifty-nine cities, that return 50 per cent. of the entire postal revenue, and the subordinate force numbers 3,888. The men enter the service after a civil-service examination, serving as substitute carriers at a compensation depending wholly upon the number of days they are employed; in other words, when a regular carrier is absent the substitute performs his work and receives his pay. Substitutes usually serve in this capacity in the large cities about one year. They are then promoted to an annual compensation of $600, and after one year's service are advanced to $800, and after another year's service are advanced to $1,000, this being the maximum allowance. In second-class cities their first regular pay is $600, and after one year's service they receive $850, this being the maximum allowance. The law fixes the grades, the promotions, and the compensation.

The gentleman's bill allows $3,600,000 for carriers, $100,000 more than the present year. Under the law it will take an increase of $225,000 more than this year's allowance to pay the force now employed and give them their promotion, which your contract under the statute promises. How this can be done I can not determine; the gentleman's arithmetic may solve the problem. You call your appropriations liberal. Yet you appropriate less than the law gives, and you have made no allowance or margin for growth or extension of service. The Postmaster-General has asked for $4,000,000 for the next fiscal year. You reduce his estimate $400,000, and do not so much as honor the intelligence of this House with any explanation. Wise legislation, indeed! I do not think you even looked at the statement, figures, and exhibit covering the subject, easily found in the Department report. The gentleman may say the service is established at many offices where it does not pay; therefore it should be curtailed. Cities and communities do not willingly give up postal facilities and conveniences, and no member in this House whose constituents enjoy them would submit to a relinquishment without protest. The gentleman is estopped, however, from presenting this argument, for his own bill allows $45,000 of the amount to be appropriated for extension of service.

Every city that has, under the law, $20,000 post-office revenue or 20,000 population is entitled to this service. It is to-day established in all the cities where it will pay at once or return net revenue, and wherever hereafter located it will at first not meet expenses; therefore the gentleman can not demand curtailment for the reason that his bill admits extension.

This service does not only do its own local business, but without charge to the Post-Office Department, it delivers all mail matter that comes into the free-delivery offices from distant points or from any post-office in the country without extra charge to the party addressed, or, as I have said, to the Post-Office Department. Its estimated revenues and its maintenance is wholly dependent upon its own home or local business. Last year it returned a net revenue of $1,021,894.01, and this year every estimate thus far obtained indicates $1,300,000 to $1,500,000 net revenue. Next year it will on the basis of natural growth leap up toward $2,000,000 clear profit.

If, therefore, no higher purpose or motive should govern the gentleman in his legislation than that of surplus revenue or gain, the appropriation should be liberal and up to the amount asked for by the Postmaster-General. Let me present it simply as a business proposition: given for the fiscal year ended June 30, 1883, an appropriation of $3,200,000, and the result gives you $1,021,894.01 net profit. Business men would say a startling result, and the work should be fostered and strengthened—not starved and destroyed. Given $3,500,000 for the present fiscal year, and the estimates are $1,300,000 to $1,500,000 net profit; and upon simply natural growth, if you give for the next fiscal year $4,000,000, the amount asked for, which will meet the requirements of the great cities and promote your subordinate force as the statute directs, you will receive a net return of $2,000,000. Does not this presentation of the case strike the gentleman as having a basis of common sense, and would not any business man so appropriate? I fear the shadow of things political in a Presidential year destroys the gentleman's judgment and vision. He sees only patronage and power in increased ap-

propriations. I see only the people—right and privilege to have a good service, when they maintain and give surplus revenue to this governmental monopoly by direct taxation, and at the same time carry in the mails $3,000,000 in postages on franked matter.

The bill is consistent only in its inconsistencies; wherever it legislates upon the vital wants and necessities of the service it but cripples and destroys. You do not give that which the law allows, therefore you give nothing for an extension of the service, and you give nothing for its growth in the one hundred and fifty-nine cities where it is now established; and yet the gentleman says his bill is generous. Comment is unnecessary.

Let me briefly consider two other items. For railway mail post-office clerks you appropriate $4,000,000; the amount asked for is $4,295,289.60, an estimate based upon natural growth and an intelligent examination of the requirements of this branch of the service. This year the appropriation amounts to $3,977,120. You allow an increase of about $23,000. Every man in this House is familiar with the railway postal service, and he knows as the railroads and new enterprises add to their vast lengths 10,000 miles additional each year the postal railway service must go with it. Upward of 4,000 men are now employed in this branch of work. Your $23,000 will not give the men now employed their increased compensation under the regulations. Does the gentleman expect this service to stand still during the next fiscal year? Does he think the present force can be worked harder? Let me tell him it is the most exacting and severe work in any branch of the Government employ. Every man averages a run of one hundred and twenty miles daily throughout the year, and it is work from the starting to the ending of the trip. No railroad in the country so works its train men. I will read a letter received from the superintendent of the service, and written at my request:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 7, 1884.

SIR: Referring to our conversation, permit me to say that at the close of business, February 29, 1884, there were 4,025 railway postal clerks, the cost of the same being $4,026,141.

The mails are much lighter in summer than in winter; consequently when the appropriation becomes available (July 1) it is the practice to withhold as much of the appropriation as possible to increase the force during the winter months when the mails are very heavy, which will account for the present aggregate expenditure being greater than the appropriation ($3,977,120) for the present fiscal year. The good of the service at the present time requires three hundred and sixty-eight additional clerks, of which number one hundred and forty-three should be appointed to new lines on which there are no postal clerks. I could have given the lines in detail, but did not think you would care to be burdened with it. There is a very urgent demand for service on the new lines, but the Department is powerless to grant any relief.

Very respectfully,

W. B. THOMPSON,
General Superintendent.

Hon. H. H. BINGHAM,
House of Representatives, Washington, D. C.

Perhaps the superintendent of this service, a gentleman of long experience and tried efficiency, is mistaken in his estimate of the work and necessities of the service; therefore the amount must be reduced to meet the ideas of the gentleman presenting this bill, who I have no doubt will at some stage in the debate give us his reasons or some convincing statement justifying this reduction. The Postmaster-General tells us why he will require the full amount, and a simple examination of the proposition must force the gentleman to admit that his allowance will not carry on the service. But it will prevent any additional appointments of men during a Presidential year, and adds almost $300,000 to the great political reduction of Department estimates. The statesmanship that pervades this bill is indeed of a lofty and far-seeing character. In mail messengers the amount asked for is $1,100,000; the amount the bill appropriates is $900,000; the allowance for the present fiscal year is $850,000. Do you know what a mail messenger does? Let me tell you in the language of the regulations:

In connection with railroad and steamboat routes, mail messengers are designated to carry the mails to and from post-offices not at the termini of routes when such post-offices are more than eighty rods from the steamboat landing or railroad station.

The Postmaster-General always gives us a reason why he asks for an increased appropriation. The committee, however, are delightfully neglectful of any reason for non-compliance with intelligent demands. I read from page 123 of the Postmaster-General's report, 1883. He says:

The rapid growth of the railway service has added largely to the expense of this service, so that the average cost of new service during the last four months has been at the rate of $100,000 per annum. This rate of expenditure will make necessary a deficiency appropriation of $75,000 for the current year and an appropriation for the fiscal year ended June 30, 1885, of $1,100,000.

We have $850,000 for the current year; we are told we will be in deficiency $75,000, and that makes $925,000; and yet the gentleman, in recognition of the growth of the service, allows $25,000 less than this year, and in addition, to use his own language, speaking of the revenue for this year, he says "the receipts have been surprisingly greater than was anticipated," and he fixes the revenue at $50,000,000, while the Department estimates are $47,104,000. He gives almost $3,000,000 more of receipts, and therefore just that additional percentage of increased work over the Department estimates, and in every item for brain-force and man-power he curtails the estimate of the Department. If the Postmaster-General had thought the revenues would have been $50,000,000 instead of $47,000,000 he would have estimated accordingly; but the gentleman increases the revenue over the Department estimates and reduces the allowances for doing this increased work under the Department estimates. Wise legislation, indeed! In this item alone of mail messengers he gives $25,000 less for the next fiscal year than the amount the Postmaster-General tells us will be the cost of the service for this year.

You appropriate in this bill every dollar asked for steamboat service and railroad transportation. There you recognize the growth and the extension of the service; but when your railroads and your steamboats have carried your mails to the station or point of deposit and they must then be carried by mail-messenger service to the post-office distant more than a quarter of a mile, you immediately curtail and cut down. Your bill allows the establishment of additional post-offices without limit, but it makes no provisions for delivering the mails when the offices are distant more than eighty rods from the road. Grand and brilliant indeed is such legislation! It may be regarded as cunningly devised and considered politically safe, but the people will soon read between the lines of your proclaimed generous legislation and see its failure in results, its inadequacy and consequent business inconvenience and injury.

Not content with the annoyance and complications that will surely follow the enactment of this bill into law, your committee has determined to make a direct attack upon the great railroad corporations in order that the bill may be politically stronger, and the paragraph appropriating for inland mail transportation, while in effect allowing all the Postmaster-General asks for, reduces, inthe words of the section, "all railroad companies for the transportation of mails 5 per cent." The geptleman gives a reason for this statesmanlike procedure. He says:

In 1876 Congress reduced the basis of rating of the compensation of railroads 10 per cent. In 1878 it was still further reduced 5 per cent. This was the last reduction made for this purpose. The railroads are at present carrying passengers, express, and freights far cheaper than they were carrying them at the period of the last reduction. The cost of material, of wages, and the ordinary expense of running railroads are cheaper than they were at that period. We feel, therefore, that Congress can, without being charged with injustice to the railways, reduce this rate of compensation to the extent provided here.

The last Congress appointed a commission of experienced Post-Office officials "to investigate the railway mail service, and devise a system of gauging the rates of pay for carrying the mails." That report was sent to Congress on the 20th of December, 1883, and contains in detail a complete history of the service; an explanation of the inequalities of the law of 1873, under which the mails are now carried, and submits recommendations of change in the system radical and thorough. For more than three months that report has been before the subcommittee on appropriations in charge of this bill. I do not think they ever referred to its carefully prepared exhibit or examined the recommendations of the commission. Certainly, if they had, this horizontal-reduction paragraph would never have been presented for action. The experience in 1876 and 1878, when Congress enacted legislation of a similar character, resulted in a stoppage of the mails on the New York Central and Pennsylvania Railroad trunk lines, and the clamor, protests, and demands of the people forced Congress to establish a special mail service, whereby the great roads received virtually special allowances, in lieu of the reduction of 10 and 5 per cent., under the acts of 1876 and 1878.

You do not in this bill make any appropriation for special mail facilities. By the 5 per cent. reduction you reduce the compensation to railroads not land-grant or subsidized about $600,000 annually. I shall not discuss the question covering a reduction of transportation rates for the land-grant and subsidized roads. Gentlemen specially familiar with the subject will present it to the consideration of the committee. The horizontal-reduction clause in this bill I regard as unjust, inequitable, and unfair. The great roads that render the highest conditions of completed and perfect railroad management, equipment, and service are reduced from their already low rates under the law of 1873, and the small roads, transporting but limited weight of mails, are reduced the same percentage as the great trunk roads, while at the same time they receive four and five times greater compensation.

The gentleman says they will save to the Government $600,000 by this clause in the bill. I have no doubt of it. But it was possible for the committee to make even a greater saving, and at the same time to legislate with wisdom and justice, had the subject been intelligently investigated. The report of the commission exhibits a possible saving of $1,000,000 for the next fiscal year. The proposition is simple and susceptible of conclusive demonstration. It proposes to pay for the elements entering into an efficient railroad mail service. The roads now doing the work should receive fair compensation. If they do not do the work they certainly have no claims for exorbitant or unreasonable rates. Permit me to read the letter addressed by the acting Second Assistant Postmaster-General to the chairman of the Committee on Post-Offices and Post-Roads, a copy of which was duly mailed to the Committee on Appropriations.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BINGHAM. I would like to have a little further time, if possible.

Mr. WHITE, of Kentucky. I ask unanimous consent that the gentleman from Pennsylvania be given fifteen minutes additional time.

The CHAIRMAN. The House has limited the general debate, and it would not be in order for the committee to extend it.

Mr. HOLMAN. I presume that the remaining time on that side of the House is at the disposal of the gentleman from Pennsylvania or his friends.

The CHAIRMAN. The gentleman from Indiana will be recognized next. The Chair desires now to state that the arrangement made by the gentlemen on the several sides of this bill as to the debate has been defeated by the action of the House.

Mr. HOLMAN. I suggest, though, that three hours were allowed for debate. Of course the gentleman of Pennsylvania represents one hour and a half of that time, and I suggest therefore that he consume such time of that hour and a half as he may think proper.

The CHAIRMAN. The Chair will not interrupt the gentleman unless some member of the committee sees fit to do so. It is not proper, however, to entertain a motion to extend the time.

Mr. SKINNER, of New York. If I can be recognized I will yield to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania can proceed unless objection is made by some member of the committee.

Mr. HOLMAN. I suppose the time can not be extended by the committee, but the gentleman can use the half hour remaining to that side of the House.

The CHAIRMAN. The Chair will understand that the time is being used by the assent of gentlemen on the other side unless objection is made.

Mr. HOLMAN. Of course the time can not be extended by the committee.

The CHAIRMAN. It can not. The Clerk informs the Chair that the additional time was granted with a view to allowing the gentleman from Illinois [Mr. TOWNSHEND] to close the debate. The gentleman is not present, the Chair perceives.

Mr. HOLMAN. This will not interfere with that arrangement.

Mr. BINGHAM. I thank the House for the courtesy.

The letter reads:

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 14, 1884.

SIR: Concerning the report of the committee appointed to devise a more complete system of gauging the rates of pay for carrying the mails on railroad routes, submitted by the Postmaster-General to Congress in accordance with the provisions of section 3 of the act of March 3, 1883, I have been requested by Hon. J. H. JONES, of your committee, to submit some observations relative to the effect of the recommendations in said report as touching the increase or decrease of cost of mail transportation by railroad routes.

Having participated in the preparation of the scheme embodied in the recommendations of the committee I can speak with some degree of positiveness concerning it, and have to say that the rate of pay adopted as the initial basis of compensation, *i. e.*, 25 cents per mile run for cars fifty feet in length, is, in my opinion, not only a fair proposition, but is also the only just and practicable basis of payment for the peculiar service required by the Post-Office Department. Under the plan proposed compensation would be made according to the amount and character of the service rendered in each case; and the result would be to decrease the cost of transportation by railroad per annum $1,687,980. From this deduct cost of delivery of mails to offices recommended by committee, $687,980; net saving per annum, $1,000,000.

The $687,980 deducted for the above reason is a greater sum than will in my judgment be required for that purpose; but the sum is used that the estimated saving to the United States by the proposed plan may not by any possibility be overstated. This saving, I repeat, will be not less than $1,000,000 per annum on the basis of present cost: and there would be a continuous and additional saving realized as the service is developed. All of this can be accomplished in the way proposed by the committee and now fully embodied in the bill before you. The proposed law, if enacted, will result in the improvement of the service and will not injure any interest.

I have much satisfaction in being given this opportunity to define the views of this office in regard to the proposed law and its effect upon the cost of mail transportation by railroad routes.

Very respectfully,

H. D. LYMAN,
Acting Second Assistant Postmaster-General.

Hon. H. D. MONEY,
Chairman Committee on Post-Offices and Post-Roads,
House of Representatives.

The necessity for a revision of the law compensating railroads for the transportation of the mails is recognized by all. No one can dispute or does contest the proposition. It is desired by the railroads as well as by the Government. The year 1883 shows a railway postal service 110,000 miles in length at a cost of about $13,800,000. The practical objections to the present law are, in the language of the commission:

First. The great volume of postal transportation is performed in cars or apartments and accompanied by clerks. Under the law there is no discrimination between service so rendered and closed mails carried in bulk in baggage-cars. It is therefore to the interest of the railroad companies to provide the least possible space accommodation for the mails.

Second. The matter of frequency is covered by the indefinite expression "due frequency." Practically there is no discrimination, where the same weight of mail is carried, between cars or apartments, with clerks, running six, seven, twelve, or fourteen round trips per week; the less frequent securing the same rate as the most frequent.

Third. The matter of speed is disposed of in the expression "due frequency and speed." Under this law the speed with which the mails are carried, though a feature of great value to the public, has no effect on the rate of pay.

Fourth. The size of cars or apartments to be used is provided for by the following phrase:

"Sufficient and suitable room, fixtures, and furniture, in a car or apartment, properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails."

All of this is insufficient and too indefinite to be continued as the expression of the requirements of the Post-Office Department with regard to the 115,000 miles of postal service.

Fifth. Specific allowance for railway post-offices is an entirely unreasonable method of compensating for the service required. There is no reason known why 15, 25, or 35 feet of interior car space used for mails and clerks should not be made the occasion of specific allowance, if 40, 50, and 60 feet cars, used in precisely the same manner, are so treated.

Sixth. The regulation continued under the present law requiring railroad companies to deliver mails into terminal offices, and also to all other offices not over eighty rods from the line of road, has become a serious hinderance to the efficiency of the postal service.

Seventh. The present method is further defective because of the great inequality existing in many cases between the weights carried and the apartments provided.

An analysis of the tables accompanying the report of the Postmaster-General, showing the daily weights on all the roads in the United States, with the size of the apartment corresponding, will reveal such incongruities as the following: On one road a daily weight of 200 pounds of mail is carried in an apartment 7 feet long; on another road the same weight is carried in an apartment 13 feet long. On one road 400 pounds of mail daily are carried in an apartment 8 feet long, while another road carries the same weight of mail in an apartment 16 feet long. On one road 700 pounds of mail are carried in an apartment 9 feet long, while on another road the same daily averge weight of mail is carried in an apartment 42 feet long. Either in the one case the space provided is too small or in the other case it is too large. In any case a system which would equalize the amount of space as related to weight would manifestly be an improvement upon the present methods.

These objectionable features the committee hope to avoid in the scheme proposed and herewith submitted.

So much for the law of 1873. Now as to the well-considered views of the commission concerning the present law. Permit me to read what they recommend:

1. That the compensation to the railroads for carrying the mails shall be determined upon the basis of the space used and the frequency and speed with which the mails are conveyed.

2. That the space factor shall be determined by the Postmaster-General, in view of the needs of the service, modified by the weight and frequency of the mails; that the speed factor shall be determined by the schedules of the various railroads, in connection with the official reports of the railway mail service.

3. That the pay for all mail transportation shall hereafter be at a fixed rate per linear foot of car per mile run. This rate to cover the entire cost of the service, furniture, and fixtures in the car, transportation of postal clerks, &c.

4. That the Postmaster-General may at any time order an increase or a reduction in the amount of space to be paid for, if, after a weighing, it be found that there has been a sufficient increase or diminution in the amount of mails transported on any railroad to require the same.

5. The closed or pouch mails, now carried in express or baggage car, without postal clerks accompanying them, requiring no space for distribution *en route*, shall be paid for on the following basis, namely: The aggregate weight of the closed or pouch mails carried on any road on all trains for twenty-four hours shall be made the basis of pay, and this aggregate weight reduced to an equivalent in linear feet of car space in the following proportions:

Two hundred pounds of mail or less shall be rated as the equivalent of 6 linear inches, to be paid for at the rate of 5 mills per linear foot per mile run.

Five hundred pounds of mail shall be rated as 1 linear foot, and for each additional 500 pounds 1 linear foot of car space shall be allowed, with the proviso that the pay for transportation of mails upon any railroad route for six round trips per week shall not be less than $35 per mile per annum.

6. That the side service be discontinued.

7. That the pay for railway post-offices, at a speed of 20 or less miles per hour between termini, be 5 mills per linear foot, inside measurement, of car space per mile run, and for each increase of speed amounting to 2 miles per hour up to and including 30 miles per hour, one-tenth of a mill; *i. e.*, 22 miles per hour, 5.1 mills; 24 miles per hour, 5.2 mills; 26 miles per hour, 5.3 mills; 28 miles per hour, 5.4 mills; 30 miles per hour, 5.5; and for each additional mile per hour, one-tenth of a mill.

And it is further recommended that in the adjustment of space by linear feet for railway post-offices a daily average of 500 pounds of mail or less shall be entitled to pay for space not to exceed 13 feet. From 500 to 1,000 pounds, space not to exceed 15 feet. From 1,000 to 2,000 pounds, space not to exceed 25 feet. From 2,000 to 4,000 pounds, space not to exceed 40 feet. And we recommend that no change in the allotment of space shall be made until the average weight reaches 6,000 pounds. For 6,000 pounds, 50 feet; for 8,000 pounds, 60 feet—the weight to be ascertained by a weighing of not less than thirty consecutive days; and no additional space shall be paid for unless it is found to be necessary.

In all railway post-offices the load should not exceed double the greatest weight specified for the respective lengths, and for any gross weight carried on two or more trains daily the space may be subdivided upon the gradients of space for lower weights, as the nature of the service may require; with the further provision that the Postmaster-General may increase the compensation upon any railroad route not to exceed 50 per cent. per annum for special mail trains performing service upon schedules fixed by him. In all these estimates the minimum car width should be fixed at 8 feet 6 inches, inside measurement.

Respectfully submitted.

RICH'D A. ELMER,
W. B. THOMPSON,
ISAAC C. SLATER,
Committee.

The committee had before them the carefully prepared and comprehensive report of the commission. They passed it by. In fact, I do not think they ever concerned themselves about the testimony and information the report contained. A million of dollars could have been saved and the service reorganized; they preferred to disorganize the service and strike at the corporations, alleging that by such legislation as a 5 per cent. horizontal reduction $600,000 would be saved to the Government. They were indifferent as to whether the reduction was just in one case and unjust in another; they saw simply the corporation head and struck at it.

We are to be congratulated, Mr. Chairman, that there are other committees in this House not wholly indifferent to the conditions of a well-organized and properly adjusted postal service, allowing equitable compensation for work done, and at the same time extending exact

justice to all interests, individual, corporate, and governmental. The gentleman who presides over the Post-Office Committee [Mr. MONEY] has had long experience as a member of this body, and I think during his ten years of service has been identified with the Committee on Post-Offices and Post-Roads; therefore he brings to the consideration of the legislation proposed in relation to this Department of the Government a wise and capable understanding, a broad and comprehensive training, and a knowledge of the wants and demands of the people. Under the gentleman's industrious and intelligent administration of his committee we have examined carefully the report of the commission, and have been enabled to submit to the House a bill reorganizing and readjusting the railway mail service, in order that speed together with space and weight may be the determining factors in fixing compensation. That bill has been reported favorably from the committee, and if passed will save to the Government more than $1,000,000 per annum, and at the same time pay the railroads that do the work fair and reasonable compensation.

The legislation contained in the bill before us retains all the objectionable features of the law of 1873, and adds to the many roads which are returning to the Government a most efficient service, a reduction of 5 per cent., when it has been well known their present compensation has not been equitable. I affirm the roads that render the Government the best service, carrying the mails on trains running thirty-five to forty miles an hour, giving every terminal facility and convenience, furnishing equipped postal cars and carrying large numbers of postal clerks, are materially affected by the horizontal-reduction clause contained in this bill, while the smaller roads that carry less than one ton per day of mail matter run at a speed of from twenty-two to twenty-seven miles an hour, furnish neither terminal facilities nor postal cars, will not be to any appreciable extent reduced in their compensation under your horizontal reduction. The reason for this is found in the law of 1873, which pays for weight carried, but as the weight carried is increased the rate allowed is greatly decreased. I will read the law:

Schedule of rates for railroad mail service under act of March 3, 1873.

[Each additional 2,000 pounds, $21.37½ additional.]

Average weight of mail, whole distance, per day.	Pay per annum per mile of route's length.	Pay, less deduction of 14.50 per cent.
1— 200 pounds daily	$50 00	$42 75
200— 500 pounds daily	75 00	64 13
500—1,000 pounds daily	100 00	85 50
1,000—1,500 pounds daily	125 00	106 88
1,500—2,000 pounds daily	150 00	128 25
2,000—3,500 pounds daily	175 00	149 63
3,500—5,000 pounds daily	200 00	171 00

For all weights up to 200 pounds, when the mail is carried six times a week, $50 per mile per annum is paid. Payment in all cases is dependent upon the provision by railroad companies of sufficient and suitable room, fixtures, furniture, &c.—*Postal Laws and Regulations*, 1879, section 629.

Permit me to read the rates received by the railroads under the law, and you will observe the small compensation paid the great roads that give your mails every advanced convenience and the large rates received by the roads carrying less than one ton per day of mail.

The great roads.

No. of route.	Termini.	Corporation.	Miles.	Total annual pay. *a*	Weight per day.	Annual tonnage, one mile.	Amount. *b*	Rates per ton per mile. *c*
					Pounds.		*Feet.*	*Cents.*
5005	New York and Springfield	New York, New Haven and Hartford Railroad Company	135.59	$114,377 68	52,103	1,289,298	185	8.8
6011	New York and Buffalo	New York Central and Hudson River Railroad Company	442.0	608,288 84	84,498	6,816,031	435	8.9
6052	Buffalo and Chicago	Lake Shore and Michigan Southern Railway Company	540.28	509,665 37	52,355	5,159,585	430	9.8
7004	New York and Philadelphia	Pennsylvania Railroad Company	89.54	161,770 12	118,350	1,943,898	540	8.3
8001	Philadelphia and Pittsburgh	Pennsylvania Railroad Company	353.0	448,691 24	82,227	5,297,268	345	8.4
10001	Baltimore and Philadelphia	Philadelphia, Wilmington and Baltimore Railroad Company	96.0	63,034 56	41,114	720,317	150	8.7
21032	Pittsburgh and Columbus	Pittsburgh, Cincinnati and Saint Louis Railway Company	193.86	176,961 23	48,683	1,723,621	340	12.0

a Postal cars included. *b* Amount of space provided for distribution post-offices in each direction daily, whole length of route. *c* Covering space for distribution, clerks, delivery at side offices, and transportation of officials.

The smaller roads.

No. of route.	Termini.	Corporation.	Length of route.	Total annual pay. *a*	Weight per day.	Annual tonnage, one mile.	Space. *b*	Rate per ton per mile. *c*
			Miles.		*Pounds.*		*Feet.*	*Cents.*
8019	Binghamton and New Hampton	Delaware, Lackawanna and Western	144.56	$15,450.57	1,504	39,524	18	0.36
8041	Pittsburgh and Oil City	Allegheny Valley	132.08	17,165.11	2,142	51,601	16	0.33
8063	Pittsburgh and Cumberland	Baltimore and Ohio	150.32	16,708.05	1,615	44,210	15	0.37
9501	Wilmington and Delmar	Philadelphia, Wilmington and Baltimore	97.02	12,442.81	2,050	36,290	23	0.34
11005	Newport News and Ashland	Chesapeake and Ohio	510.18	54,089.28	1,482	137,957	18	0.39
11021	Hagerstown and Roanoke	Shenandoah Valley	236.41	30,972.19	2,095	90,231	40	0.34

a No cars, but apartments. *b* Amount of space provided for distribution post-offices in each direction daily, whole length of route. *c* Rate per ton per mile, covering space for distribution, clerks, delivery at side offices, and transportation officials.

The smaller roads receive four and a half times greater pay than the trunk lines, upon which are carried the immense tonnage, with every modern facility and convenience. This horizontal reduction of 5 per cent. reduces all the roads, but, as is apparent, the great roads now carrying the mails at the lowest figures will suffer the most, while the smaller roads will not materially feel the reduction. As an illustration, the Pennsylvania Railroad and the New York Central Railroad will be each reduced about $25,000 per annum, and the roads carrying less than a ton but a few hundred dollars.

Mr. HOLMAN. Will my friend allow me to ask a question?

Mr. BINGHAM. Yes, sir.

Mr. HOLMAN. Does the gentleman from Pennsylvania mean the reduction should have been brought about by reducing the compensation of the smaller lines?

Mr. BINGHAM. I mean that reduction should be brought about by paying to the railroads exactly the value of the service they perform, and that it would have been brought about by the bill recommended from the Committee on the Post-Office and Post-Roads, whereby a million dollars would have been saved to the Government.

Mr. HOLMAN. By reducing the rate of compensation to the smaller railroads?

Mr. BINGHAM. If the smaller railroads do not do the service, then their compensation should be reduced.

Mr. HOLMAN. They are the corporations to be affected, then—the smaller roads?

Mr. BINGHAM. The gentleman cannot whistle the statement down in that way. All the corporations are to be affected. The greater corporations, the trunk lines, carry to-day the mail at a rate of 8 cents per ton per mile, whereas the smaller corporations are paid 33 and 35 cents per ton per mile. But the bill which the Committee on Appropriations had before them, reported favorably by the Committee on the Post-Office and Post-Roads, will make a reduction of a million dollars on the inland transportation; and it will be such a reduction as will be a fair adjustment and recognition of services.

Mr. HOLMAN. The gentleman refers now, I suppose, to the bill fixing the compensation on the space furnished?

Mr. BINGHAM. Space, speed, and frequency.

Mr. HOLMAN. Does the gentlman remember that in a former Congress a similar plan was attempted, resting on the theory which he now suggests, and it was afterward ascertained that instead of there being a reduction of compensation to railroad corporations there was a heavy increase?

Mr. BINGHAM. I remember, I think during the Forty-fifth Congress, there was a report of a commission, but I believe nothing was ever done with the report.

Mr. HOLMAN. The subject first came up in the Forty-fourth Congress.

Mr. BINGHAM. I regret I can not yield further, as my time has almost expired.

When interrupted by the gentleman from Indiana I was endeavoring to show the House the unequal and unjust effect of this 5 per cent. reduction clause. The only reason given for the reduction is to be found in the statement made by Mr. TOWNSHEND, of Illinois, which I quoted in the early moments of this debate. But why did the committee fix 5 per cent.? Why not 10 per cent. or 20 per cent.; or why not make all the roads the same as you fix the land-grant roads in the bill, 50 per cent.? It certainly can not surprise the gentleman that the justice of the proposed legislation is questioned. You have the power on that side of the House to carry the bill through. You might just as well have made the horizontal reduction a larger percentage, and then have gone before the people and claimed greater economy in the administration of the affairs of the Government. I shall read for the information of the House a letter received from the second vice-president of the Pennsylvania Railroad, who is not unmindful of the position your legislation would force his great company to assume.

Remember, upon you gentlemen rests the responsibility of this whole bill. When the Pennsylvania Railroad and the New York Central Railroad, two great corporations existing only within the limits of their respective States, give you notice that the present ample and complete conveniences and facilities you now enjoy will not be continued under your horizontal reduction, it is time for you to inquire what the people will say who will be directly affected by this antagonism between the Government and the great corporations. You can not say you have not been forewarned, and you will have to give a better reason for your 5 per cent. horizontal reduction than the gentleman from Illinois has submitted. The people do not care what it costs to build railroads and carry freight; they want the mails on the fastest trains, and they think the Government should pay a fair, reasonable compensation for the transportation. Permit me to read the letter of Mr. Thomson:

PENNSYLVANIA RAILROAD COMPANY,
OFFICE OF SECOND VICE-PRESIDENT,
Philadelphia, March 5, 1884.

MY DEAR SIR: Our attention has been called to House bill No. 5459, and on page 4, lines 65 to 70, inclusive, you will find that the Postmaster-General is authorized and directed to readjust the compensation paid to railways and reduce the same 5 per cent. per annum.

Your Department of the Government, more than any other, is aware of the inadequacy of the present pay, and of the extensive and valuable service that the railway companies (especially the two important trunk lines the New York Central and Pennsylvania Railroads) supply to the Government for this inadequate pay. You are also aware of the fact that within six months we have at your request placed on our lines very fast service between the Eastern and Western cities, much against our inclinations, but at your earnest solicitation. We now desire to say to you, frankly and positively, that while we have every desire to meet the wants of the Government and of your Department to the fullest extent, and while we have continued the present service in the expectation that under the bill recommended by your Department there would be a proper increase in the compensation made to us for railway service, we will be compelled, in case any reduction is made in the present pay, to make a proportionate or even greater reduction in the facilities now afforded.

Very respectfully,

FRANK THOMSON,
Second Vice-President.

General W. B. THOMPSON,
General Superintendent Railway Mail Service, Washington, D. C.

I assert, Mr. Chairman, and I believe I have made it clear as the result of my argument covering the provisions of this bill, that the legislation proposed in no wise recognizes the natural growth of the service, and therefore fails to recognize the vast increase of letter matter (the most important to the people), the result of reduced postage, an increase so marked that the exhibit of this year will show a larger percentage than any year in the history of the service. Every appropriation in the bill for man force is virtually the same as for the present fiscal year; no margin for increase, no allowance for the promotion or an advance of pay for a single subordinate in the service. In many paragraphs of the bill the appropriations do not admit of the execution of the law. Where compensation is fixed by statute, and the amount required easily determined, the bill fails, premeditatedly fails, to appropriate the necessary amount. Where increased material is asked for, an allowance is given in the bill, as also in the paragraph where appropriations must follow contract obligations. In these few items only has growth been recognized.

As a general measure, looking to the wants, conveniences, and demands of the people for a complete, well-equipped, and capable postal service, the bill fails, and it fails deliberately. The measure has but one all-controlling purpose and result—political effect. First, to reduce the appropriations estimated for by the Department, without regard to the wants of the service. Second, to attack the corporations, without examining into the value of the service they render, and thereby provoke them into an antagonism with the Government. Third, to refuse to appropriate for any of the divisions of labor in the postal service where the appointment of men can be made during a Presidential contest, civil-service law and regulation to the contrary notwithstanding. Upon you will rest the responsibility of having passed a bill for purely political results, and not an appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1885.

Pension Laws.

SPEECH
OF
HON. JOSEPH D. TAYLOR,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 11, 1884.

The House being in Committee of the Whole House on the Private Calendar, and having under consideration the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885—

Mr. JOSEPH D. TAYLOR said:

Mr. CHAIRMAN: I was not aware until now that this bill was coming up for consideration at this time. It is a subject upon which I feel deeply interested, and I can not let the opportunity pass without expressing my views upon some matters connected with our present system of pension administration, and pointing out what seem to me to be some defects in our pension laws as at present constituted. I am aware that there are some gentlemen upon the floor of this House who think the Government is in the highest degree liberal toward her ex-soldiers, and I am free to admit that I believe it is the intention of the Government to be liberal, just, and generous toward these men to whom we owe so much, but it seems to me there are some essential changes that ought to be made in certain directions to accomplish this end, and some modification of existing laws which the developments of time and experience strongly suggest. If we are sincere in our professions of gratitude and good-will to the soldier, we shall be open to conviction on this subject, and ready to apply the remedy when convinced that one is needed.

The first thing to which I desire to call the attention of the House is the provision embraced in the second section, which fixes the attorney fee of the agent at $10 in all cases. This, while it was intended to be a protection to the soldier against exorbitant fees, has in reality been a great detriment to him in the prosecution of his claim, as I propose to show hereafter. To that part of the section which provides that the claim agent shall not be entitled to demand or receive any part of his fees until the claim is allowed I have no objection to make. I only object to the fixing by an inexorable law the amount of compensation which an agent shall receive in each case at $10.

It seems to me that this law is a reflection upon the competency of the soldiers of this country and upon their widows. They do not need a guardian or trustee. They are capable of managing their own business in this respect as well as in all others. Do the soldier justice, and if he does not then take care of his money he will blame himself and not the Government. And he is just as capable of making a contract with an attorney or claim agent as he is of taking care of the money he has left after the attorney fee is paid.

It has been suggested that this law has been in force too long to be changed, and that all we can now do is to so amend it as to prevent any attorney fee being paid until the pension is allowed. I do not concur in this view. In my judgment it never was a good law, and the sooner it is repealed the better. It has been a curse rather than a blessing, and should no longer disgrace our statutes or embarrass our soldiers. It has been in the interest of irresponsible and unconscionable "shysters," whose pockets have been filled, sometimes at the expense of the Government, but more frequently at the expense of the unsuspecting claimant. It was shown in investigations made last winter that it was no uncommon thing for an agent here in Washington to undertake the procurement of a pension, and secure as soon as he could the ten-dollar fee, after which he gave the claim no attention whatever, and in some mysterious way the names and addresses of those who had been fleeced out of the $10 were placed in the hands of another agent, who was very profuse in promises and who was equally vigilant until he got the second $10, when all at once his hands fell, and the poor pensioner was driven to the third and sometimes to the fourth agent before he obtained his pension or found out what the first agent should have told him, that he had no legal claim whatever for a pension. Agents of this class are just as eager to make an application for a man who has no possible chance to get a pension as they are to make an application for a meritorious claim. There are thousands of claimants who have been induced in this way to pay first one agent and then another and then another, until they have paid out $30 or $40, when they have no shadow of a claim for a pension under existing laws. They were led by these un-

scrupulous attorneys to believe they were entitled to receive a pension in order to rob them in this way. And there are thousands of claimants who are justly entitled to their pensions who have never received them because they have been in the hands of a class of men who have never properly prepared the testimony or presented the case; and these unfortunate victims wonder why their claims are so long delayed.

There are many cases in which $10 is too high a charge. This was especially true at the close of the war, and immediately after the passage of our pension laws. The labor of making an application for a pension where the soldier lost a leg, an arm, an eye, or was wounded in any way in the service, could be performed for $5, in some cases, better than it could be in other cases for $25. The same is true of a widow's claim whose husband was killed or died in the service. There are other cases where the claim is based on some injury incurred in the service or on some disease contracted in the line of duty, in which the labor may be a hundred-fold greater. The surgeons may be dead, the field officers may be dead, the surgeon in charge of the hospital may have failed to keep a proper record, as was often the case, the claimant may have been away from his regiment on special duty, and his injury or sickness known only to one or two private soldiers, whose location is unknown or who may also be among the unreturning dead. These cases, and others no less difficult, can not be prepared by any attorney for $10, and will not be.

The present law makes it criminal for an attorney to receive more than this sum, and the consequence is that thousands of meritorious claims have never been allowed and the claimants are suffering for the want of the money which the Government intends them to have. If these claims were allowed, as they should be, the claimant would receive from one to two thousand dollars, and in some cases more if entitled to arrears. But the claimant is not authorized to pay nor the attorney to receive in any case more than $10, and the result is that some unworthy agent obtains the papers, undertakes the prosecution, gets his $10, and the claim sleeps the sleep of death in some dusty pigeon-hole. Perhaps it was turned over to two or three other agents to whom were paid a like sum for no better treatment.

The effect of this law has been to keep most attorneys in ignorance of the pension laws as well as of the pension practice. For my own part I confess that I had no knowledge until I became a member of Congress of the true character and workings of our pension system. Before that I had no occasion to study the system or become acquainted with the pension laws, as I had never undertaken the prosecution of a pension claim or been in any way connected with the business. Like most attorneys, I regarded the law as unjust as well as unwise, and never undertook to procure a pension for any one. If I aided a soldier in any way, I did it gratuitously. The time of lawyers who have other business is worth more to them than such compensation as this, and the consequence is that very few attorneys of standing and character have engaged in this business. Some have done so as an accommodation, and not because they desired to do so. The passage of this law took this branch of business out of the hands of the legal profession, as a rule. And yet it properly belongs to attorneys at law, and requires as much legal skill and knowledge as the ordinary practice of the law. The man who prepares pension papers should not only understand the pension laws but he should be able to know when the evidence conforms to the law; and if the papers were prepared by competent attorneys, it would diminish the force now employed by the Government and greatly lessen the delay now made necessary by the bungling way in which the papers are usually prepared and by the frequent examinations now made necessary.

If the preparation of pension claims had been left with the members of the bar as other legal business is, the claims would have been prepared in the county where the soldier lives by responsible attorneys, and the Government would not have been imposed upon as it has been by a class of agents who will prepare false affidavits, and by deception and fraud procure the allowance of unjust claims. The Government has been robbed of millions of dollars by these irresponsible agents. If the attorneys generally in the various counties of the States did this sort of business, the pension laws and the decisions of the Commissioner of Pensions and the decisions of the Secretary of the Interior in regard to pensions would be better understood and the claimants for pensions could be correctly advised at home whether they were entitled to a pension or not. In this way a vast number of applications now on file would never have been made. Not only this, but claims now on file which can not be considered favorably because of defective preparation, through the incompetency of the agent, would have been properly prepared and allowed. I have known claims which had been on file for years and had been rejected, placed in the hands of a competent attorney who knew at a glance what the difficulty was, and who at once furnished the necessary proof, and the result was that the claim was allowed in thirty days. This is what is wanted. An attorney should know of himself before the papers are placed on file whether there is a reasonable prospect of success in the most difficult case, and in ordinary cases he should know as well as the Commissioner of Pensions does whether an applicant is entitled to a pension.

I have seen fit, Mr. Chairman, to say what I have on this subject because I have always felt that this law was an outrage and a misfortune both to the soldier and to the Government. It has resulted in the employment in many cases of men who charged and received in violation of law many times what their services were worth; it has resulted in the employment of men who defrauded the Government; it has resulted in the employment of men whose incompetency has kept worthy claimants from securing pensions to which they were justly entitled, and in the employment of agents who have induced thousands of men to apply for pensions who have no claim for a pension whatever, and have thus filled their own coffers at the expense of the men they have robbed.

There is one and only one limitation that I would favor in regard to the employment or compensation of attorneys in pension cases, and that is, I would provide in the law that the attorney fee in all cases should be subject to the approval of the Commissioner of Pensions, whose opportunity for knowing the value of such services is ample, and I would provide that a separate check in each case be drawn payable to the attorney out of the first pension money received. This would protect any one needing protection, would check unscrupulous and incompetent agents, and would encourage honorable practitioners.

Mr. Chairman, it is now nearly twenty years since the close of the war, and in my judgment it is time that the pension laws be remodeled and that radical changes be made.

In no other way can justice be done to a large number of brave and patriotic men who served their country as faithfully and as well as any of those who are now its beneficiaries. The time has come when every honorably discharged soldier who has arrived at a certain age (say 50, 55, or 60 years), who has served a given period (say one year or more), should receive a pension. A bill has already passed the House giving to all the soldiers of the Mexican war a pension of $8 per month. To this bill I gave my cordial support, and I think it was right. At the close of the Mexican war we received almost a million square miles of territory, an acquisition that has greatly enhanced our wealth and resources. Its mountains are filled with ores and its valleys are covered with cattle. It opened the golden gate to the Orient, and gave us the Pacific coast for a commercial center. We owed it to the Mexican soldier and to the Government which we represent to express our appreciation of his services by granting this small recognition and this slight remuneration for his services. Whether the Mexican war was right or wrong is not now a question.

But great as is the debt we owe to these men, we are under still greater obligations to the soldiers of the late war who threw themselves into the "imminent deadly breach" of civil conflict and interposed their own lives between their imperiled country and the deadly onslaught of those who sought its destruction. The soldier who entered the Mexican war fought a foreign foe, who was weak while our Government was strong, and the result was not uncertain. But those of us who can recall the dark days of 1861, when the first call was made for volunteers, and the truth was forced upon the nation that the long-dreaded storm-cloud of war had in reality burst upon our heads, can realize what nerve, what faith, and what unswerving patriotism it required to look through the impending darkness and see certain victory beyond. From the rescued vantage-ground of to-day we look back upon that pathway of blood and pain, and wonder that so soon the anguish of those days has faded into a memory. Then treason was abroad in the land and the very air was laden with its poison. Nearly one-half of the States of this Union had deliberately broken the bonds which bound them to the nation. Nearly one-half the seats in this House and in the Chamber at the other end of this Capitol were vacated. We were without Army or Navy, without money or credit, and we were entering upon a war the result of which was at least shrouded in uncertainty. The call was made, and from village and city, from town and hamlet, from hill-top and prairie, from every portion of the loyal North and West the tramping thousands came, eager to give themselves to the land they loved. They came not for money, not for fame, not for any consideration that the Government could offer or promise, but because they held it to be a high and sacred duty to do and die for their country. The soldier never has been and never can be paid. No compensation in money will ever remunerate him for the hardships and perils he endured during those long and bloody years of war, or bring back to him the health and strength he left in Southern swamp and battlefield. No member of this House, no sane man, could be induced to become a target for whistling bullets and screaming shells for a mere money consideration. And they do not come here asking any charity at the hands of the Government. They are before us, in their age and helplessness, in their suffering and dependence; the widows and orphans of the dead are in our midst; the grand deeds of their patriotism are a part of their country's history, and it is for us to do them simple justice.

Our soldiers were a class of men superior in character, intelligence, and position to those of any other army in the world. Influenced by a pure and lofty patriotism, they left comfortable homes and the sweet allurements of domestic enjoyments, and willingly encountered the long and wearisome march, the exposure and sickness, the malaria of the camp, the desolateness of the hospital, the danger of shot and shell, and the still more dreaded danger of long and wasting imprisonment, to rescue the nation from peril and the flag from dishonor. They asked no pledges from the Government; they were content to trust the

country for whose sake they offered their lives that all that was worthy, all that was generous, all that was befitting a nation made up of such men would be freely and gladly given.

And now, with the nation redeemed, the stain of bondage wiped out forever, and the pillars of our national liberty set upon a more solid and firm foundation than ever before, with the dark horror of war all behind us, with a reunited country entering upon a career of prosperity such as the world has not known hitherto, with an overflowing Treasury and boundless sources of prosperity, it remains for us to keep not only the letter but the spirit of our promises to the men who stood by their country's flag when it cost something and meant something to do it. It is time we should recognize our immense obligations to these men by giving to every one who did honorable service then, such a pension as would lighten the burdens of labor for his declining years. We have done this for the Mexican soldier, as I have said, and it is well. But can gentlemen show any good reason why we should not do the same thing for the soldiers in the late war? The objection has been made that there are too many of them. But they are fast passing away. The soldier of forty years is now the veteran of sixty, and in a few brief years the soldiers of the late war will be numbered with the dead. The generation which has grown to manhood since the smoke of battle ceased to darken the skies will soon take their places. I do not undertake to determine the amount of pension which should be paid in this case. Perhaps $4 a month to those who served one year, $5 a month to those who served two years, and $6 a month to those who served three years would be enough for this class.

From the close of the Mexican war to the commencement of the rebellion was only thirteen years. A young man who entered the Mexican war at 18 would now be only about 55 years of age, and from this time forward he will draw a pension. If this is right, why should not the Union soldier who is 55 years of age also receive a pension? Many soldiers of the late war are now 65 years of age, and if they are ever to receive a pension a law to this effect must soon be passed. There are thousands of these men who need this money who are not pensioners, and probably never will be unless a law of this kind is passed. I am unable to see why the men who saved the life of this Republic are not entitled to this small recognition and this small compensation. I remember very well, Mr. Chairman, the promises that were made to the soldiers when the sound of the fife and drum was heard, summoning the people to the church, to the school-house, and to the town-hall where volunteers were to be recruited. I remember how the speakers were wont to give assurances of future recognition and future compensation. We all know how often it was repeated that no country ever forgets her soldiers. These promises filled the air. Have we kept them? Have we been faithful to those pledges made to the boys who were donning the blue, and bidding farewell to friends and neighbors, and going forward to the conflict which at that time so greatly needed their services?

Anything less than a prompt and full redemption of these promises is utterly unworthy the American people. To seek to avoid the redemption of the nation's pledges to the soldiers is a form of repudiation more reprehensible than the repudiation of our bonds, for in the former case ingratitude is added to dishonesty.

It has become a proverb that republics are ungrateful; but surely this land of overflowing plenty, redeemed and saved by her own loyal sons, should prove a shining exception to this rule.

If all soldiers arriving at a certain age were paid a specific pension a large number of Government employés would no longer be needed. The work of paying them would be simple and easy. At present it is difficult, laborious, and exceedingly expensive. I have sometimes thought that on business principles alone, in view of the fact that such a large proportion is already pensioned, it would be the best solution of the difficulty to pension all at once; I mean after they have arrived at a certain age. No money could be more wisely appropriated than in remunerating the defenders of our country. It would be "bread cast upon the waters," to be gathered up many days hence. And its influence upon the future can scarcely be appreciated.

Mr. Chairman, there is still another change to which I desire to call the attention of this House, and which I most earnestly recommend, and that is this: I think we should pension every honorably discharged soldier who served a given period, say three months or longer, without reference to his age, who is physically disabled from making a living, no matter from what cause or when or where the disability was incurred, if the soldier has no other means of support. There are thousands of soldiers who served all through the war who are now suffering from various diseases contracted in the service, in whole or in part, who are unable to obtain pensions, and who have no means of support, some of whom are already in the poorhouses of the country, others are supported by the charity of their friends and neighbors; and if some such provision as this is not speedily made thousands of soldiers will be driven to the poor-house for a shelter and to the potter's field for a place of interment.

Can it be that this Government of ours, with its untold wealth and treasure, proposes to allow its soldiers to die in almshouses and fill paupers' graves? I do not know how it is with other members, but I know that I receive letters almost every day informing me that unless a pension is granted to some soldier whom the neighbors are now supporting he will be compelled to go to the poor-house and be maintained by the county in which he resides. I do not believe that that is the intention of this Government. If I thought it was I should be humiliated. It would be a national disgrace to be guilty of such ingratitude and injustice to the defenders of the country. I know, Mr. Chairman, it is not the intention of our Government to permit its soldiers to endure this obloquy or humiliation. I come to this conclusion because from the close of the war to the present time we have been building homes for the soldiers and making annual appropriations for the support of their inmates. We now have these institutions in various parts of the country, supported at a heavy expense, showing conclusively that when the soldier has no longer a home to which he can go and where he can be supported it is the intention of the Government that he shall have a place to live where he will be cared for and clothed and fed, and where he can be decently buried when he comes to pass away from the cares and scenes of this life; and yet, Mr. Chairman, I desire to say that in my judgment it is a much wiser and better policy and far more economical to pension these men and leave them at their homes than it is to support them at any national soldiers' home. I do not say how much this pension should be, but certainly not less than $8 per month.

If $12 a month were paid to every soldier who has no means of support and who by reason of infirmity is unable to support himself it would cost the Government but $144 a year, which is less than half the money we are now paying per capita to support the inmates of the National Home for Disabled Volunteer Soldiers. The Soldiers' Home of of the District of Columbia, which is under the care of the Secretary of War, has a very large tract of land connected with it and many sources of income, and yet the average cost of supporting each soldier in that institution is $271.88 a year, which also includes the cost of buildings and repairs during the year, which was but a small sum. In the National Home for Disabled Volunteer Soldiers the average cost of keeping each inmate, exclusive of clothing, is $183.11. This is shown by the last annual reports.

I appeal to this House whether it would not be better to provide pensions for the class of men who need this aid who can remain at their homes and who desire to remain at their homes, instead of sending them to a soldiers' home. By so doing we gratify their wishes and save to the Government this larger expense. Besides this, men are better cared for at their homes with their families than they can be in a soldiers' home. The influences of home can not be too highly estimated. The sacrifice the soldier makes when to escape the infirmary he goes to Dayton or to some other home for disabled volunteers is beyond calculation. Those who are familiar with soldiers' homes fully appreciate the demoralization to which the inmates are not unfrequently subjected. I notice in the last annual report of the National Soldiers' Home that while 2,252 were admitted during the year, 1,121 deserted. And I notice another point in the same report, which is that only 4,179 of the inmates were native-born, while 7,219 were of foreign birth, showing conclusively that it is more in accord with our American education and American ideas to dwell as much as possible in the home and in the family.

The old home is dear to the American heart. Though it may be lowly and humble, though it may have no architectural pretensions or artistic merit, though the roof may be moss-grown and the doorway crumbling, every foot of the grassy door-yard is consecrated ground, every branch of the overshadowing trees is replete with tender memories, every room in the old house is full of hallowed associations, and as the infirmities of age or the helplessness of disease steal over the shattered frame, all these attachments grow stronger, until it seems like tearing soul and body asunder to leave all these things behind and go away among strangers. The author of America's sweetest song never touched a truer chord than when he sang

Be it ever so humble, there's no place like home.

I have not a word to say against soldiers' homes. I think they are grand monuments of our national greatness and of our commendable generosity and liberality, and I would not withhold a single dollar from them or fail to provide for a single soldier who desires to enter them, but I regard it as a wiser as well as a more economical plan to provide pensions for men who are dependent upon the Government for support, and permit them to remain at their homes near where they have lived and where they expect to die, where the associations of earlier days and the kindness of friends and neighbors will gladden and brighten their departing years.

If, Mr. Chairman, it was wise to build national soldiers' homes—and I think it was—I insist that we should take another step and provide for those who have equal claims upon the Government who desire to remain at their own homes in preference to going into these soldiers' homes when it can be done at one-third the cost to the Government. In all these changes I would make no difference between the private soldier and the officer. The only difference should be based on length of service and extent of disability. It is the necessity of these changes I desire now to impress upon this House, and not the details of the measure.

Mr. Chairman, the impossibility of doing justice to the soldier and

to those who are entitled to pensions and who greatly need them is a strong argument in favor of the revision of our pension laws. We have too much machinery. The present system is cumbersome and unwieldy. The Commissioner of Pensions is able and efficient. No man could do more than he is doing in the same situation, and against his administration I make no complaint whatever. I say the same in regard to the medical referee. But what can one man, two men, or a hundred men do under our present laws with half a million difficult questions staring them in the face awaiting decision? The fact is that most of the work must necessarily be done by others, and where so many are employed the work is too often intrusted to incompetent persons. The result is that a pension is allowed by one examiner that would be disallowed by another; that the affidavits which one examiner would hold to be sufficient would be held to be insufficient by another; that evidence deemed necessary by one examiner is deemed unnecessary by another; that additional proof would be required by one examiner which would not be required by another; and in this way, as a necessary and unavoidable result, pensions are granted by one examiner which would be refused by another. Delays and irregularities are inevitable. And in my judgment there are 100,000 persons who are as much entitled to pensions as a like number who are now receiving pensions. Soldiers who are suffering from disease which they can not trace by affirmative proof to the service, who are unable to show their condition at the time they enlisted and each and every year thereafter, who can not prove the existence of the disease at the time of their discharge and the nonexistence of it when they enlisted, who can not prove the time when or the place where the disability was incurred, who are unable to meet the demand of our present statutes, are denied pensions. Women and children, dependent mothers and sisters, whose husbands, sons, and brothers are sleeping in some quiet cemetery are refused pensions because they can not furnish the same proof. The rule of law is too harsh. Twenty years after the close of the war such proof in many cases is impossible.

Mr. Chairman, every soldier who was in the Army, who was at the front, who made long and weary marches, who was exposed to a burning sun in summer and to the chilling storms of winter, who slept on the cold, icy ground who went to bed supperless and shivering, who shared the sorrows of the wounded and dying, who endured the anxieties of years of absence from home and family, who daily stood at the gate of death and braved the horrors of war, suffered tortures for which human flesh is too weak and human nature too infirm. The life of the soldier and the hardships and exposures to which he was subjected shortened his days. His head is whiter, his brow is more deeply furrowed, his step is less firm, and he is in most cases ten years older in appearance and in the decay of bodily strength than he would have been had he never entered the service. Men who supposed for ten years after the war that they were well and strong have since found out as age grew upon them and as disease developed itself that their constitutions were broken and their health was permanently impaired. They are confirmed invalids, unduly gray and prematurely old, but they are not entitled under the law to a pension. They know and their neighbors know that they are now suffering from disease which could only have had its origin in the hardships and exposure of the service, but they can not come within the rules of evidence required at the Pension Office. It is impossible to say when and where this mysterious human framework got its permanent injury. You know that the disease and suffering exist, but you can not explain it. You see it in the pale face, in the sunken eye, in the emaciated form, in the feeble, tottering step, in the sad and silent look, but that goes for nothing in the Pension Office unless you can connect it by positive proof with the service.

Shall these 100,000 beneficiaries to whom the Government is indebted be longer turned away by existing laws and by our refusal to do them justice? The letters which come from the homes and friends of many who are now and have been for years applicants for pensions ought to touch a heart of stone. Mothers who go half clad plead for their children. Fathers who are helpless point to the uncomplaining wife. Neighbors plead the cause of the orphan children. In yonder cottage, where carpet never covers the floor, where the money-drawer is empty, where the fuel is well-nigh exhausted, where the common luxuries of life are unknown, and where the barest necessities of life only are attainable, these claimants have their home; and from these places come letters which plead in piteous words for help. One letter says that a certain man who has been an applicant for a pension ten years is almost blind. Another says that a certain applicant for a pension is helpless and infirm. Another writes about one who is confined to his bed and has been for years. Another is supported by his neighbors. Another is palsied and bedridden. Another is struggling hard to escape the poor-house. All of them have families, are extremely poor, and are applicants for pensions. Some have given up all hope of Government aid and have made up their minds that they will spend the remainder of their lives among the town poor. Others, brave and true as any soldier who ever trod the earth or breathed the air of heaven, have turned away from the Pension Department to bear the ills of poverty and disappointment the remainder of their days as best they can. I insist that this shall not be; that no soldier who stood by his country's flag shall die in a pauper's stall or be fed from a pauper's table; that no American soldier shall be forgotten while we have an overflowing Treasury and inexhaustible sources of wealth. If we suffer these things to exist, if we turn away from the pleadings of these men and allow them to die in want and negligence, then is our boasted laudation of patriotism but the emptiest of empty sentiment.

It is but the veriest mockery to gather about the graves of our fallen soldiers in the spring-time and deck the sod with flowers and pronounce eulogies over their lifeless remains while we deny through a technicality to their helpless widows and children the pittance of support which would lift from their lives the burden of grinding poverty. It is well that we recall the deeds of the heroic dead, it is highly fitting that we bear to their silent resting-places the tribute of wreath and chaplet, and that as we scatter fragrant flowers over their lowly beds we wreathe their memory with the poesy of our rhetoric and warm our pulses with the remembrance of their sacred devotion. But far more important is it that we should do justice to those who are still fighting the battle for existence, often with shattered health and broken constitutions, and with the shadow of the coming end constantly falling upon their pathway. Far more important is it that we recognize the dead soldier's claim upon the country he died to save in prompt and efficient aid rendered to the helpless ones he left behind, and whom we have fondly designated as the "wards of the nation." But small comfort must it be, and but little calculated to inspire a like devotion to American institutions, for the orphan boy to mingle each springtide with the groups of citizens who go to deck his father's grave with flowers and listen to the glowing words of admiration and praise for those who like him died that the nation might live, while he remembers that the same nation which accepted the costly sacrifice allowed his mother to toil night and day to provide the commonest comforts of life for herself and her children, and refused even a crumb from the rich table of its abundance because some thread in the chain of evidence was wanting and was impossible to obtain. As that boy recalls the bare home, the daily struggle with want, the hand-to-hand fight with bitter poverty, the years of suspense, the "hope deferred which maketh the heart sick," and looks around upon the comfortable and luxurious homes of the men who staid at home from the war, is it to be expected that he will be greatly impressed with the value the nation places upon the loyalty and consecration of her patriotic defenders? Is it to be expected that he will grow up filled with an intense devotion to that country whose injustice he has such bitter reasons to remember? No, sir. Human nature is human nature the world over, and if we would have this nation peopled with a patriotic, loyal, and happy people we must do justice to both the living and the dead.

There is another neglect to which I wish to call the attention of this House by way of a reminder. I wish to say that the bounties should long since have been equalized. I introduced a bill to equalize the bounties at the opening of this Congress; others did the same; and still no bill to this end has been reported to this House. You give millions of acres of land to railroad corporations, to agricultural colleges, and to other objects of a kindred nature, but no single land-warrant has been given to a soldier since the war. Why is this? What better object could you select than to give one hundred and sixty acres of land absolutely and unconditionally to every Union soldier?

I repeat it, Mr. Chairman, we are not doing our duty to the soldier. Instances multiply in which the complicated net-work of legal evidence required, but unobtainable, prevents deserving claimants from receiving the pensions to which they are honorably entitled.

I know a lady of culture and character. Her father once occupied a seat on the floor of this Chamber. Her husband and her brothers stood by the Government and bore an active part in the suppression of the rebellion. Her husband entered the Army as a private and came out at the close of the war at the head of his regiment. He never knew what it was to hesitate or falter in the thickest of the fight or in the hardest of the march. He was supposed to be dead in one of the hardest fought battles of the war and was left in the hands of the enemy. This news was sent home to his father and mother and to his wife and children. His funeral was held in the home of his boyhood and his obituary was published in all the papers. He did not die as was supposed, but came home later to rejoice in the victories of a triumphant army, carrying by his side the dangling sword and rusty scabbard which he had never hishonored, followed by the brave boys that loved him as a brother. His health was wrecked and his constitution was broken, but he would not complain. His friends could read his doom in his sunken eye and see it in his faltering step. I was with him at school and knew him from boyhood. Among all the young men in the neighborhood or among all the scholars at school no one was more vigorous or active. When he came home he would not apply for a pension. He did not go into the Army for money; that he could make at home. He went into the Army at the first bugle-call because he was full of patriotism, and he never laid down the armor till the last battle was fought and the last victory won. At no time would he consent to apply for a pension, though he went gradually down from the time he came out of the Army. He had a mistaken pride which restrained him. Besides, he felt that he did not need a pension, that he was comfortably well provided for in life, with ability to accumulate all the money he needed. He died, and the settlement of his estate

showed that he had not left a dollar, and his wife and his three lovely children were penniless. The friends of the widow insisted that she should then apply for a pension. She did so some time during the term of my late predecessor in Congress, but up to this hour she has received no pension, and is now and has been during all these years supporting her children with the work of her hands. Again and again I have called up this claim and ascertained its condition, again and again I went to the Commissioner and urged its speedy consideration, and am frank to say now that I have never been able to comprehend the difficulties which have been in the way of its allowance. I could cite many such cases, and my heart has been touched a hundred times at the piteous appeals which came from neighbors and friends in behalf of those who have claims upon the Government and yet have been unable to secure recognition. Hundreds of men who were brave and true soldiers are to-day objects of charity. Shall we suffer this injustice and wrong to continue?

One of the principal difficulties in procuring a pension under existing laws is the necessity of showing that the claimant in each case was sound in body or free from the disease in question when he entered the service. This I regard as an unjust and unreasonable requirement. No such law should ever have been in existence. Before a soldier entered the Army he presented himself for examination; he did not undertake to say, nor did he in all cases know, whether or not he was fit for the service. He did not undertake to decide whether he was capable of rendering such service as the Government required. This was a question for the Government to determine, and for this purpose, in all cases, a surgeon was designated to make the examination. All the soldier could do was to present himself and submit to any examination the Government saw proper to make; and we all know very well the manner in which these examinations were made. The soldier was stripped, in part at least, and examined from head to foot, and was admitted to the service or rejected on the judgment of the examining surgeon appointed for that purpose. If a man entered the Army who was unfit for the hardships of the service, was it his fault? If he was patriotic enough to do what he could, if he was willing to follow his country's flag and imperil his life at the call of his country, was that not enough? And if he was improperly admitted to the service it should certainly not be charged against him.

It is the law, and has been for a thousand years, in all civilized countries that every officer is presumed to do his duty, and that the principal is in all cases bound by the acts of his agent within the scope of his employment. In this case every man who entered the Army was examined by a surgeon, was found to be capable of rendering service and becoming a soldier. This being the case, he should be presumed to have been sound and in good health when he entered the service. More than this: as the examining-surgeon was the agent of and, for that purpose represented the Government, his examination should be conclusive in the absence of proof to the contrary, and the Government should be bound by it. This rule of law is recognized by all the courts of this country in all the ordinary transactions of life. Why should it be denied to the soldier, to his widow, or to his orphans? The man who was troubled with lung disease when he entered the service and was examined and passed is now to be denied a pension, or if he be dead, his wife and children are debarred from receiving a pension because it is said he was not in perfect health at the time he entered the service. Hundreds and hundreds of dollars are expended in sending agents out over the country hunting up testimony, going from house to house for the purpose of showing that a man had this or that trouble prior to the time he entered the service. And yet he entered the service, he endured the toilsome march, he went through the thickest of the fight, exposed himself to disease and death in his country's defense, and still no pension is granted because the officer making the examination is held not to have done his duty. If there was a wrong in this examination, who did it? Who is responsible for it? The surgeon who was supposed to know the qualifications of the soldier, or the man who was not supposed to know? Whether he was capable of rendering service or not was the question the surgeon was to decide. This man had been accustomed to hard and laborious work at home, he had supported his wife and family, and he conceived it to be his duty to leave his home, his wife and children, that he might aid as best he could in the suppression of the rebellion. He went forward and did his duty faithfully and well. Shall he be punished now, after he has rendered the service, or his needy family suffer because the officer was derelict? If he had this disease at the time he entered the Army, was it not aggravated? Did not the exposure to which he was subjected hasten it? And is it not likely he would be living to-day had not the exposures and the hardships of the war hastened the ravages of his disease? Be that as it may, the Government had an examination made, and by that examination it should be bound, and all this testimony in regard to the soldier's physical condition when he entered the service should be dispensed with. If the law was changed in this respect nearly one-half the expense of the Pension Department would be saved. Delay, vexation, and hardships upon those entitled to pensions would be obviated.

In hundreds of cases the Commissioner of Pensions writes the applicant, whose claim has been on file one, two, three, sometimes five and sometimes ten years, that his claim is awaiting proof of prior soundness; that he must show that he did not have this disease at the time of his entering the service—requiring negative proof, and in many cases proof which it is impossible to furnish.

I recall to mind a letter which recently passed through my hands to a claimant residing in my district. This letter stated it would be necessary for him to furnish proof of prior soundness, and that he must forward the affidavit of his former family physician to that effect; that this was necessary, and without it or its equivalent his claim could not be allowed. The man wrote me that this was impossible; that he was but a boy when he entered the Army; "that he had had no former family physician, and that he had never been treated by a doctor in his life, so far as he could remember, until since the close of the war."

This is only one case, but it is precisely like thousands of others.

In a letter dated February 9, 1884, the Commissioner of Pensions wrote to another claimant these words:

> In order to secure consideration of the claim it will be necessary for you to procure medical evidence showing your soundness and freedom from disabilities for which you claim a pension prior to your enlistment or before the date of your capture by the confederates, as well as medical evidence showing the existence of alleged disabilities at the time of your return from prison or at the date of your discharge. It will be necessary also for you to submit the best obtainable testimony, either of a commissioned officer or credible comrades or enlisted men who had personal knowledge of the incurrence of the disability stated in the service, which testimony should show as nearly as possible the time when, the place where, and the circumstances under which the disabilities were contracted.

This could not be furnished and the claim was rejected. Such is the character of the proof required. The pensioner is asked to prove a fact which was established by an examination at the time that the soldier entered the service and was then made a matter of record and ought to be conclusive. And yet the soldier is required to show that the certificate of the surgeon, then made by a man who was representing the Government and who was at the time acting for the Government, was true; and he is required to do this by extraneous evidence more than twenty years after the time of the examination, when in many instances the proof is absolutely impossible. By requiring such proof as this the Government presumes the certificate of its own agent false. And yet this is the law, and because claimants can not furnish this evidence they are refused pensions. I undertake to say, Mr. Chairman, that such a law is a disgrace to this Government and should be immediately blotted from our statutes, and I trust that this session will not come to a close until this law is changed.

There should of course be one exception to this rule and that is this: Where it is shown that a certain disability existed when the claimant entered the service he should not afterward be pensioned for this disability. For example, if he had lost two fingers before he entered the service he should not be pensioned after the war for the loss of two fingers, his condition being the same in that particular when he leaves the service as when he entered it.

The law, as stated in the letter from which I have just quoted, requires the soldier to prove his soundness when he entered the service and that the disease existed at the time he quit the service, or that he was sound when he was captured by the confederates and unsound at the time of his release, and all this must be established by "medical testimony." Not only this, but he must show "as nearly as possible the time when and the place where and the circumstances under which the disabilities were contracted."

These proofs are in many cases utterly impossible. The soldier has no authority to compel any witness to give his affidavit. Some men will recollect what others will forget. Some men are willing to swear to almost any affidavit you write, while others are as unwilling to swear to an affidavit they believe to be true. Some memories are easily refreshed, while others will not listen to an explanation. These witnesses have no interest in the matter and do not care to make oath to facts which have somewhat faded from their memory. They are engrossed in business, they live long distances from the claimant who seeks their affidavit, they saw so much and came through so much during the war that the war itself begins to seem like a dream. They saw thousands of men in the hospital, in the camp, on the battlefield, on the march, both dead and alive, and how can they now distinguish one from another and state facts in detail in regard to any one? In most cases it is impossible.

I desire that the law shall be so modified that prior soundness shall in all cases be presumed, and that the disease from which the soldier is now suffering shall be presumed to have been contracted in the service. Do not require the claimant to prove where he contracted the disease, whether in the service or out of it; do not require him to trace his disease to the cold ground upon which he slept, to the deep stream through which he waded, to the bloody battle in which he fought, or to the long years of absence and anxiety during which he suffered. This in many cases is impossible. Circumstances forbid it. Time and change have rendered it impracticable. If the Government can show the contrary let it be done, but in all cases give to the soldier and to his widow and to his orphans the benefit of the doubt. If the soldier rendered a certain amount of service, say three, six, or nine months, and was honorably discharged, and is suffering from any disability in a pensionable degree, let the proof of these facts place his name at once on the pension-roll and cease further higgling unless some other satisfactory explanation of the disability is given.

There are some changes in the medical department which I think

ought to be made. In a work so vast as that of the Pension Department perfection is impossible. Where 1,500 men and women are daily employed mistakes and errors are unavoidable. But I think the organization of examining boards was a mistake. The Pension Commissioner congratulates the country on the selection of three able surgeons at every point where examinations are made. I am satisfied that in most cases these boards are composed of the most eminent men in the profession in the vicinity where they are located. The liberal fee of $2 is paid for examinations; and yet it is not always the case that these examinations are made by three surgeons, and are often too carelessly considered. In a recent case a pensioner, whom I know very well, was receiving $2 per month, when he was ordered before another board for re-examination, and the board that examined him the last time gave him a rating which entitled him to $6 per month. These instances are by no means uncommon. Too often these examinations are made in too great haste; twenty or thirty men are examined in twenty or thirty minutes. Too often the examination is made by only one surgeon, and that the youngest member of the board, who has more time than the others, who can only find time to sign the reports and draw their compensation. There are honorable exceptions to this I have no doubt, but we all know how boards do business. The committees of this House divide their work between subcommittees, who again subdivide, until finally one man does one thing. Would it not be better to have an examination made by one surgeon at a time and let the examination be repeated as often as is desired? But there should be no opportunity for the surgeons making examinations to confer with each other. Three separate examinations made by three surgeons who have no opportunity of collusion would certainly be more reliable than one examination supposed to be made by three surgeons. Medical examinations made by these boards are often so unsatisfactory and so conflicting that the pensioner is subjected to frequent examinations.

And while I am on this subject I want to suggest that in my judgment some of the surgeons in the Pension Department are entirely too learned for such mortals as we are. For instance, one man who claims that he was injured by the explosion of a shell has been for a long time an applicant for a pension. I called up the claim and asked for it an early consideration. Soon thereafter a letter came informing the claimant that his proof showed satisfactorily that he was thrown into the air by the explosion of the shell, but that it does not satisfactorily show that the injury of which he complains is necessarily the result of his being blown up or of his falling down—that something other than the fall might have caused the injury. In other words, the learned examiners were satisfied that he was thrown up into the air, but they were not positively sure just how he came down. Perhaps this is right; it is no doubt learned; but to me it seems that any man who has been blown into the air by the explosion of a shell and has an injury of any kind from which he suffers ought to have a pension.

In another case the claimant was a good soldier, served all through the war, was wounded in a hard-fought battle, and since the war has drawn a small pension. The wound has grown worse during recent years, has been inflamed and troublesome, and he has been a great sufferer. He is no longer able to work, and the wound threatens his life. He has no means of support and is dependent on his friends. He applied for an increase of pension, and at the request of his friends I called up his claim. An investigation was made, and on an examination, with all the affidavits before them, the medical board in Washington decided and said in some very learned way which I can not now repeat that the man's wound was in a very bad condition, almost approaching gangrene (as I understood it), but that the condition of the wound was not the necessary result of the wound itself; that another disease had set in and was developing itself in the place where the wound was. After seeing this statement I called upon the Commissioner and said to him that this seemed to me to be a very fine-spun and ridiculous distinction. He said he could not set aside what his surgeons did; that they were the highest authority on these questions. At my request, however, he ordered the man to be re-examined, but I have never learned the result. Though a good soldier, though entirely helpless, suffering continually, though without any means to support himself or his family, he has never been able to obtain a pension of more than $2 per month. This is what I would term "strict construction," and I regret to find it employed in the decision of questions like these where a poor soldier is one party and a great Government the other.

There is another matter to which I wish to call attention. It is the wrong and injustice which are done to dependent mothers. Though the soldier was the only son and was killed in battle or died in prison or hospital, the mother can not obtain a pension unless she first prove that she had received actual support in the past or written promises of support in the future. The pension laws demand the mother to go to the trunk where the relics of her dead son are kept and gather from his papers evidence that her son was kind and affectionate and would certainly have supported her.

A letter in my possession to a dependent mother from the Pension Department says: "All letters written by or for the soldier in which he refers to you should be filed. Evidence is also required showing to what extent and in what manner the soldier aided you in your support, or acknowledged his obligation to do so, during the three years next prior to his death." These things should be presumed in favor of any soldier. Similar obstructions are in the way of claims by other classes of dependent relatives and ought to be removed.

Our system of pensioning soldiers in my judgment is radically wrong in other respects. Why should the affidavit of an officer be equal to the affidavits of two enlisted men? This is a foreign idea, and is copied from the laws of foreign countries, and is wholly foreign to our American ideas. The affidavit of a private soldier is just as worthy of credit and ought to have as much weight as the affidavit of an officer. In a pension case it is often worth more, as an officer who had a large command could not possibly remember details. This unjust law should be at once repealed, and all soldiers should be made equal before the pension laws as well as before other laws. The law of arrears is also unjust and unfair. If a soldier applied for a pension the day before July 1, 1880, and it is allowed, he will be allowed arrears back to the date of his discharge. If he applies the day after, he will get no arrears. Is this just? Again: if he is allowed a pension at $2 per month when he should have been allowed a pension of $6 a month, as he afterward shows by a rehearing and a re-examination, his arrears, if he is entitled to receive them, go back at $2 a month instead of $6. Because he was wronged once by the board of examiners the Government wrongs him again.

I have said that our volunteer soldiers were a superior class of men. No one will deny that they are at least the equals in all that goes to make up manhood to those of our regular Army. And yet in the matter of pensioning two officers of the same rank, wounded in the same way, in the same battle, and on the same day, one in the regular and the other in the volunteer army, there is a discrimination in favor of the regular Army officer, which is unjust, unrepublican, and inexcusable. Take, for instance, two captains who each lose a leg in the same battle, the one a regular, the other a volunteer. To the regular officer you give over $1,800 a year, and to the volunteer officer you give but $300 a year; less than one-sixth of the amount you give to the former. Is there any right or justice in this? The man who receives most receives none too much. I am not claiming there should be any reduction in the pay of the regular Army officers, but I claim that for a great and wealthy government like ours to fix the pay of her volunteer officers at a sum so much less is niggardly and humiliating. If we were a poor nation, struggling under burdens of debt which we could not liquidate, and without sources of wealth at our command, I would not urge this liberality. The claimants themselves would not ask it. But there is no plea of economy that will justify a government like this in withholding a just and liberal pension to her defenders, and especially to those of them who are crippled and suffering. Among the pearls of wisdom in the Book of Books is the following, which political economists would do well to remember:

> There is that scattereth, and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty.

One of the chief difficulties in the administration of the Pension Department is the unfortunate way in which its duties are discharged, and in some cases the incompetency of the persons to whom are intrusted important and difficult duties for the discharge of which they have had no special training. The questions involved in adjusting and allowing pensions are largely judicial and require men thoroughly fitted and qualified to weigh the evidence and apply the law to it. Medical examinations are made, and the written reports sent in by the surgeons who make them are often conclusive and control entirely the decision made here, when they are not correct, as subsequent examinations sometimes show.

Mr. MATSON. What would the gentleman suggest in the place of the medical examinations?

Mr. JOSEPH D. TAYLOR. I would divide the States into pension districts as they are now divided into Congressional districts, and in each district I would appoint a district commissioner, who should be equal in qualifications to a common-pleas judge, who should reside in the district as United States judges do, who should hear pension cases in open court as other cases are heard and as other public business is transacted. The witnesses should come before him and be publicly examined. In cases of medical examinations the surgeon should come in and testify in regard to the claimant as he would in any ordinary case. In this way witnesses would be examined in the locality where they are known and where their truthfulness is properly considered. The district commissioner should have the authority to compel the attendance of witnesses, to take or to authorize the taking of depositions in certain cases, and to fully investigate the merits of every case. This would be more satisfactory than our present system of *ex parte* testimony, where it depends on the mere pleasure of the witness whether he will give or refuse his affidavit. And we would then have more faith in what was sworn to, as we would not then have a doubt as to whether the affidavit was read to the affiant. The district commissioner would know in time and become acquainted with the standing of witnesses and the real merits of each pensioner. If it is objected that the commissioner would favor his district, this objection would be removed by the fact that his acts would in all cases be subject to the approval of the Pension Commissioner, who could at any time order a review of the acts of the district commissioner. There is no more reason why a man should be sent from New York or Pennsylvania to Ohio to examine claimants

than there is in sending a man from one of those States to hold the office of district judge, district attorney, or district marshal. Did it ever occur to any one that these officers favored their own locality as against the United States?

In this way each pension case could be heard on its merits and receive proper consideration. That is impossible now. Each claim for a pension that presents any difficulty is of itself a distinct case, as much so as a case in court, as much so as the cases now pending in the court in this Capitol. This being true, how can the Commissioner of Pensions hear all the applications which are made? How can he hear and determine 300,000 or 400,000 cases? More cases than half the judges in the country hear; certainly more than any one man or any one hundred men could hear. The work is too great, and it is utterly impossible for the Commissioner of Pensions to give any consideration to the great bulk of claims before him. There are about 325,000 pensioners at present and about 250,000 pending applications, all of which demand more or less consideration.

The appointment of special examiners to go to the home of the claimant and talk with the witness face to face is a great improvement over the old way of sending a man secretly around to see what he could smell out in a clandestine way. But there are not one-half enough of these examiners, and the Pension Commissioner is asking for more, and I do not see why a bill is not reported at once by the proper committee to furnish them.

I have personal knowledge of claimants who were notified a year ago that they would be visited by a special examiner who have not yet been examined. They were then informed that their papers were placed in the hands of a Mr. Winthrop, who was ordered to give notice of the time of his coming, and who would go to their homes and examine the witnesses and furnish an opportunity for the claimant to be present and cross-examine them if he so desired. Mr. Winthrop wrote the claimants that he would be there perhaps in July, about six months after they received the first notice, but he never appeared. On inquiry I found that these cases were referred to another special examiner, whose headquarters were in Columbus, a Mr. Durnan. He was written to and promised to go, but never went. One poor fellow, who looked for the special examiner more than a year ago in accordance with the notice he received, has recently died; another has been a helpless invalid, unable to feed himself, for more than eight months.

Does this not show the imperative necessity of increasing the number of special examiners? And I submit whether the compensation of these men should not be so increased as to command the services of men eminently qualified to fill the position? This would be a present practicable improvement.

It is objected that we are not able to pension all the soldiers who arrive at a particular age, nor able to give pensions to all the soldiers who have no means of support and who have some physicial disability which prevents them from making a living who have served a certain time in the Army. This is a mistake. Men who think this never studied finance. Those who take this view are ignorant of the laws of trade. Writers on political economy and the most eminent statesmen that the world has ever produced teach the importance of equalizing wealth. This is a problem of great difficulty. The natural and ordinary course of trade is to carry wealth to the great money centers, such as Washington, Baltimore, Philadelphia, Boston, New York; to make the rich richer, if not to make the poor poorer. Money flows to these places as naturally as water flows from the mountains to the sea. Men of large wealth have large incomes, and in spite of trade or commerce money will accumulate money. The effect of too much accumulation, of too much money in the hands of the few, of an unequal distribution of capital, in time destroys trade, disintegrates business, and brings on a panic or hard times or a great stringency in the money market. The difficulty is getting the money back to the rural districts, into the hands of the many, into the pockets of the poor; and this is as necessary as it is to get the water that flows to the sea back to the mountains or as necessary as it is to send the blood from the heart back to the extremities. This is the test of statesmanship, the key to successful business management, and the road to permanent prosperity.

It is said that we can not avoid seasons of hard times, that they must come every ten or twenty years, and in the past this has been true. And yet I am inclined to think that they ought to be avoided, and that they can be avoided in the way I suggest, by sending money back to the sources from whence it comes, back to the pockets of the poor. Restore the equilibrium in money matters as you are compelled to do in other matters, and you will avoid the unhealthy and unnatural accumulation of it in great money centers. This can be done in no better way than in increasing the pensions of the soldiers, in paying money to the soldiers who are poor, who have no means of support, who would use it to buy a small home, food and clothing, and all the necessaries of life. A thousand dollars sent into a township to a soldier enriches to this extent the whole township and benefits the whole county. The recipient pays his debts, buys corn, wheat, and potatoes from the farmer, meat from the butcher, sugar from the grocer, and in this and in other ways puts his money in circulation, and it passes from hand to hand until a thousand persons have shared its benefits. The Government is none the poorer, the people who constitute the country are none the poorer by paying pensions to soldiers. Under any law, the bulk of the money goes to the poorer classes and to the poorer communities, and hence it is a benefit to the country and adds to its permanent growth and prosperity. Government taxes are lifted from the people almost as gently as the dews are lifted by the morning sun, and yet they aggregate a vast sum of money and can be made to accomplish immense good if properly appropriated. And there is no object to which we can apply the immense sum which now fills to overflowing the Treasury where it will do greater good both to the recipient and to the Government.

The gentleman from Tennessee [Mr. YOUNG] showed in his recent speech made upon the floor of this House that France was never so great nor so prosperous as when the Champs Elysées and the boulevards of Paris were being constructed, and when the erection of public buildings and the making of public roads was distributing the funds of the government through the hands of the common people and so out through all the avenues of trade. Parisians have been noted at times for their riotous turbulence and discontent. Napoleon III gave the poorer classes employment, recognized their claims upon the government, and thus gained their adhesion to it, while they were elevated in their own self-respect and their families were prevented from becoming dependent upon the government. Such, Mr. Chairman, would be the effect in this country should a portion of the money now in our Treasury be distributed, in the form of pensions, to the men who served in the war, all of whom are richly entitled to this recognition, and very many of whom sadly need the aid. In honoring our nation's defenders we should honor ourselves, fulfill the promises made to the living and the dead, vindicate our claim to the justice and gratitude we have so loudly professed, and give a new impetus to that material prosperity of which we are justly proud.

The Bonded Extension Bill.

SPEECH

OF

HON. FRANCIS B. BREWER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. BREWER, of New York, said:

Mr. CHAIRMAN: The discussion of the "whisky bill," as it is rightly called, has consumed so much time in the House that all are impatient for a vote. I will confine myself to a few words and a short time. In the few remarks I make I wish to emphasize my dissent to any action which may be taken to encourage class legislation or foster the manufacture and traffic in distilled spirits, either on the floor of Congress or by State legislation. It is a business that should take care of itself and not ask assistance from legislation of any kind.

We have before us a bill to extend the time for the payment of taxes on distilled spirits which are now in bond. Sir, the very wording of the bill makes it obnoxious to the policy of our Government, obnoxious to the just claims of other citizens who may ask for financial aid in times of embarrassment, obnoxious to the moral sentiment of almost every well-regulated community. The good sense of the people, outside of those who manufacture, deal in, or who habitually use this article, is opposed to extending governmental aid to any particular class of trade, but especially to a business which floats upon its dark waters such widespread misfortune, sorrow, and distress.

What! Our Government loan money to carry on the manufacture of distilled spirits, and to bolster up the whisky ring! Who would wish to put forth such a sentiment? Who would wish to advocate it? Could he expect any intelligent community would indorse his action? Could he expect his constituents would approve it? Could he expect the members of this House would seriously entertain the thought of passing such a bill? Why, gentlemen, it would be the most obnoxious species of class legislation. I do not think the Government of the United States is quite prepared to go into the liquor business at present.

Mr. Chairman, whatever moral bearings the question under consideration may have, and however much good might result from a discussion of the subject from a temperance standpoint in other places and under different surroundings, I am satisfied the floor of this House is not the place for that discussion, or the members of Congress the ones to be benefited or influenced by the arguments which would naturally occur to any one who would welcome the day when the making and vending of intoxicating liquors should be obsolete and unknown. The dawn of such a day would be like the incoming of the millennium.

When I take into consideration the vast amount of this liquid poison

which is stored in distilleries and Government stores and warehouses, and the unceasing labor of thousands of men and the investment of millions of dollars which are employed in the conduct of this nefarious business so that the supply may be kept good, I can not shut out from my mind the baneful results, the ever-increasing tide of woes which must follow in the wake of this traffic in intoxicating drinks; and still these men, these makers and venders, "have the cheek" to ask that the members of this House, who are supposed to be honest and honorable men, to assist them in the prosecution of this wicked traffic.

Sir, I do not believe that votes enough can be obtained on the floor of this House to carry through a measure fraught with so much misfortune to our nation generally, bringing crime, pauperism, and distress to individuals, families, and neighborhoods, and which levies upon our people an annual tax of over $500,000,000. Can there be any excuse for passing this bill? It is said the distillers pay $50,000,000 into the Treasury annually and the dealers as much more; there is left $400,000,000 yet to be paid by direct tax on the people.

We are told, Mr. Chairman, if we refuse to extend the time for these men to pay the tax now due on their bonded liquors, and which it is the obvious duty of the United States to collect, we shall cripple this great industry which pays its millions into the Treasury annually. If this is a fact, sir, and if by the enforcement of this tax we can thereby prevent or in any manner limit the manufacture of spirituous liquors, let us by all means do it; and peradventure we may cut off in some slight degree this prolific source of crime, wretchedness, and disease.

here is now in store liable to tax about 70,000,000 gallons of distilled spirits, on which is due the United States about $66,000,000. The friends of this bill ask the Government to extend the time of payment of this tax, and for this forbearance they generously propose to pay to the Government 4½ per cent. interest annually. It is now carried by bankers, capitalists, and other moneyed institutions. We are told if we do not give the sought-for relief that widespread ruin and disaster must come not only on the distillers, but bring financial embarrassment to the individuals and institutions which have thus far supplied their wants and now refuse to extend their lines of discount. Now, I submit, is this a good argument to put forth when they ask for a Government loan? for it is nothing but a loan. Should the Government be asked to take a risk for two years at 4½ per cent. which banks and bankers refuse at from 6 to 10 per cent.? What security can these men give the United States which they can not give the banks? And if the business men who control our money in commercial circles will not take this risk, shall we assume it? I trust not, sir. The fact is, the shrewd, sharp business men of our nation are weakening on whisky and are quite solicitous to stand from under, and are strenuously assisting the ring to transfer these obligations from their own shoulders to the Treasury of the nation. I have too much confidence in the members of Congress to anticipate such a result.

Let us see how this vast accumulation of bonded spirits occurred. The law requires that all distilled liquors or spirits shall pay a tax of 90 cents per gallon. As raw spirits are not marketable or ready for consumption, and as it grows better and increases in value with age, it may remain in bonded warehouses for three years, and then the tax must be paid, or whenever it is withdrawn for consumption then also the tax must be paid. In March, 1878, the manufacturers found themselves with over 50,000,000 gallons on hand, and asked an extension of time in which to pay the tax. One year was given. Did they diminish the amount? No. That year they increased the amount to 71,000,000 gallons. In 1879 another appeal was made to Congress, and a three years' extension was given. Did these men learn wisdom by experience and the forbearance of the Government? Far from it. The next year the surplus rose to 90,000,000 gallons, and the next year to 100,000,000 gallons, and the next year to 117,000,000; then as the tax-paying time drew near it fell off to 105,000,000, and to 74,000,000 during the last year. Now, shall we give them another extension and encourage the further increased production, or shall we say, "Pay your taxes, as other honest and prudent business men do?" Then we shall see a diminished output of whisky till the supply and consumption come nearer together. This will be the result: the Government will receive the $66,000,000 which is its just due; the manufacture of distilled spirits will be diminished; the distiller will keep his business within proper bounds, be able to pay his taxes when due, and not call upon the Government to do what it has no constitutional right to do. So palpable a violation of the spirit as well as the letter of the Constitution would most assuredly call down upon us the just indignation of all right-minded and intelligent citizens, and it would be well to remember if we extend the aid now asked for we are indirectly aiding and abetting the manufacturing and vending of that article which never fails to leave its baneful influences upon the mental, moral, and physical condition of every one who is in any way connected with its traffic or use. Therefore I say this Congress has no right in any manner to encourage these men who come asking our interposition in their behalf. Other business men pay their taxes. Why should these escape the burdens they have imposed upon themselves and now ask us to adopt a policy at variance with the sentiment of the people and with the spirit of the Constitution and laws of the land?

Does the Constitution confer upon the Government the right to loan money? It gives it the power to coin money, to borrow money, but nowhere the right to loan money; and this is a loan virtually. If you extend the time of paying this amount of money into the Treasury and accept 4½ per cent. interest, you loan the funds of the United States and accept interest for the forbearance. If we should establish a precedent of this kind, what infinite trouble would it give us at every successive Congress? Every crippled business man would be knocking at the doors of the Treasury for aid to tide over his financial embarrassments. We should very soon have no need for a Treasurer or a Treasury; in fact, we should have no Government at all.

In making this effort to obtain this loan from the national Treasury to aid the whisky ring, gentlemen overlook that great factor, the people, who have strong convictions on these subjects, which they are free to express at home, and expect through their Representatives to express upon the floor of this House. There is a moral sentiment abroad which we can not afford to ignore or disregard. Certain gentlemen deprecate agitation on this subject, and would prefer to put this bill upon its passage without discussion. No doubt, sir, the vote will be a very close one; but every hour spent in debating the question will in my opinion give us a correspondingly larger majority against the contemplated wrong. It is well for our constituents to know whether we are willing to stem this current of wrong-doing, or, once we have become members of Congress, we cease to be the representatives of the people. How can we do more to promote the public good and to increase the public welfare of every class of citizens, excepting those engaged in this nefarious business of making or vending intoxicating liquors, than by compelling the prompt and punctual payment of the taxes due on bonded spirits and by refusing to commit the present Congress by our words or our votes to so vicious, so unjust, and so unstatesmanlike a measure, and so at variance with the moral sentiment of the people, as the passage of the bill under consideration?

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. DANIEL ERMENTROUT,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 31, 1884,

On the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. ERMENTROUT said:

Mr. SPEAKER: It has been long ago manifest that no man questions either the right or duty of the Government to save from loss the holders of the trade-dollar, the coin upon which it impressed its seal, to which it thereby gave credit and circulation, but which has now become dishonored. The chief stumbling-block in the way of the passage of this bill seems to be the fourth section. That section directs that the trade-dollar when redeemed shall be treated as silver bullion and shall be deducted from the amount of bullion required to be purchased and coined under act of February 28, 1878; and this, as the minority report puts it, "because the effect will be to greatly depress the value and price of silver bullion." The report then argues as though this were a bill for discontinuing the coinage of the present silver dollar. That, sir, is not the issue in this bill. If the continued coinage of the Bland dollar depends upon so slight a foundation as this, the period for that operation will be short indeed. The facts involved in the proposition before us do not warrant any such conclusion. It is therefore not worth while to fritter away the time of the House with the wider and broader issue growing out of either the discontinuance or suspension of the silver coinage.

It occurs to me, however, to suggest that the law of 1878 was not passed to raise or maintain the price of silver bullion. If that was the spirit and intent of that legislation it proceeded upon a vicious principle, namely, upon the idea of a personal benefit to a particular interest. This I should regret to admit. The better view to take is that it was designed in obedience to the popular demand to restore that ancient currency of the country, which in great measure had previously to that time disappeared, to give us a currency which, by its intrinsic value, to some extent at least, should create confidence. No doubt the knowledge that we were great producers of this precious metal, which in all ages and all countries had been a medium of exchange, operated to the passage of the measure. There was at that time a great demand for a currency of this character, for it was comparatively scarce. It must be presumed that when the National Congress framed the silver act it had in view these circumstances, and particularly the extent of the demand for this coinage and what would supply it.

The result of the legislative thought was a direction to the Secretary of the Treasury to purchase from time to time silver bullion at the market price, not less than two million dollars' worth per month nor

more than four million dollars' worth per month, and cause the same to be coined monthly as fast as so purchased into such dollars. It has never been found necessary or prudent by the Government to exercise the power thus conferred to its full extent. Under it up to November 1, 1883, were coined $156,720,949, an average of about $2,300,000 monthly, $1,700,000 less monthly than the law now authorizes. Is there any one who will say that the coinage has not met the demand? Let him go to the vaults of the Treasury and he will find them open readily to his demand and every other demand that may be made, and leave remaining inexhaustible and almost countless millions more. Is there any one who will deny that abundant power under the law is lodged in the Government to meet any possible future demand? He would be rash indeed.

Now, sir, it is apparent that no legislation enlarging the minimum of coinage of the standard dollar is called for by any demand by the business or the people of the country. On the contrary, the Secretary of the Treasury, a large and influential portion of the public press, chambers of commerce, and various large business centers are condemning what has been denominated "an aimless purchase of silver bullion, at the rate of over $24,000,000 each year, as a needless use of public money and of the taxing power to supply it, incurring a needless loss of the interest on the sum thus expended and the expense of manipulation." They are demanding a discontinuance or temporary suspension of further immediate coinage of the standard dollars. My colleague from Pennsylvania [Mr. SMITH] has even proposed an amendment doing away with the coinage of the standard dollar.

It is not necessary for me to express any opinion on this interesting question now. I believe that the proposition should first be submitted to a committee, that it is of sufficient importance to be considered separately, and at least should not be allowed to embarrass the passage of this bill. The question we have to deal with is whether we will by striking out the fourth section of this bill compel the Government to coin more silver dollars than are being coined now, when it has that power already; whether we shall enlarge a compulsory minimum of coinage, created when not a single Bland dollar was in existence and the demand necessarily greater, at a time when we have millions of them and a supply lying in the Treasury in excess of the demand. That is all there is in it. Logic and common sense seem to oppose the proposition. Now, I am by no means satisfied that the amount of trade-dollars that will be redeemed under this act will operate to depress the price of silver bullion; but should it do so, it would seem to be an act of retributive justice, and therefore call for no sympathetic tears. Who struck the first blow? On the 22d day of July, 1876, Congress passed a joint resolution (No. 17, Forty-fourth Congress), section 2 of which provides "that the trade-dollar shall not be hereafter a legal tender." Sections 3 and 4 authorized the Treasurer to issue $50,000,000 subsidiary silver coin and buy the silver bullion for the same? This legislation was certainly not urged by the friends of the trade-dollar nor by the foes of silver bullion. Time at last sets all things even. The Nemesis of the trade-dollar, that beautiful lady, emblematic of liberty, holding the olive-branch of peace in her hand, resting on the immutable foundation represented by the inscribed motto "In God we trust," emblazoned on this abused coin, comes back to avenge herself upon the absurd cheat which substituted a dollar of 412½ grains for one of 420.

Both the gentleman from Pennsylvania [Mr. SMITH] and the gentleman from Texas [Mr. MILLS] propose that all future silver coinage shall be fractional.

In view of the fact that $28,000,000 of this coinage now in possession of the Government may be made available for the use of the people, no pressing necessity seems to exist for such legislation. At any rate the consideration and adoption of any such amendment can only hamper and delay the passage of the bill, and might ultimately prove fatal.

It was urged on a former occasion that no such bill as this ought to pass, because the Government would lose $300,000 on every $2,000,000 coined, because the Government makes $2,300,000 out of every $2,000,000 worth of bullion coined. If the Government buys the trade-dollar for a Bland dollar it will receive 7½ grains more silver than it gives. This excess will nearly if not fully pay the cost of manipulation and yield a profit to the Government. But the Government must sooner or later take back the coin it issues at the same nominal value at which it was issued. So that it is as long as it is broad, and on the whole transaction the Government is even. Should, however, the statement of loss be correct, better the Government lose than the people. If there is any argument in the proposition to create money at a profit, let me suggest that under the recent legal-tender decision of the Supreme Court we can make money at a much greater profit by running the Government presses and printing greenbacks. The minority report assumes that under this bill $10,000,000 of trade-dollars will be redeemed, with the possibility of $20,000,000. The greater the amount of trade-dollars held by the people the greater the iniquity of delaying the day of redemption. I suggest, however, that the figure in the report exceeds any amount I have seen anywhere stated as being held in the United States or likely to find their way here. The Secretary of the Treasury in his last annual report has the following, which should be authoritative:

It is possible to make an estimate of the amount that would come to the Treasury for redemption if authority were given therefor. The whole issue of the coin has been $35,960,446. Some of that has disappeared in manufactured articles; it was estimated from $1,000,000 to $2,600,000. It is calculated that five-sixths went abroad in the beginning, and it is believed that but a small part of that came back, and that there is now held by our people from $5,000,000 to $8,000,000. Of that which remained abroad there is good authority for saying that much of it found its way from China to India and into the melting-pot at the mint in Calcutta, and has been there cast into the coin of that country. The overweight of the trade-dollar by the side of the Spanish and Mexican dollar, with which it was concurrent in China, brought much of it to the crucible there. It is understood in business circles that in China silver coin is used by weight and not by count, saving a few ports where Mexican dollars and a few other coins are taken by tael. It is the practice of Chinese bankers, so it is reported, to stamp with their own mark the coin that they take and pay out. The coin thus defaced soon comes to the state and repute of bullion, and the presumption is that our trade-dollars have many of them been so treated and so suffered. Bear in mind, too, that from time to time for some years past until a comparatively late date there has been inducement to reship this coin from China hither, because it has been in free circulation in most parts of the land, and for most of the time at a par with gold and silver money. There is reason to believe, then, that besides the sum of it in the hands of our own people an embarrassing amount will not come upon us from abroad.

I introduce here another statement, taken from a pamphlet on this subject, which seems to be approximately correct:

Trade-dollars coined, in round numbers		$36,000,000
The Director of the United States Mint, in his official report to Congress in 1879, pages 130, 131, estimates the amount of trade-dollars exported up to November 1, 1879, as being		25,089,817
In a like report for 1878, page 12, the same officer estimates the number of trade-dollars taken on their person by Chinamen returning home at		5,000,000
The export of trade-dollars was mostly from the port of San Francisco, and the amount exported from November 1, 1879, to September, 1883, as shown by custom-house returns, was but		123,926
Being a total of		30,273,743
There is no reason for expecting any notable return of trade-dollars to this country previous to 1876 or 1877, but it is estimated that during the years 1878 and 1879 the amount imported was	$1,200,000	
And since July 1, 1880, the custom-house returns show imports of	992,959	
		2,192,959
Showing the net amount disposed of in China, &c., of		28,020,784
We think it safe to estimate the amount of trade-dollars taken off by other channels, lost, mutilated, melted up, and used for manufacturing purposes during the ten years of their circulation, off our figures, at		779,216
Making a total of		28,800,000
And we have a balance of		7,200,000

Seven million two hundred thousand dollars, then, might be accepted as the maximum in the hands of mechanics, laboring people, and business men in the country, all trusting to Congress for relief; and who will doubt for a moment the result? For it involves neither charity nor sacrifice, but is simply an act of justice.

Business men, well informed on the subject, confirm the above estimate as to the amount of trade-dollars shipped to and the quantity returned from abroad. It is the custom in China to melt up into ingots and the "sycee" form all their imports of silver as soon as landed, and the fact that the commercial price of trade-dollars in New York was for two years previous to June, 1883, quoted at 99 cents and over, and that none were imported during that period, should be considered conclusive evidence that there are but few, if any, to be obtained in China.

Seven million two hundred thousand dollars seems to me to be an insignificant part of the silver bullion product of this country alone. Mr. Burchard, in his report to the Forty-seventh Congress, states the silver bullion product of 1882 at $46,800,000. I am informed from the same office that the production for 1883 will exceed this amount. In other words, less than one-sixth of the annual product of the country will be displaced by the operation of the fourth section. It is a bagatelle, and gives emphasis to the remark heretofore made that if the price of silver bullion depends upon the displacement, it rests upon a frail foundation indeed. It is an argument not entitled to much weight in this connection. But the minority report sets up another obstacle to the passage, not of the fourth section, but of the whole bill. That is the allegation that the trade-dollars are mainly held by speculators. The figures show that this is not so. I am informed authoritatively that less than 5 per cent. of the trade-dollars now held were taken at less than par. My own information, so far as the community I represent is concerned, is to that effect. For a considerable period after the stampede of July this coin was taken by our banks and business men at par. There are hundreds of these dollars hoarded up by that large class of people who put their trust in no man or institution as the guardian of their savings, and in no money but silver and gold.

It is further charged that much of this money has been recently bought at a discount by foreign brokers to sell at par abroad to foreign emigrants. I believe this to be a canard; but if true, it constitutes another powerful argument why this bill should pass, and pass speedily.

There is nothing in the argument that an increase of the purchase and coinage of silver will give a basis for an increase of silver certificates to take the place of retiring bank circulation. The power to enlarge that basis I have shown already exists. Out of an increase coinage of silver dollars in 1883, $28,291,069, after $4,136,321 have gone into the circulation, the increase of silver certificates amounted to only $19,713,931. In the opinion of the Treasury, "any demand likely to arise for silver dollars or for silver certificates based upon them may be readily met

without further coinage of the dollars or preparation of the certificates for issue." I believe these views to be correct. Entertaining the opinion I have expressed, I think it would be unwise to strike out the fourth section and that we should pass the bill as it stands.

Still if the House should think that the fourth section would operate injuriously upon an interest they wish to protect without enlarging the minimum coinage of the silver dollar as fixed by act of 1878, a proviso inserted at the end of section 4, restricting the amount of standard dollars to be coined out of the trade-dollars redeemed to 1,000,000 per month would not in my judgment be objectionable.

The Bonded Extension Bill.

SPEECH

OF

HON. BURR W. JONES,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. JONES said:

Mr. CHAIRMAN: The whole question involved in this discussion is this: Have the distillers presented to us sufficient reasons why we should extend for two years the time for the payment of their tax upon distilled spirits? I agree with the gentleman from Pennsylvania [Mr. RANDALL] that this is the most important bill which we have yet had before us for consideration. It involves not only the extension of a tax upon 70,000,000 gallons of whisky, but it bears in many ways upon our entire revenue system. It is a question of such importance touching our revenue policy as to merit careful attention. I am entirely content to view it as a practical business matter, leaving to others those questions of sentiment and morals which are more inviting to many because they afford a better field for the triumphs of oratory.

This is not the first time that the distillers have come to Congress asking special legislation of this character.

Prior to 1878 the law had required distillers to pay the tax within one year after placing the product in the Government warehouses; in other words, the manufacturer was allowed one year in which to sell his product before the payment of any tax was required. This had been the law for ten years. In 1878 the distillers came to Congress alleging that they were in distress. They had produced more than they could sell. They had large quantities of whisky in the warehouses and could not raise the money necessary to pay the tax. They begged Congress to give them relief. Congress yielded and by legislative act gave them such an extension of time that thereafter they were to have three years instead of one. Did the distillers learn wisdom in their advancing years from the follies of their youth? Not at all. They at once entered into an extravagance and prodigality in the manufacture of whisky entirely unparalleled in the history of this country.

The gentleman from Kentucky [Mr. WILLIS] tells us that the amount manufactured in 1878 was, in round numbers, 56,000,000 gallons; in 1879, 71,000,000 gallons; in 1880, 90,000,000; in 1881, 117,000,000 gallons. The normal production is about 71,000,000 gallons per year.

These figures are an argument which needs little elaboration. They show that by the legislation of 1878 every distillery was stimulated into unnatural activity. Every distiller argued that his whisky would grow valuable as it gained the smack of age. Of course he took advantage of the extension. He postponed the payment of his tax as long as possible. He steadily manufactured his whisky and as steadily marked up the price as it grew venerable with age. Mark the result. In 1878 the distillers had about 14,000,000 gallons of whisky in the bonded warehouses; in 1882 the amount had swelled to 80,000,000 gallons. Again they were without purchasers. The fierce fever of excitement and speculation had passed away; the relapse had come.

We are now asked to extend the period to five years, in effect to give another lease of life to speculation and overproduction. Is this the province of Congress? We of course regret the distress and embarrassment which the distillers have by their own folly brought about them, but is it our duty to indulge in this kind of special legislation whenever the agents of any industry paint its embarrassment in glowing colors? If so, we may bid a long good-by to general legislation, for there are other industries all about us equally worthy and far more needy. The manufacturers of distilled spirits, like other business men, should regulate their business to the laws of the land. They must recognize, too, that great law of supply and demand which stands unchangeable and the same while statutes come and go.

Brewers, wholesale and retail liquor dealers, tobacco dealers, pay their taxes to the General Government. So far as I know, they pay them promptly and without complaint. They are not accustomed to besiege every Congress for exemption from the burdens of taxation. I do not feel disposed to single out the distillers as the one class who are not expected to pay their taxes promptly and according to existing laws. If there is any one doctrine thoroughly embedded in the minds of the American people, it is that their taxes must be paid and paid promptly; that the payment of taxes is just as inevitable as storm and sunshine and death. And it is a wholesome doctrine, one upon which depends the very administration of government.

In my judgment, the sooner the distillers recognize that their taxes must also be paid, and paid within the time prescribed by law, the sooner they will place their business on a safe basis. They have relied altogether too much and too often upon Congressional aid. Any temporary relief which we can give the distillers would only aggravate the speculation and overproduction which are the fruitful causes of all their ills. There lie upon our desks copies of telegrams from about seventy banks urging our compliance with this demand. It undoubtedly means that the banks in some sections are interested in the passage of this bill. They have given credit to the distillers, and are to some extent perhaps involved in the embarrassment which speculation and overproduction have caused. But I can not see that it is our duty to yield to this pressure. The bankers, like the distillers, ought to be able to protect their own interests. They know the laws of the land. No class of men on earth can so easily touch the pulse of the world's commerce. No men are less excusable if they defy the great laws of trade, to which all successful business men must yield obedience. If they, too, have caught the fever of speculation, if to make large profits they have ventured upon large risks, they may as well learn now as ever that the Government of the United States is not their partner, and is in no manner responsible for their folly.

We are assured by some of the friends of this bill that the Government would not lose a farthing of its revenue by this action. But the bill itself does not speak so emphatically upon this subject. I have serious fears that if this bill should pass there would at once begin an agitation for the repeal or reduction of the tax upon whisky. The amount of whisky in bond would begin to accumulate; the problem would be no longer how to extend but how to avoid altogether the payment of this $63,000,000. Indeed, one of the friends of this bill, who has advocated it in an able argument, has boldly said that he desired both the passage of this bill and the entire remission of the unpaid tax.

I do not regard it as my duty to aid either in giving away to the distillers or any one else any part of the revenue which has accrued to the Government; nor am I willing to give aid or countenance to any act which would disturb the permanence of the internal-revenue system.

During the past few days we have heard that system violently denounced from many quarters; but I do not believe that there is any general demand for its destruction. For more than twenty years the existing system has been in force. During those days of civil war, when the life of the nation was trembling in the balance, we could ill afford to despise the hundreds of millions of dollars which it gave to the national Treasury. Now we are at peace, it is true. We have a surplus in the Treasury, a surplus which excites into wild, sometimes grotesque, activity the desires and the imaginations of some of the gentlemen on the other side. But still we are not rich enough, with national debt and soldiers' pensions yet unpaid, to give up to the distillers any portion of this tax, or to give up the system which has produced the tax.

I know that in the early history of this Government it was considered democratic to denounce the internal-revenue system. The words "odious," "inquisitorial," "detestable," and "infernal," which are repeated day after day on this floor, have an old and familiar sound. They come to us from the days of Shay's rebellion against the whisky tax.

But we should not be governed by catch-words and phrases after their significance has passed away. In those days the manufacture of whisky and alcohol was carried on in a humble way in almost every region where corn and rye were produced. In the absence of railroads humble laborers manufactured their corn and rye into whisky and alcohol, articles less bulky and more easily transported to distant markets.

But changes in the methods of transportation and the operation of later laws have taken from the many and given into the hands of a few men the manufacture of whisky.

The distillers who are asking this legislation at our hands do not distill their whisky in the cellars and barns of the country districts as in former days. They are few in number. They belong to a rich and powerful moneyed syndicate. They are residents of the great cities. They are the allies of the money kings. They are potential on the boards of trade. They are in close alliance with the banks, as these dispatches testify. The tax on whisky can now be collected of the few manufacturers without any of that surveillance which once annoyed entire communities. I know of no public sentiment in the Northwest against the rigid enforcement of the internal-revenue system. I know of no sentiment which is at all rebellious against the collection of the tax upon distilled spirits.

I agree with others that there is a general demand for reduction of taxation. There is a widespread sentiment in the State in which I live that the onerous taxation upon the necessities of life which was created by the expenses of a great war should be reduced.

That sentiment was voiced so loudly in the autumn of 1882 that a reluctant Congress was compelled to grant at least a show of acquies-

cence. A tariff commission had been appointed. It was so constituted that a clear majority of its members were devoted to a high-tariff policy. After long investigation that commission had reported that a substantial reduction of tariff duties was demanded by the public interests.

It was their opinion that there should be a reduction of not less than 20 per cent. in the then existing rates, and they hoped that it would reach 25 per cent. Those who were responsible for the legislation which was finally enacted stated on the floors of Congress that the proposed reduction would amount to an average of 20 per cent. or more.

I now quote from the report of the Committee on Ways and Means, which has just been prepared:

Your committee find that in the first six months ending December 31, 1883, under act of March 3, 1883 (the new law), dutiable merchandise was imported into the United States valued at $235,898,109, on which duties were paid amounting to $95,514,136, being 40.91 per cent. on the value thereof. In the corresponding six months of the year 1882, under the old law, the value of dutiable imports amounted to $260,856,273, and the duty paid was $111,266,507, or 42.65 per cent. on the value. It thus appears that the average cost of importing goods valued at $100 was only $1.74 less under the new than under the old law.

This exhibit of reduction in rates made by act of March 3, 1883, amounting to 1.74 per cent. of the duty, is subject to an unimportant modification resulting from changes in value and other conditions, some of which increase and others reduce comparative ad valorem rates.

The promised reduction of more than 20 per cent. upon tariff taxation has dwindled to less than 2 per cent.!

When the bill came up for passage it was alleged by those who demanded greater reduction to be the handiwork of the Eastern manufacturers. The result would seem to prove the truth of that statement. It was undoubtedly framed in their interest and in such a manner as—

To keep the word of promise to our ear
And break it to our hope.

Ad valorem and specific duties were so intermixed and changed, the law was made so complicated that none but those trained in the art of tariff-juggling could foresee the result. After this lapse of time the results can be ascertained and they present one more triumph for those monopolies which have so long been potent in the legislation of this country. If I know anything of the sentiment of the people of the Northwest they are asking for that substantial reduction of taxation which the Tariff Commission and the last Congress promised, but which they failed to give. They are not eager to pay a tax of 49 per cent. upon their sugar, of more than 40 per cent upon their woolen clothing, of 40 per cent. upon their cotton goods. They are uneasy under these burdens which rest upon almost every necessity of life.

We all know that the heaviest burden of this taxation rests upon the agricultural classes of the West and Northwest. It largely increases the cost of almost every article they buy. Its tendency is to close the foreign markets of the world to the articles they would sell. If they complain they are told in substance that this system of taxation gives aid and comfort to the infant industries of Pennsylvania and Massachusetts, and that in good time the taxation will be reduced. But they do not forget that those same "infants" were vigorous and healthy when this century began, and that the older they have grown the more lustily they have demanded protection.

In 1833 the friends of the high-tariff system consented to a compromise by which tariff duties should be reduced during nine years ensuing to 20 per cent. ad valorem, and that beyond that they should not be increased. More than fifty years have passed away. Now the average tariff rates amount not to 20 per cent. but to about 40 per cent., and still every one of these "infant" industries is clamoring for more.

The gentleman from Pennsylvania [Mr. KELLEY], who is probably the most celebrated living champion of the protective policy, has told us during this discussion that we should abolish the tax upon whisky and get rid of the entire internal-revenue system, which he denounced as an "infernal" system.

Of course the grounds of opposition to the tax upon whisky are obvious. If that tax of more than $70,000,000 per year can be reduced an equal amount of the sum derived from tariff taxation can be retained. A reduction of the taxation must come from some source. If that reduction is made in the whisky tax the present high tariff duties upon the necessaries of life will remain, because the expenses of Government must be paid.

I think I know something of the popular sentiment in the great Northwest. If I am not entirely mistaken as to that sentiment, it is not at all in accord with the Pennsylvania idea, which Mr. KELLEY no doubt understands and correctly expresses. That demand is indeed for a reduction of taxation; but it begs for relief from taxation upon the necessaries, not the luxuries, of life. It asks for that substantial reduction of taxation upon the articles of every-day use in every humble home that the tariff commission and the last Congress promised and pretended to give, but which has not come. In my judgment, if you will give this substantial reduction of taxation, if you will also add to the free list generously, if you will give to our people free salt, free sugar, free coal, free lumber, there will be no wailing or gnashing of teeth because whisky pays a tax.

There is no article on earth better able to pay a tax than whisky. There is no general demand for the removal of that tax among the people whom I have the honor to represent. I am willing to stand upon the ground that this tax should be a part of the permanent revenue policy of our Government. It is no longer an experiment. We have, by frequent changes of the law, already experimented enough. We have learned with reasonable accuracy what amount of tax per gallon will produce the maximum of revenue. At the rate of 20 cents per gallon the tax amounted to less than $12,000,000 per year. It was found that the tax of $2 per gallon afforded undue temptation to fraud and dishonesty, and yielded less than $35,000,000 of revenue per year, while the present tax of 90 cents per gallon yields more than double that amount. Still other changes have been made from time to time, and the results have shown that at present we are not likely to improve our revenues or our system of taxation by adding to or diminishing the present tax on distilled spirits; that the present rate of tax yields the best revenue and in every way the best results.

If this view is correct we may as well announce by our action upon this bill that the distillers must accommodate their business to the existing laws. The expenses of Government would still go on if we should postpone for two years the payment of these taxes of more than $60,000,000. To the extent that this money should fail to come into the Treasury where it belongs as part of the legitimate income of the Government, to that same extent we would be unable to reduce taxation upon the necessaries of life.

If I believed that the refusal to pass this bill would cause the widespread bankruptcy which is predicted by its friends, I might be disposed to yield my objections. But I have no doubt but that this danger is greatly exaggerated. The same banks which have voluntarily aided by their credit this overproduction can extend their credit until the distillers shall have gradually reduced the supply of their product to the demands of trade. This is the legitimate business of the banks. It is not at all the business of the Government.

These are the considerations which have led me to oppose this bill in its various stages, and which now lead me to vote against it.

The Tariff.

"Protection" benefits the manufacturer, not the employé.

SPEECH

OF

HON. ALEXANDER M. DOCKERY,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

TUESDAY, *April* 22, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. DOCKERY said:

Mr. CHAIRMAN: In the limited time allotted to me in this discussion I can not hope to do more than glance at the outlines of this great question, and shall not attempt to thread out or elaborate the thoughts that its consideration may suggest.

The advocates of a protective tariff on this floor are to-day insisting that the present protective tariff shall not be disturbed, nor the policy of the last twenty years reversed or modified by a reduction of war taxation. The gentlemen who make this appeal with so much of seeming earnestness, and the party that has nurtured this policy from infancy to vigorous manhood, forget that when it was adopted as a part of the revenue system of the country it was only then advocated by many of the leaders of the Republican party as a temporary measure—a measure demanded and warranted by the exigencies of a great civil strife.

Nearly twenty years have passed away since the last hostile shot was heard, and during these eventful years peace has been fully restored, armies have been disbanded, and the soldiers of both armies have become peaceful and prosperous citizens. In all sections of this country the normal conditions of peace have fully resumed their sway, the public debt has been largely decreased, and we are now collecting annually many millions of dollars in excess of the needs of the Government; and yet the Republican party is demanding that this system of war taxation shall be maintained for "protective" purposes.

Before proceeding to a further consideration of this vexing tariff problem I desire to review briefly the various systems of taxation that may be invoked in raising revenue to support the Government, and I am willing in all frankness to concede the difficulties attendant upon the settlement of this question which now challenges the thought and engages the attention of the whole people. In this vast country, with its varied industries, there are necessarily conflicting and clashing interests, and it is ofttimes a matter of extreme difficulty to harmonize and compromise these interests so as to be able by wise legislation to reach and declare the general interests of the whole people.

SYSTEMS OF TAXATION.

It is our duty to provide the revenue necessary to meet the current expenses and maturing obligations of the Government. In establishing

a revenue system, and in the arrangement of all its details, we should keep in view and strive to work out the end of all wise government, "the greatest good to the greatest number."

There are many systems of taxation which we have the power to inaugurate, and from these we should choose the best. We might maintain the Government—

First. By a direct ad valorem tax.

Second. By an income tax.

Third. By an internal-revenue system like the one now in existence.

Fourth. By a tariff of imposts.

All of these systems are in use or have been used under the Federal or State governments. Each plan has its advantages and disadvantages, its merits and its demerits. And it becomes us, as the trusted agents of this great people, to consider carefully all the pros and cons before taking action.

A direct ad valorem tax would certainly be equitable, since it compels each one to contribute according as the Lord has prospered him, and hence, as he is able, to maintain the burdens of that Government whose blessings and protection he enjoys. But the people do not like the tax-gatherers, the fixed dates for payment, and the examination of and scrutiny into their private affairs, and the legal processes to enforce payment incident to this plan.

The second is in thorough accord with the kindly spirit of our institutions, and would lay the greatest burden upon the rich and prosperous. If they should be levied only upon the income in excess of an amount necessary to keep an average family in all the comforts of life, it would keep the burdens of government off the lowly and downtrodden and suffering poor until they might gather the necessaries of life about them and gain the strength and independence necessary to enable them without too much strain and exertion to aid in bearing the general burdens. This would tend to that greatest of all conceivable blessings for our race, the equalization of wealth. It would check the tendency, which alarms the thoughtful man, of the rich growing richer and the poor poorer.

But this plan has been discarded because of the difficulties attendant upon its execution. Either the Government agent in the execution of such a plan must spy out the private affairs of every individual, or the Government must in great measure depend for this information upon the individuals taxed. The one course would lead to an invasion of the privacy dear to all freemen, and the other hold out temptation for misrepresentation, fraud, and deceit.

The third, which is now used in securing a part of our revenue, has some virtues akin to both the others, and is without some of their objectionable features. So long as it is honestly and impartially administered, and the tax is laid under this system only upon the luxuries of life, it is perhaps as unobjectionable as any plan which can be devised.

HOW THE TARIFF OPPRESSES THE FARMER.

The fourth, by which foreign manufacturers are charged for the privilege of selling their wares to our own people, makes every vender and merchant within our borders a tax-gatherer, and is certainly liable to the objection that the Government realizes a less proportion of the money which is taken from the people under it than by any other system which has ever been devised. This objection is a very grave one and interests directly every citizen, for all contribute to pay this tax, and all surely desire that their contributions shall be as small as the needs of the Government will permit. Every patriot must be willing to bear his share of the legitimate burdens of the Government, but no reasonable man is willing to give more than the uses of the Government require.

Another objection to this system is its tendency to limit the market for our agricultural produce. Of the 17,392,099 persons shown by the census of 1880 to be engaged in all occupations 7,670,493 are engaged in agriculture. The commerce between nations is, as all know, a barter. Nations buy where they sell; in other words, they exchange their surplus products of one class in order to secure such other products as they may need. They trade with that nation from which they can secure the greatest quantity of the products needed for a given amount of the products with which they are willing to part. Any tribute which this Government may exact from foreigners for trading here must tend toward decreasing the advantages and inducements of this country as a place for exchange of products, and consequently must tend toward keeping away those who have products to exchange.

Again, if in spite of the exactions of tribute they still come to trade, they must in any exchange effected here reimburse themselves for the sum paid to the Government *by adding it to the price of the product.* The surplus products of the countries with which we can trade consists chiefly of manufactured goods. Such countries need and desire to secure by this exchange of their manufactured goods corn, wheat, meat, cotton, and other products of the farm. Now it so happens that our agriculturists have an excess of these products and need the manufactured articles of Europe, such as machinery, agricultural implements, clothing, woolen, cotton and linen cloth, boots, shoes, hats, and all indoor and outdoor necessaries and conveniences. Upon this class especially, therefore, any oppressive restrictions on trade with other nations bear with twofold severity.

Than these same agriculturists we have no class more worthy or more deserving of our fostering care and protection. The pride and crowning glory of these United States is its boundless extent of fertile land stretching beneath such kindly skies that almost every product known to any clime can be successfully cultivated within our borders. That class to which we look to develop and utilize nature's gracious promises which in this wealth of land and clime she offers possesses every claim to our kindliest consideration. But it is not alone because so much of our material wealth must be developed by it that I would urge its claim. It is because an agricultural life develops the noblest and the highest type of manhood and of womanhood, the most virtuous society, the most law-abiding and law-loving citizens, the most devoted and constant and persistent maintainers and defenders of free institutions and popular government, and because a large agricultural class insures the stability and perpetuity of government. Therefore I repeat the fact that this tariff system, which not only takes from the earnings of this class a large proportion of all the revenues of Government but both limits the market and tends to decrease the exchange value of their productions, is liable to the gravest and most serious objection.

DISCRIMINATES AGAINST NECESSARIES AND FAVORS LUXURIES.

Again, Mr. Chairman, if import duties are laid upon the necessaries of life the distribution of the tax among the people is inequitable, because the burden bears most hardly upon the shoulders the least able to sustain it. The income of the poor man is all absorbed in providing for the pressing and imperative needs of himself and those dependent upon him. Consequently he is taxed to the extent of the increase in the price of the supplies purchased upon the whole of his scanty income. The income of the rich man in excess of the amount necessary to provide for the wants of himself and his family goes wholly untaxed. Thus the tariff system may become the most iniquitous species of income-tax, oppressing the poor and shielding the rich.

REASONS IN FAVOR OF A REVENUE TARIFF.

But, Mr. Chairman, the tariff system has merits as well as demerits, and if the imposts are properly adjusted, and so graduated as not to be in any sense prohibitory, the force of the objections to which I have called attention can be and are to a very great extent obviated. This system must increase the cost to the consumer of all articles upon which import duties are laid; but the Government reaps all the benefits of that increase so far as imported goods are concerned. The increased cost to the people, however, of domestic manufactures goes not to the Government but to the manufacturers in the shape of increased profits. And when the duties are so high as to prohibit entirely the importation of foreign manufactures the Government realizes no income from imposts; and domestic manufacturers, shielded from foreign competition, force the people to buy their wares at exorbitant rates. The lower the tariff duties, the more foreign goods will be imported; and therefore the less proportion of the amount which the people pay on account of the system will find its way into the pockets of private citizens. The lower the tariff duties, the less hinderance it offers to trade between this and other nations, and the less is the exchange value of our farm products impaired.

Again, if imposts are highest upon the luxuries of life and lowest upon the necessaries most of the burden is borne by the prosperous, as it ought to be, and comparatively little of it by the unfortunate and poor.

Fortunately the needs of our Government are such that we can by a moderate rate of tariff duties raise the revenue needful for an economical administration, and thus divest the system of all its most obnoxious features and lessen all its objectionable characteristics. Of a tariff system organized as I have indicated I am thoroughly in favor.

INDIRECT TAXATION.

Indirect taxation is always more agreeable than direct taxation to the people. They prefer to have the tax-gatherer disguised as a merchant or trader or shopkeeper. They had rather be forced by the biting frost or the burning sun, by the husband's pride in adorning his wife, by the father's tender solicitude for the comfort and welfare of his child, or by any of the moods of nature, the accidents of fortune, or the necessities of circumstances to pour their tribute into the nation's treasury than by the officers and agencies of human law. They are pleased, too, with the thought that they pay the tribute of their own free will, though they are in fact compelled to pay it by the stern and inexorable and certain exigences of their nature and their condition.

Therefore, Mr. Chairman, in view of all the facts and of the public will, as I understand it, I believe that such of the revenues needful for the economical administration of the Government and the discharge of its maturing obligations as can not be realized by a tax upon the luxuries of life under the internal-revenue system should be raised by the laying of import duties.

After I have thus briefly outlined my views you can well understand my position, Mr. Chairman, in regard to the propositions maintained by the champions of the manufacturing interests upon this floor.

WHAT THE TARIFF COSTS THE PEOPLE.

I, sir, am unalterably opposed to the present tariff system, by which the people pay at least $5 to the manufacturer in order to secure to the Government $1 of revenue, and yet under which the Government piles up in its coffers many millions annually more than are needed to meet all its legitimate current expenses and obligations. The monstrous evils

of the system are, it seems to me, apparent. Its costliness and its injustice are as easily demonstrated as the motives of the manufacturers are easily discerned. By the census of 1880 it appears that the population of the United States aggregated 50,155,783. Of these 17,392,099 were engaged in the various occupations and maintain the rest. After careful investigation I have reached the conclusion that the average annual expenditure on account of himself and those dependent upon him of each of such persons, for all the necessities of life upon which a tariff is levied, must be, at the lowest estimate, $300.

I am confirmed in the conclusion that this estimate is below rather than above the mark by the fact that the manufacturing products of this country in 1880 were of the value of $5,369,579,191. And it is an admitted fact that all but an insignificant per cent. of these articles found a market at home. Dividing this sum by the number of those engaged in all the occupations we find that the average outlay of each for manufactured goods, which are all dutiable, was $314.50 for domestic manufactures alone. Now we find by reference to the tables of statistics furnished by the Government that the tariff duties average 41 per cent. ad valorem under the revision of March 3, 1883, and that in spite of this enormous rate of duty considerable quantities of European goods are imported into the United States. Of course the foreign manufacturers must realize a profit, otherwise these goods would not be sent.

I quote from a distinguished author some of the leading articles imported in a recent year stating their amounts and the rate per cent. which they had to pay:

Articles imported.	Ad valorem duties paid according to sorts.	Amount.
Woolen manufactures	54, 57, 66, 70, and 77 per cent.	$24,604,000
Cotton	35, 45, 57, and 63 per cent.	15,458,000
Linen	30, 35, and 40 per cent.	14,384,000
Silk	50 and 60 per cent.	20,103,000
Iron and steel	30, 35, 45, 48, and 50 per cent.	6,554,000
Leather	20, 25, 35, and 50 per cent.	6,906,000
Earthenware and crockery	40 and 45 per cent.	3,978,000
Tin plates and ware	27 per cent.	9,874,000
Hemp and jute fabrics	40 per cent.	1,005,000
Window-glass	68 and 72 per cent.	675,000
Total		103,541,000

What do these figures mean? They mean that the prices the American people pay for their woolen cloths and stuffs are so excessive that the British woolen manufacturers can afford to pay from 54 to 77 per cent. import duties for the admission of their manufactures into the United States and still get a profit. That is to say, that, taking the average duty at 66 per cent., the people could, if they were allowed to buy where they could buy cheapest, get the same quantity and quality of woolen and worsted goods for $12 for which they now pay $20. Eight dollars out of $20 thrown away!" After a further and parallel collation the author goes on to prove that by the protective duties there is a loss upon the average annual family expenditure of 28 per cent.

THE COST DEMONSTRATED.

A letter from a friend who has recently been abroad well illustrates this subject. He is a Republican of high standing and a business man of acknowledged ability. I read the letter that it may be seen what tribute we pay to protected manufacturers:

SAINT LOUIS, MO., *January* 7, 1884.

DEAR SIR: Replying to your inquiry as to my experience relative to buying clothes in Europe and in the States, I would say that when in Glasgow, Scotland, last fall I had made to order three suits of best quality Scotch tweed, for which I paid 50 shillings a suit—say equal to $12.50 United States currency. These were made by a first-class merchant tailor and were same goods as my tailor in Saint Louis charges me $45 to $50 per suit.

Respectfully, yours,

H. G. BROOKING.

Hon. A. M. DOCKERY,
Washington, D. C.

But for the purpose of demonstrating the enormous burden which the present tariff lays upon our people we will make a calculation upon the hypothesis that the tariff increases the cost of manufactured products to the consumer 20 instead of 41 per cent. Ascertaining the value of the manufactured products sold here annually upon the basis suggested, to wit, upon the estimate that the 17,392,099 persons engaged in the various occupations spends each one annually an average of $300 for dutiable goods both domestic and foreign, the sums spent by all aggregate $5,217,629,700. Of this sum 20 per cent., or one-fifth, was added by the tariff, and equals $1,043,525,940. Now the Government only received in the year on account of all duties on imports $186,522,064.60, or less than one-fifth of the sum which the tariff cost the people.

This calculation demonstrates not only the cost of this system, but that the manufacturers of the land receive a bonus from the tariff of about $5 to every $1 which the tariff brings to the Government; for the difference between $1,043,525,940 which the tariff cost the people and $186,522,064.60 realized by the Government from it goes to the manufacturer in the way of increased profit. This vast sum of $857,003,875.40 is taken without justification or excuse from the great mass of our people and given to a favored few. There is no reason why the agriculturist of my district shall pay an enormous tribute to the manufacturers represented by any gentlemen upon this floor. It was not for this that our fathers threw off the yoke of a foreign power, that nurtured lords and princes who lived in ease and luxury at the expense of the toiling masses. No principle upon which this unjust tariff can be defended is enunciated in our charter of constitutional rights, which guarantees equality to all and oppression to none.

EQUAL TAXATION.

The burdens of government must of necessity be supported, and they should bear upon all equally. But that any class of our people should have not only to support all the burdens of government, but also lay down at least one-fifth of their hard earnings at the feet of a few fosterlings of the Government, is simply intolerable. Like the Old Man of the Sea this manufacturing interest has fastened itself about the necks of our people, and resists every effort to loosen its suffocating grasp.

But I am much mistaken, sir, if the people will bear it much longer. They have already made it drunk with the wine of submission and forbearance, and will hurl it from them in the midst of its excesses. Sir, it would seem that the proposition to make one portion of our people—and that portion the worst paid, and certainly equally deserving with any in the land—give of the fruits of their toil and sweat to fill the already plethoric coffers of the manufacturers should be absolutely without supporters or defenders now that the needs of the Government can no longer be made the excuse for it. But the affluence which the wealth accumulated under this system has brought to the manufacturers—the untitled but pampered aristocracy of this country—has afforded ample leisure for weaving ingenious pretexts for concealing from the honest toilers of the land the naked deformity of this system. I shall briefly advert to those two upon which most reliance is placed.

PROTECTION TO AMERICAN LABOR.

The first is most specious in statement and most absurd upon investigation. It is that a protective tariff is necessary to protect the dignity of American labor, and to protect it from degrading competition with the pauper labor of Europe. *Who are the laborers of this country, and how many are there?* As we have seen, the census of 1880 shows that there are 17,392,099 persons over ten years of age in the United States engaged in the various occupations. Of these 7,670,493 are engaged in agriculture, 4,074,238 are engaged in professional and personal services, 1,810,256 are engaged in trade and transportation, and 3,837,112 are engaged in manufactures and mechanical and mining industries.

Now, sir, it is manifest that the tariff only protects from competition with European labor those of the last class. The other classes must, if necessary, face as best they can, alone and unaided by statute, the pauper labor of Europe or any other countries with whom their interests may conflict.

To-day, Mr. Chairman, and for years past the agriculturists, those who labor in wind and weather beneath wintry skies and scorching suns on the farms of the West and South, have with their produce to compete in European markets with like products raised by the pauper labor of both Europe and Asia. If we had no tariff our manufacturers would still be protected by 3,000 miles of ocean which stretches between their home markets and foreign competition. Our agriculturists to-day, compelled by the tariff to pay a heavy tribute at home, are also compelled to cross this same waste of waters in order to compete with European pauper labor in its home market. The degradation incident to this system has recently had a glaring illustration.

A foreign power declined to permit the American farmer to enter its markets with his pork. And, sir, to-day the American Congress is unable to invent any measure of redress or to relieve the farmer, because its ingenuity has been racked already to invent measures for the protection and immunity of the manufacturers. I fail to see any especial glory, sir, in the dignity of American manufacturing labor if purchased by the sacrifice and degradation of four-fifths of the whole labor of the country.

STATISTICS FROM THE CENSUS SHOWING WHO ARE "PROTECTED"—MANUFACTURERS, NOT THE LABORERS.

But, sir, it is untrue that this exorbitant tariff is at all necessary to maintain at its present standard the wages of the workers in our manufactures. The facts strip from capital the hypocritical mask of sympathy for American labor. The census of 1880 shows that the capital engaged in manufacturing in the United States is $2,790,272,606; the number of all hands employed in manufacturing, 2,732,595; the total annual wages of all such laborers, $947,953,795. Dividing the total wages by the number of hands, it appears that the annual wages of each of these laborers is $347.

The value of the material used in manufactures in 1880 was $3,396,823,549; the value of the manufactured products was $5,369,579,191. To ascertain the net profit realized by the manufacturers for that year we have to deduct the cost of the labor and material used from the value of the manufactured products. This profit we thus find to be $1,024,801,847, and this sum, the net profit, equals 37 per cent. of the total capital engaged in manufactures. This exorbitant profit, and not consideration for American labor, has inspired the siren songs with which these deft choristers would lull the murmurs of discontent which threaten a storm of indignation.

You will observe, Mr. Chairman, that these same manufacturers who

prate so loudly of wages and whisper never a word of their profits starve their laborers into subjection when they murmur as to the scanty and diminishing share of the profits which are allowed to them, and import duty free pauper labor from any quarter of the globe to compete on our own soil with the protégés for whom they profess such solicitude.

But, Mr. Chairman, laying aside all theories and coming directly to the practical results of twenty-four years of "protection," the conclusion must be reached that the "lion's share" of the tribute we pay annually under this system goes to the manufacturers and not to their employés. If not, will some representative of the system explain to the country why it is that hundreds and thousands of laborers in manufactories are to-day without employment, and discontent and poverty almost everywhere characterize this class of our people. If this system is to be continued for another twenty years, and if we are warranted in judging the future by the past, we shall be compelled to announce the danger not of competition from the pauper labor of Europe, but the danger that shall come to all our interests from the aggregation of princely fortunes by these manufacturers and the other and overshadowing danger of having to deal with *pauper labor on our own soil.*

And right here I avail myself of a few paragraphs from the speech made recently by the distinguished gentleman from New York [Mr. Cox].

Where do we find American labor mostly employed now? Referring to the "occupations" tables of the last United States Census Reports, I find the total number of persons employed in what may be called the non-protected occupations given at 13,554,987, of which number about 16 per cent. (2,268,860) were persons of foreign birth.

In the protected occupations, namely, the manufacturing, mechanical, and mining industries, I find the total number of persons employed given at 3,857,112; and of these 32 per cent. (1,225,787) were of foreign birth—double the percentage of persons of foreign birth employed in the non-protected occupations.

Any person familiar with one of the conditions of labor in the protected industries during the last twenty-five years, namely, the impossibility of its migration to the great West, will, if he is candid, have to admit that if he were to classify this labor, at least 32 per cent. more of the persons employed therein would appear to be of foreign parentage. I make this reference not to disparage our citizens of foreign birth or foreign parentage, but only for the purpose of showing that protection does not protect labor, and that employers will employ the cheapest labor that the necessities of the laborers will enable them to employ.

Aside from the protected industries referred to there are no other productive occupations in this country, except the eleven classed under the head of agriculture on page 1368 of the compendium of the last census, part 2. The total number of persons therein given as employed in agriculture is 7,670,493, of which number 3,323,876 were laborers, and 4,225,945 farmers and planters. The other 120,676 were engaged in dairying, horticulture, stock-raising, and kindred pursuits. On the page referred to I find that less than 5 per cent. of these 3,323,876 laborers (161,402) were persons of foreign birth, while of the farmers and planters 14.5 per cent. (610,180) were persons of foreign birth. Do not these figures show that American labor is being driven out of manufacturing industry under a system of tariffs which the advocates of the latter would have us believe was designed mainly, if not solely, for the protection of our skilled labor? If wages in our mining and manufacturing industries were commensurate with the ideas and necessities of life, would we find, as I could easily show by the census reports, that 64 per cent. of the labor employed therein is of foreign birth or parentage, while over 95 per cent. of our hired farm service is being performed by laborers of American birth?

COMPARISON OF PROFITS OF AGRICULTURISTS AND MANUFACTURERS.

If the proposed reduction in the tariff rates should diminish the profits of the capitalists engaged in manufacturing one-half, and no one makes any claim that it will do this, their profit would still be greater than that of any other class of capitalists in this country. Let us compare their condition with the condition of the farmer, as shown by the census of 1880. We find the following state of things:

Value of farms	$10,197,096,766
Value of implements, &c	406,520,055
Value of live-stock	1,500,464,609
Total	12,104,081,430
Cost of fertilizers used	28,586,397
Value of all farm products, 1879	2,213,402,564
Value, less cost of fertilizers	2,184,816,167
Profit invested in agriculture, without payment of any wages	18 per cent.
Agricultural laborers	3,323,876

Estimating agricultural laborers' wages at 75 cents per day, the wages paid annually to them would be $747,872,100; and on that basis the profit on capital invested in agriculture would be 11 per cent. But this whole estimate omits to debit the profit with any charge on account of maintenance of any species of live-stock, and therefore shows a larger profit than the farmer can possibly average.

HOME MARKETS GIVEN BY THE TARIFF TO THE FARMER.

But the second delusion which the manufacturers have to offer the people as a reason for a continuance of enormous subsidies to them is that the agriculturists derive enormous benefits from the home market which manufacturing establishments afford to their produce. Could any pretext be more flimsy than this cry for protection to American labor?

With our rich and virgin soil, the cheapness of our lands, and superior agricultural implements the American farmer can and has competed successfully with his produce in every market of the civilized world, and but for the protective tariff system, which hinders and interrupts exchange with other nations, would never be without a profitable market for their surplus produce. The manufacturing countries of Europe would gladly exchange their manufactured goods for the wheat, corn, and meat produced upon our farms.

In spite of the high tariff the statistics show that the products of our farms are now being exchanged for the products of European manufactories. This tariff not only limits the market, but also the profit to be realized there. It prohibits the introduction here of the great bulk of the manufactured products of other countries. They are forced to look elsewhere for purchasers or for those with whom they can exchange. And in the exchange they supply their wants which our agriculturists are prepared and are anxious to supply. When in despite of the high tariff they come here to trade they must in the exchange with our agriculturists add to the price of their goods and wares the import duties which this Government exacts for the privilege of bartering here.

If, for example, they can profitably manufacture and transport here three yards of calico for the sum they would willingly pay for one pound of meat, the farmer would secure the calico for the meat. But when at our ports of entry they have to pay 40 per cent. on the cost of the calico for the privilege of bartering with our farmers, they must secure 40 per cent. more meat in the exchange to indemnify themselves for the increased outlay. The illustration is homely, but the truth it teaches is most important and far-reaching in its results, as will be seen by the statistics, which show that the commerce between the American farmer and the foreign manufacturer to-day aggregates largely over $1,000,000,000 annually. While our farmers are thus kept out of the foreign markets, or go thither hampered with the consequences of this tariff system, those certainly of the West and South derive no benefit from the boasted home market of the East. I quote from an eminent authority, Thomas G. Shearman, upon this subject, as follows:

WHAT PROTECTION DOES FOR FARMERS.

The farmers have long been treated to the most bewildering calculations for the purpose of showing that protected manufactures are their sole source of wealth. Immense pains have been taken to prove that the farmers could not live without the market afforded by protected manufactures, and a statement has been made a thousand times that a foreign market is a positive injury to the American farmer, because so long as he sent his wheat to Liverpool the Liverpool market would fix the American price. The wise scheme which has been invented for the relief of the farmer is therefore to make the number of his customers less. For is he not told that it is a positive injury to him to sell his wheat in Liverpool? If, then, Liverpool can only be prevented from buying American wheat, surely the American farmer will be made more prosperous!

These wiseacres overlook the fact that the only way in which Liverpool can be prevented from fixing the price of American wheat is by preventing Liverpool from paying the highest price in the market of the world. Now, the only reason why Liverpool fixes the price is that Liverpool is the best market, and just because it is the best market the protectionist desires to ruin it for the benefit, he pretends, of the American farmer. The best answer, however, to all the nonsense which is talked about the Liverpool market is the fact that with the increase of protection the American home market has become less and less favorable to the American farmer, and he has become constantly more dependent upon Liverpool.

FARMERS DEPEND UPON THE FOREIGN MARKET.

Mr. Nimmo, writing in the North American Review in favor of protection, let slip the fact that 95 per cent. of all the exports of breadstuffs and provisions come from the Western States, and that the Eastern manufacturing States consume nearly all their provisions, and neither export abroad nor furnish any considerable market for the Western States. The West is absolutely dependent upon itself and Europe. The Eastern market is practically of no avail to it. Yet to support this imaginary Eastern market the West has for years cheerfully borne an enormous load of taxation levied under the pretense of protecting American industry.

To further exhibit the fallacy of the boasted home market for agricultural products I submit the following statement, made by the very able chairman of the Committee on Ways and Means [Mr. MORRISON] in a recent address delivered in this Hall:

EXPORT OF AGRICUTURAL PRODUCTS DOUBLE THAT MANUFACTURERS USE.

In the lower cost of transportation on land and sea is to be found one chief agency of the wondrous development which bounty-fed manufacturers credit to protection. The system by adding to the cost of the materials for railroad construction has increased the cost of railroad transportation at least 25 per cent. In the lower cost of carrying agricultural products they have found their only sources of profits. On more than one occasion here I have exposed the fallacy of obtaining a home market for agricultural products through protection maintained by taxing agriculture. In 1880 the agricultural product was counted in the census at $2,212,540,927. Assuming that these products were used by the people equally without regard to their occupations, those engaged and employed in manufacturing, including all mechanics, also miners, consumed of the products classed as agricultural $335,000,000 worth, while for more than double as much, or $685,961,091 worth, the producers were compelled to seek a foreign market.

A SELFISH POLICY.

I do not know that I could better illustrate the utter selfishness of this policy and give the proper direction and emphasis to the word "protection" than by recalling an incident that transpired during the debate in favor of restoring the old tariff on wool. When the gentleman from Ohio [Mr. CONVERSE] was appealing so earnestly on behalf of the measure he stated the profits of the wool-growers of this country had been reduced annually more than a million of dollars by the reduction of the tax. I suggested to a protectionist friend who sat near me that he should explain to me in a few words *who paid the profits in controversy.* His reply was—jestingly of course, but really revealing the true situation—"it matters not as to that so we get them."

But here is another illustration brought forcibly to the attention of

the country by the vote had on that proposition. On this question affecting the wool-growers of the country we found the Republican representatives of the wool-manufacturing interests voting solidly against the restoration of the duty on wool.

Mr. RUSSELL. You do not mean to say that they voted solidly in that way?

Mr. DOCKERY. I will qualify the statement as to the solidity of the vote; but my recollection is that twelve Republican Representatives voted against restoring the old duty on wool. And I know I heard several Republican Representatives declare that the vote was the strongest argument made in favor of free trade on this floor, and it shook the faith of several Republican Representatives from the West, that on this question, where they wanted a little "protection" for their wool-growers, the representatives of the manufacturers in the East refused to grant them their share of the protection.

Mr. RUSSELL. They did not vote solidly, as the gentleman stated.

Mr. DOCKERY. I have qualified that statement. My recollection is that twelve Republican Representatives voted against it. Is not that correct?

Mr. RUSSELL. I have not the number.

Mr. DOCKERY. The number was sufficient to illustrate the point I am trying to make, and that is the utter selfishness of this policy. It is well known there is a difference between the wool-growers and the wool-manufacturers on this question. And why? Because the wool manufacturers do not want to give the wool-growers any part of their profits.

Mr. RUSSELL. You will find them fighting together this fall.

Mr. DOCKERY. I will ask the gentleman how many Representatives from Massachusetts voted to restore the duty?

Mr. RUSSELL. I said they did not vote solidly, as the gentleman had stated.

Mr. DOCKERY. It is true that the gentleman himself voted to restore the old tariff on wool; but it is also true that his Republican colleagues from Massachusetts, representing wool-manufacturing districts, voted solidly against the restoration of the duty. I may also state that on this question the distinguished leader of that side of the House from Maine [Mr. REED], although not paired, fails to record himself on either side of the question.

TAXATION SHOULD BE FOR PUBLIC PURPOSES.

Mr. Chairman, it has been truly said by a distinguished member of this body (Mr. CARLISLE), that "all taxation should be for public purposes." Protection taxes one business interest for the benefit of another, and is in direct contravention of that great fundamental doctrine of our Government, "Equal rights to all; exclusive privileges to none." [Applause.]

Sir, should this iniquitous system prevail in a government of the people, by the people, and for the people? The hour for honest, candid consideration has arrived. The tariff question is now the dominant one in American politics. The Republican party has arrayed itself under the banner of protection. The Democratic party still fights under the banner of tariff for revenue. While we are willing to accord to the manufacturing industries such protection as this scale of taxation incidentally gives, we are unwilling to subsidize any class, to foster any monopolies, or lay unnecessary burdens upon any department of our industries.

"FREE TRADE."

It has been charged on this floor and in the public press that the Democratic party demands free trade. Now, the gentlemen who make that charge on this floor of course can not be accredited with candor and sincerity, because they are too intelligent and know how utterly without foundation in fact is this statement. The charge is made for a purpose and for an effect. The phantom of "free trade" is invoked to affright the timid.

The Democratic party may have free-traders within its organization, but the Democratic party is not for free trade, and the gentlemen representing the Republican party in this debate can not point to a single plank in a national platform of that party that would authorize them to make such a declaration.

Mr. Chairman, "tariff for revenue" is no new doctrine of the Democratic party. More than forty years ago the Democratic party declared its position in favor of such a tariff, and on this issue it then aligned its forces to make battle for political supremacy, and amid all the changes and chances incident to political contests it has fought a good fight and kept the faith.

In the fierce contests which preceded the war it grappled, fought, and overthrew the old Whig party on this question, and I say to-day to my Republican friends that on this issue it will triumph in the near future and live to preside at the funeral obsequies of the Republican party. [Applause].

NATIONAL DEMOCRATIC TARIFF PLATFORMS.

In the Democratic platform of 1840 the tariff resolutions (numbers 4 and 5) are in these words (which have been reaffirmed, enlarged, or reannounced in every national Democratic convention since held):

4. *Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interest of one portion to the injury of another portion of our common country; that every citizen and every section of the country has the right to demand and insist upon an equality of rights and privileges.

5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

Convention of 1844, resolutions 4 and 5 reaffirmed.
Convention of 1848, resolutions 4 and 5 reaffirmed.
Convention of 1852, resolutions 4 and 5 reaffirmed.
Convention of 1856, resolutions 4 and 5 reannounced.
Convention of 1860, resolutions 4 and 5 reaffirmed.
Convention of 1868, resolutions 4 and 5 reannounced.
Convention of 1872, resolutions 4 and 5 reannounced and the whole question relegated to the Congressional districts.

Convention of 1876: In this convention this doctrine was reannounced in the following language:

We denounce the present tariff levied upon nearly 4,000 articles as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling, not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture, an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruit of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

Convention of 1880 declared in favor of a "tariff for revenue only."

CONCLUSION.

Mr. Chairman, the time fails me for a further discussion and presentation of this question. I trust that such a settlement may be reached as shall intensify our patriotism, enlarge our generosity, give prosperity to all our industries, and enhance the wages of the laborers of this country. Sir, I shall hail with joy the day when the honest labor of this land shall in majesty and power assert its rights in the Halls of Congress, when we shall all tread side by side in the ranks of genuine republicanism, with our eyes veering neither to aristocracy nor agrarianism.

Sir, I believe that freer trade and equal taxation will enhance rather than diminish the wages of labor, and believing thus, in common with the great body of the Democratic party and I doubt not a majority of the people of the United States, I shall give my voice and vote for this measure, which is the initiatory step in favor of such a reform as will ultimately place our system of tariff taxation upon a revenue basis.

The Democratic party now as heretofore favors a tariff for revenue; a tariff so adjusted as to distribute equally the burdens and benefits of government; a tariff national, not sectional or geographical; a tariff which, so far as may be practicable under a revenue system, shall declare before the law the equality of all the great industries of the country; a tariff which shall not enrich the few at the expense of the many; a tariff which shall not tax four-fifths of the laborers of this country for the benefit of the manufacturer; a tariff which shall not limit the market for agricultural products; a tariff which shall aid in restoring our commerce; a tariff which shall not deplete the revenues of the Government by giving immense premiums to favored industries; a tariff that shall not destroy or paralyze our manufacturing industries, but which will make them hardy, generous, and self-reliant; a tariff which will not yield 37 per cent. on the capital invested to manufacturers and only $1.16 a day to the laborer; a tariff which shall not be prohibitory, and thus "protect" against all competition the manufacturers of this country; a tariff which shall recognize the genius and prowess of American manufacturers and American laborers, and be willing to challenge competition with Europe in the open markets of the world; a tariff which shall not demand that American agriculturists compete with the poorest-paid labor of the world, and then in turn require them to pay a bounty of 41 per cent. on all they purchase; a tariff that will not under the pretense of "protecting" American labor levy an annual tribute of $800,000,000 on the consumers of this country; a tariff that will not impose the heaviest burdens upon the articles of necessity in daily use among the people; and, finally, a tariff which shall not divorce or estrange agriculture, commerce, and manufactures, but such a tariff as will bind together indissolubly in the bonds of a common interest all the great industries and all the sections of this mighty Republic. [Applause.]

APPENDIX.

Statistical summary as shown by the census of 1880.

Population of the United States		50,155,783
Engaged in agriculture	7,670,493	
Professional and personal occupations	4,074,238	
Trade and transportation	1,810,256	
Manufactures, mechanics, and mining	3,837,112	
		17,392,099
Employed in the non-protected occupations	13,554,987	
Employed in the protected occupations	3,837,112	
		17,392,099
In the non-protected occupations 16 per cent. are persons of foreign birth		2,268,860
In the protected occupations 32 per cent. are persons of foreign birth		1,225,787
Foreign immigration, mostly adults, since July 1, 1870		4,809,524

AGRICULTURAL STATISTICS.

Capital employed in agriculture		$12,104,081,430
Number of farms		4,008,907
Agricultural laborers		3,323,876
Value of farm products		$2,213,402,564
Estimated profit on capital invested, 11 per cent.		
Farmers consume of their own products	$673,372,000	
Manufacturers and mechanics	244,863,000	
Other Americans	612,156,000	
The foreign market	683,011,000	
Total consumption		$2,213,402,000
Agricultural export in 1860 was 78 per cent. of entire exports		295,000,000
Agricultural export in 1870 was 79 per cent. of entire exports		391,000,000
Agricultural export in 1880 was 83 per cent. of entire exports		685,000,000
Agricultural export in 1883 was 77 per cent. of entire exports		619,269,449

MANUFACTURING STATISTICS.

Capital employed in manufactures		$2,790,272,606
Manufacturing establishments		253,852
Value of manufactured products		$5,369,579,191
Laborers employed in manufactures		2,732,595
Gross profits after deducting wages and material		$1,024,801,847
Profit on capital invested, 37 per cent.		
Average annual compensation to labor		$347 00
Average daily wages		$1 16
Imports for the year ending June 30, 1883	$742,796,684	
Exports for the year ending June 30, 1883	804,223,632	
Total exchange		$1,547,020,316
Value corn product 1860		600,000,000
Exported that year, four-tenths of 1 per cent		2,400,000
Value corn product 1880		702,000,000
Exported that year, 7½ per cent		53,000,000
Under a revenue tariff wheat exports were only 2½ per cent.		
Home market consumed 97½ per cent.		
Under the present tariff we export of wheat 36 per cent.		
Home market only consumes 64 per cent.		
Under a protective tariff wages only receive of the value of the products 18 per cent.		
Under revenue tariff they received 20 per cent.		
Aggregate of national wealth in 1870		$26,460,000,000
Aggregate of national wealth in 1880		43,300,000,000
Under a revenue tariff the national wealth from 1850 to 1860 more than doubled.		
Average rate of duty under tariff of 1789, 8½ per cent.		
Average rate of duty under tariff of 1792, 13½ per cent.		
Average rate of duty under tariff of 1816, 30 per cent.		
Average rate of duty under tariff of 1824, 37 per cent.		
Average rate of duty under tariff of 1828, 41 per cent.		
Average rate of duty under tariff of 1832, 33 per cent.		
Average rate of duty under tariff of 1846 to 1861, 19 per cent.		
Average rate of duty under tariff of 1862, 35 per cent.		
Average rate before revision of last Congress, 43½ per cent.		
Average rate under the present tariff, 41 per cent.		
Estimated average under this bill, 33 per cent.		
Estimated annual reduction of revenue under this bill, $30,000,000.		

PUBLIC DEBT OF THE UNITED STATES APRIL 1, 1884.

Interest-bearing debt:		
Bonds at 4½ per cent., due in 1892	$250,000,000 00	
Bonds at 4 per cent., due in 1907	737,643,950 00	
Bonds at 3 per cent, subject to call	254,808,650 00	
Refunding certificates	305,400 00	
Navy pension fund	14,000,000 00	
		$1,256,758,000 00
Debt on which interest has ceased		14,043,915 26
Debt bearing no interest:		
Legal-tender notes	$346,739,541 00	
Certificates of deposit	15,475,000 00	
Gold and silver certificates	220,644,561 00	
Fractional currency	6,984,317 31	
		589,843,419 31
Interest due and unpaid		11,492,685 11
Total public debt		1,872,138,019 68
Cash in Treasury		402,875,210 59
Debt, less cash in Treasury April 1, 1884		1,469,262,809 09
Cash balance available after deducting gold and silver certificates, &c		150,919,315 93
Estimated annual surplus in excess of the expenditures of the United States		50,000,000 00

Thomas H. Herndon.

REMARKS

OF

HON. SAMUEL J. RANDALL,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1884,

On the life and character of the late Hon. THOMAS H. HERNDON, Representative-elect to the Forty-eighth Congress from the first district of Alabama.

Mr. RANDALL said:

Mr. SPEAKER: There are men whose lives have been so true and gentle that the exaggerated language of eulogy is rendered unnecessary and for whom the simple recital of duty bravely done and noble purposes carried out without fear or favor is their most eloquent obituary. Of such was the late THOMAS H. HERNDON, of Alabama. Of spotless personal character, with mental faculties cultured and self-poised, with courage equal to his convictions, yet in the ordinary business of this House he was modest, unassuming, and affable until principle was at stake and right was to be sustained, and then no rock was more firmly rooted. The denunciations of enemies, the seductions of interested parties, and the blandishments of power were equally unavailing to move him from the position he took after careful consideration.

He was my friend, and none had a truer one. And such friendship is a consolation beyond all power of words to depict. It is the solace and support of men who try, however feebly, to pursue the course which they believe to be just and proper. It is easy and delightful to do the wishes of those who would aggrandize their fortunes from the public treasury or to grant monopolies to those already too powerful, while on the contrary to battle in behalf of the rights of the many, which are ever absorbed by the few unless prevented by ceaseless vigilance, brings unstinted abuse and the most cruel misrepresentation, and all the more unjust because it is deliberately done. If it were not for the companionship and warm-hearted help and confidence of men from every section and of all parties, men like Mr. HERNDON, the vexations and labors of public life would be unendurable.

It is not the men who appear most conspicuously in our public proceedings who are always the best legislators. There are those who work earnestly and noiselessly, attentive and watchful, too faithful to themselves and their constituents to decide without the fullest information, and who are as steady to the principles they profess as the needle to the pole, and who moreover, on the great field-day when wrong is to be routed and right made victorious, are always to be found in the ranks ready to do and dare to the utmost. Such a legislator and such a friend was Mr. HERNDON.

I feign no stately sorrow on this occasion. I sincerely mourn for one I esteemed deeply. In coming into this Hall I miss the bright glance and hearty welcome of a true friend. There have vanished the refinement and courtesy of a genial and worthy associate. Something has dropped from the comfort of my daily life which can not easily be replaced.

Alabama has sent to Congress men of surpassing eloquence, and others who have won the highest positions on the floor of this House and in the other Chamber, but none left behind them the memory of a purer life, a sounder public record, or a sweeter character than Mr. HERNDON. Such memories are the undying glory of every commonwealth, and are a valuable incentive to honest ambition everywhere.

Territorial Judiciary.

REMARKS

OF

HON. THOS. H. BRENTS,

OF WASHINGTON TERRITORY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 8, 1884,

On the bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories.

Mr. BRENTS said:

Mr. CHAIRMAN: So much of the day set apart by the special order of the House for the consideration of Territorial legislation has already been consumed by the bill for the "Territory of Texas" that I shall not trespass more than five or ten minutes further in the discussion of a measure for the benefit of the other Territories. It is nevertheless not only a measure of very pressing necessity in order to relieve the overburdened and overworked judges, but also of vital importance in securing more adequate means and better methods in the administration of justice in those Territories.

The duties of the Territorial judges are numerous, varied, complex, and burdensome. They perform the functions of judges of the State district or State circuit courts, the State court of errors and appeals or State supreme court, and of the United States district and United States circuit courts, exercising both original and appellate jurisdiction in the trial of all causes save those falling within the jurisdiction of justices of the peace, and appellate jurisdiction for the retrial *de novo* of those. In the trial of one cause the judge presides over a nisi prius court in the exercise of common-law jurisdiction; in another he is holding a court of chancery; in the next, sitting as a court of admiralty, or as a spiritual court in the trial of a matrimonial or other ecclesiastical cause. In order to hear all these various causes in the first instance the judges must in my Territory make long, tedious, and fatiguing journeys by most inconvenient means of travel and hold terms of court for the transaction of United States business at nine different and distinct points, and for Territorial business at eighteen different points.

In these Territories everything is in a formative and unsettled state, and hence litigation is more prevalent than in older and better organ-

ized communities, and the amount of business transacted by the courts proportionately greater. In many places the various calendars are crowded with hundreds of cases. And when the dockets are cleared, and often before, the judge must attend the supreme court. Here he must not only sit in review upon the causes brought up by writ of error on appeal from the decision of his associates, which is bad enough in all conscience, but also those he has previously decided himself. This feature of our present Territorial judiciary system is, as every lawyer and, indeed, every man of observation and experience must acknowledge, essentially demoralizing and vicious in its tendencies.

Few judges, if any, however pure and honest in their intentions, can so far lay aside their settled convictions formed after mature consideration and reflection and divest themselves of that natural pride of opinion and prejudice which are almost inseparable from humanity as to be able to sit in impartial and unbiased review upon the judgments and decrees previously rendered by themselves. One-third of the court, then, has in every instance prejudged the case, comes to its consideration with the strongest possible bias and naturally feeling that the reputation of one member for both judicial ability and integrity are involved in the affirmance or reversal of the previous decision. That member is not only a biased and interested judge but necessarily a most effective advocate for the winning party in the court below, with the opportunity to make his argument in the consultation room without the chance of reply. The other judges, to whom his arguments are addressed, can scarcely forget that he must next sit with them in review of each of their decisions. What is the right of appeal to a court so constituted worth? Better deny it altogether. It can only serve the purpose of delay, with but little hope of rectifying error except the most glaring. Such a system is grossly unjust to both judges and litigants. It brings reproach on the one and disappointment and distrust to the other. It begets a want of confidence in the law's machinery for the settlement of disputes and the attainment of justice. It brings the decisions of the court into contempt and destroys the authority of the law; and this in its turn is the prolific cause of riots, lynchings, anarchy, and bloodshed. No wonder that cries loud, urgent, importunate, are coming up to Congress from all these Territories for a speedy remedy!

Mr. Chairman, the bill now under consideration, I am sorry to say, does not afford the fullest possible relief from these abuses; but it makes a long stride in the right direction. We ought to have an independent supreme court, composed of entirely different judges from those who hold our district courts. But failing to get a bill reported making provision for this, we earnestly urge the passage of this bill as the best we can now expect, preferring a half-loaf of the bread of justice rather than suffer the pangs and gnawings of mal-juridical hunger. Pass this bill giving us an additional judge and excluding each member of the supreme court from sitting in review on his own decisions; pass this bill and lighten the grievous burdens of our present judges in the Territories; shorten the distance to be traveled by our jurors, witnesses, and litigants, and give our people better and less expensive facilities for the transaction of their legal business; pass it and remove a burning reproach upon the administration of justice, and restore the waning respect of the people for the authority of law and civil government; pass it, and pass it now.

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. A. HERR SMITH,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884.

An act to redeem the trade-dollar and to suspend the coinage of trade and standard silver dollars.

Be it enacted, &c., That until January 1, 1886, United States trade-dollars shall be received at their face value in payment of all Government dues, and shall not be again paid out or in any other manner issued; and the holder of trade-dollars, on presentation of the same at the office of the Treasurer, or Assistant Treasurer, or any mint of the United States, shall receive in exchange for the same, dollar for dollar, at his or her option, either standard silver dollars or United States fractional silver coin; and the trade-dollars so received shall, under the direction of the Secretary of the Treasury, when necessary, be coined into fractional silver coin.

SEC. 2. That all laws authorizing the coinage of trade-dollars or the purchase of silver and its coinage in silver standard dollars be, and the same are hereby, repealed.

Mr. SMITH said:

Mr. CHAIRMAN: The propriety of redeeming the trade-dollar can hardly admit of an argument. Originally intended for China, it has come back, and is now in the hands of our people, and perhaps mainly among tradesmen and laboring men. It was coined in 1873, and had the quasi-indorsement as a coin of the United States. About 7,200,000 are now in circulation. Manifestly good faith demands the redemption, and under the bill proposed this can be done without loss to the Government.

The substitute I have suggested is intended to suspend the further coinage of the standard silver dollar. This act was passed February 28, 1878, and reads as follows:

That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains Troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins, together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than $2,000,000 worth per month, nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars.

If you will pardon the egotism implied in the statement, it is right to say I voted against the passage of the bill now a law. I then held, as I hold now, that the coinage of silver dollars is useless, and, because of the amount authorized to be coined, productive of positive harm. Its enactment was not then and its repeal should not be now a partisan measure. President Hayes vetoed the bill, but it became a law by a two-thirds vote over his veto.

For this financial folly it will not do to plead the precedent of our fathers. They indeed made the experiment, but the very limited amount of silver dollars coined clearly indicated their doubt as to its expediency. From 1793 to 1852, a period of fifty-nine years, there were only coined 2,506,890 silver dollars, and from 1853 to 1873, 5,538,948, making an aggregate in eighty years of but 8,045,838 silver dollars, and practically not in circulation.

For nearly a century the Government and the business community managed to move on very smoothly without the aid of the ponderous dollar. It was not needed, and therefore not coined; but subsidiary coin was demanded, and it was, wisely, in sufficient amount supplied.

Thus from 1793 to 1852 there were coined—half-dollars, $66,249,153; quarter-dollars, $3,999,040.50; dimes, $3,890,062.50; half-dimes, $1,823,-298.90; three-cent pieces, $744,927.

From 1853 to 1873 there were coined—half-dollars, $33,596,082.50; quarter-dollars, $18,002,178; dimes, $5,170,733; half-dimes, $3,083,-648; three-cent pieces, $536,923.20; and the aggregate of these coins from 1793 to 1883 was—half-dollars, $122,761,270; quarter-dollars, $38,492,086.25; dimes, $17,628,012.20; half-dimes, $4,906,946.90; five-cent pieces, $7,018,538.40; three-cent pieces, $2,172,334.17; two-cent pieces, $912,020; one-cent pieces, $6,900,328.43.

Utterly unlike our practical progenitors, who coined only such coins as were necessary, our legislation was directed in the interest of the silver kings. Hence, in 1874, under the trade-dollar act, we coined 3,588,900 trade-dollars; in 1875, 5,697,500; in 1876, 6,132,050; in 1877, 9,162,900; in 1878, 11,378,010; making an aggregate of 35,959,360 in trade-dollars.

Having sent our trade-dollars to China, silver miners must needs have a silver dollar for the American trade, and the act of February 28, 1878, aforesaid, followed as a consequence.

The mints were therefore set to work, and in 1878 we coined of standard silver dollars 8,673,500; in 1879, 27,227,500; in 1880, 27,923,750; in 1881, 27,637,955; in 1882, 27,772,075; in 1883, 28,111,119; and now, on the 1st of March, 1884, we have coined of these silver dollars 166,-125,119, of which 126,822,399 are in the Treasury, leaving outside, in banks and private hands, 39,302,720.

Under the law a portion of these silver dollars is held ostensibly for the redemption of the silver certificates, really to swell the paper circulation, as the same are receivable for customs taxes and public dues, and when received may be reissued. But conceding that the reserve is in good faith intended for what the words express, it is a needless precaution, as the credit of the nation is ample security; and if it is not, the pledged collateral is short by 15 per cent.

If, Mr. Chairman, in a fit of silverphobia, the holder of the certificates exercised his right, and with horse and cart and armed police repaired to the Treasury and got possession of his much-coveted treasure, how, I ask, would he dispose of it? He can not take it where thieves break through and steal, and bank officers would not give paper, equivalent to gold, in exchange for his depreciated dollars.

Silver is needed as subsidiary coin. Halves, quarters, dimes, nickels, and cents are wanted only for change. All these, and even gold, are coined under the direction of the Secretary of the Treasury and the Director of the Mint. Why make the silver dollar, if its coinage must be continued, an exception to this general discretionary power?

I am anxious for the repeal of the law for the reason that the silver dollar is utterly useless as a circulating medium. In vain have the United States Treasurer and assistant treasurers sought to get it into circulation. Bankers, public and private, can not without great difficulty pay it out, and then only on terms. Even the market-woman, who receives it with misgiving, makes haste to get rid of it at the earliest opportunity. Here in this House, its cashier, the Sergeant-at-Arms, when furnishing change for a five-dollar bill, must importune members to accept part of the same in silver dollars. They do not want silver dollars.

If a dollar is needed by way of subsidiary coin, we have two halves or

four quarters to make it; besides, we have the paper dollar and the gold dollar, and no one wants to be weighted down with a cumbrous coin, even though euphoniously yeleped "the dollar of the daddies." By all it is looked upon as the fifth wheel to a coach, the third sleeve to a coat, and its advocates, for superlative folly, equal the logic of the hopeful juvenile who insisted that the garret-door should have two holes, one for the cat and one for the kitten.

The silver dollar is, however, not only useless, but its continued coinage must result disastrously to the gold in the Treasury. Already the heavy shipments of gold abroad is causing serious alarm, and will necessarily tend to the hoarding of the same. As the gold is shipped, or hoarded, the silver dollar will depreciate more and more, and, like the trade-dollar, its twin-brother, will soon cease to circulate. Ultimately the coinage of the silver dollar must cease. It is simply a question of time. It is surely the part of wisdom to do voluntarily that which sooner or later must come from necessity.

The folly of investing $2,000,000 in the purchase of silver each month, only to be stacked in untold millions in Treasury vaults, has aroused the common sense of the people, and from all sections they speak as emphatically for the suspension of the coinage of the silver dollar as they do for the redemption of the trade-dollar. Both are useless; both are absolutely mischievous. No demand comes from the people for these silver dollars. My constituents have strongly and numerously petitioned for the redemption of the trade-dollar and for the suspension of the coinage of the silver dollar. They were the first to move in the right direction.

The Executive, whose duty under the Constitution compels him to recommend to Congress such measures as he may deem necessary and expedient, has spoken again and again very emphatically against the continued coinage of the silver dollar. The Secretary of the Treasury and the Director of the Mint, who have made this subject a specialty, most earnestly second the recommendation of the President. The boards of trade throughout the country are in harmony with these views. The press, ever watchful of the people's interest, has spoken on this question in no uncertain tone. Indeed, from no quarter is a single word heard in favor of the further coinage of this useless and mischievous dollar. Why, then, coin the same? No one wants it except the silver kings. It is coined for the few at the expense of the many.

If you must coin to hoard, prudence suggests that you hoard gold. It at least would be available to pay debts abroad. But why coin silver which from its legal-tender quality enables the debtor—who has received gold or its equal in value, national-bank notes—to discharge his liabilities in depreciated coin? If such an attempt were made with clipped or debased coin, the cry of shame would come from all not deaf to every principle of honor. Except where otherwise expressly stipulated in the contract, so it is nominated in the law, these silver dollars at their nominal value shall be a legal tender for all dues, public and private. Of course the Government with a full Treasury, and the millionaire with a silver mine to replenish his coffers at will, could stand this loss. Not so the masses of the people.

Of all men the laborer ought to be paid in money that possesses the most purchasing quality and is the least liable to fluctuate. Gold has this quality, but the most blatant friend of the laboring man has not urged its coinage.

Only the silver miner can utilize the Treasury Department for marketing his silver dollars. He has greatly the advantage over his brethren who mine gold, copper, or nickel. Why is this preference given to the white metal? Why are the other coins so persistently ignored? If the Government is asked to make a market for one class of miners and for a special product, in all fairness a reason should be furnished for this odious partiality.

Legislation may determine the means by which products shall be weighed or measured, but can not fix the price of such products, whether they be wheat, beef, or silver. The law in question declares the silver dollar shall contain 412½ grains of silver, but London and New York fix its value. The New York Tribune of the 15th instant makes the value of this dollar 84.87 cents, and I find that on the 25th of February, 1878, it was worth from 90 to 92 cents. The law says it shall be a legal tender for public and private debts, but this can not keep it at par, while the national-bank note, without this quality, is the equivalent of gold.

The laws of trade, like the laws of matter, are as little controlled by legislation as was the raging sea by the futile decree of King Canute. When the supply exceeds the demand the obvious remedy is to reduce the production. Instead of acting on this simple principle, the silver monopolist has by legislative enactment made the Government do for him what it does for no one else—purchase his useless and unmerchantable bullion.

But I object further, Mr. Chairman, to the continuance of this coinage act because under it double the amount of silver now coined might be bought and coined. The maximum amount under this act which can be used for the purchase of silver is $4,000,000 per month, and the minimum $2,000,000, and as the Treasury Department has only used the minimum in the past, we might have in the future 54,000,000 silver dollars coined per year instead of 27,000,000.

If this policy is not changed silver will become as cheap as it was in the days of Solomon. All King Solomon's drinking vessels—so the sacred historian writes—were of gold, and the vessels of the house of the forests of Lebanon, of pure gold; none were of silver. It was nothing accounted of in the days of Solomon. But I am further opposed to this continued coinage of the silver dollar because we can not use it to pay our liabilities abroad. Gold is the currency of the world. Without an agreement with foreign nations silver can not be used as the standard of value.

There ought to be no conflict between the friends of gold and silver. Each coin has its appropriate place. Gold, as the standard of value, is the currency of the commercial world; silver, as a subsidiary coin, is indispensable for small transactions of barter and trade.

Silver is now found in great quantities, and as it is used extensively in the arts and manufactures its value is greatly affected by the supply and demand.

The following table shows the highest and lowest values of one ounce of fine silver bullion from 1873 to 1883:

Years.	Highest.	Lowest.
1873	$1.3139	$1.2686
1874	1.3043	1.2549
1875	1.2632	1.2166
1876	1.2823	1.0248
1877	1.2769	1.1672
1878	1.2111	1.0851
1879	1.1782	1.0713
1880	1.1590	1.1316
1881	1.1590	1.1152
1882	1.1481	1.0960
1883	1.1440	1.0960

These figures prove that silver has depreciated during the past eleven years about 17 cents per ounce. From 1848 to 1873 the production of gold largely exceeded that of silver in the United States, but from 1873 to 1882 silver was in excess.

The following table exhibits the annual production of gold and silver in the United States for the decade ending December 31, 1882:

Period.	Gold.	Silver.
Six months ending June 30, 1873	$18,000,000	$18,750,000
Year ending June 30, 1874	34,490,902	37,324,594
Year ending June 30, 1875	33,467,856	31,727,560
Year ending June 30, 1876	39,929,166	38,783,016
Year ending June 30, 1877	46,897,390	39,793,573
Year ending June 30, 1878	51,206,360	45,281,385
Year ending June 30, 1879	38,899,858	40,812,132
Year ending June 30, 1880	36,000,000	39,200,000
Six months ending December 31, 1880	18,000,000	21,000,000
Year ending December 31, 1881	34,700,000	43,000,000
Year ending December 31, 1882	32,500,000	46,800,000

This production was distributed among the States and Territories for the year 1882 as follows:

States and Territories.	Gold.	Silver.
Alaska	$150,000	.....
Arizona	1,065,000	$7,500,000
California	16,800,000	845,000
Colorado	3,360,000	16,500,000
Dakota	3,300,000	175,000
Georgia	250,000	.....
Idaho	1,500,000	2,000,000
Montana	2,550,000	4,370,000
Nevada	2,000,000	6,750,000
New Mexico	150,000	1,800,000
North Carolina	190,000	25,000
Oregon	830,000	35,000
South Carolina	25,000	.....
Utah	199,000	6,800,000
Virginia	15,000	.....
Washington	120,000	.....
Wyoming	5,000	.....
Total	32,500,000	46,800,000

Under the act of February 28, 1878, an effort was made, through the Silver Commission, to adopt a common ratio between gold and silver, and an international conference was held to fix the relative value between these metals. All know the result. No satisfactory conclusion was reached. But instead of profiting by this failure to reach an agreement on so vital a financial issue, the coinage of this depreciated, and depreciating metal is continued to the manifest detriment of the Government and the entire business community.

Mr. Chairman, in conclusion, the work of Congress will only be complete when both the trade-dollar and the legal-tender standard dollar shall cease to have a legal existence. If the convenience of the business community is to be promoted, instead of silver dollars give us one and two dollar notes. These—in no irreverent sense be it spoken—will be taken and the others left.

The coinage act which resulted in the piling up, at great expense to the people, tons of silver dollars not needed, and only intended to benefit the owners of silver mines, was in its inception a gigantic financial blunder, which now not to remedy ought to be treated as an unpardonable political crime.

Contested Election—Wood vs. Peters.

SPEECH

OF

HON. SAMUEL N. WOOD,

OF KANSAS.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 23, 1884.

The House having under consideration the contested-election case of Wood *vs.* Peters—

Mr. WOOD said:

Mr. SPEAKER: Before proceeding permit me to thank this House for the courtesy of allowing me to speak on this occasion. I come here not to speak for myself, but to vindicate the sovereign rights of the great State of Kansas.

This is no ordinary contest for a seat on this floor. There is no personal feeling in the matter. Judge Peters and myself are personal friends, and I hope nothing may happen to mar that friendship. He says in his answer to my notice of contest that 5,000 voters who voted for him also voted for me. I think he might have said 8,000.

Had I succeeded in this contest I should almost have regretted it on his account. This, then, is no personal contest. It involves vastly more than the usual allegations of fraud, of violence, of intimidation, and of illegal ballots which have formed the staple of argument in the majority of cases decided by this body during the past twenty years. No considerations of party advantage claim any share of your attention in the case now at issue. On the contrary, this House is called upon to deal with questions of constitutional and statute law that go to the very foundation of our system of government.

These questions involve the relations of the States to the National Government, and they call for the judgment of this House on those great principles of local self-government and home rule which, in the language of the Republican platform adopted at Chicago in 1860, are "essential to that balance of power on which the perfection and endurance of our political fabric depends." In deliberating on these great questions the best judgment of the best minds in this honorable body is invoked, and every member who casts his final vote in this case will be expected to record his deliberate judgment in favor of that division of powers between State and Federal authority as taught by Jefferson and the framers of the Constitution, or in favor of that revamped Federalism which confounds all distinctions between national and State control in local affairs and seeks to build up on the ruins of the States a consolidated despotism.

You are to decide between Jefferson and Hamilton. If Jefferson was right, then I am right. If Hamilton was right, then I am wrong. When you vote it is not whether Judge Peters or myself shall hold a seat on this floor, but it is the principles of Jefferson and Hamilton that are on trial in this House. The question goes beyond this and involves the electoral count of 1877. If I am wrong in this case, the Democrats in this House and the Senate were wrong then and the Republicans were right. In that case we should hear no more of "the great fraud," but devoutly get on our knees and beg forgiveness of our Republican friends for the past seven years' abuse of the Republican party.

Section 13, article 3, of the constitution of Kansas is in these words:

The justices of the supreme court and judges of the district courts shall at stated times receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office; provided such compensation shall not be less than $1,500 to each justice or judge each year; and such justice or judge shall receive no fees or perquisites, nor hold any office of trust or profit under the authority of the State or the United States during the term of office for which said justices or judges shall be elected, nor practice law in any of the courts of the State during their continuance in office.

The contestee in this case was elected judge of the ninth judicial district of the State of Kansas in November, 1879. His term of office did not begin until the 7th day of January, 1880. It was for the period of four years, or until January 12, 1884. The decision of our supreme court declares that the inhibition to hold this or any other office attaches to the person, and continues during the whole term or period of time for which he was elected. This constitution Judge Peters had sworn to support and obey. He accepted the judgeship with full knowledge of this prohibitory clause in our constitution, and he voluntarily took the oath as judge of the ninth judicial district knowing what the decision of our supreme court was touching his ineligibility to any other office. When he took that oath he was bound, not only by the constitution of Kansas but by that decision of our supreme court, not to offer himself as a candidate for any other office "under the authority of the State or of the United States."

The fact that the contestee was a judge on the bench at the time of the election was a matter of public record well known to all the voters in Kansas. The voters had like knowledge of this prohibitory clause in our constitution, of the decision of our supreme court construing the same, and of the fact that Congress had become a party to that limitation upon the qualification of candidates and that restriction upon the voters. These were matters of public record of which every voter in Kansas was legally bound to take notice.

There is no dispute about the facts in this case. The questions in controversy are purely questions of law, and I now invite the attention of every member of this body while I discuss them.

The majority report admits, as does the gentleman from Pennsylvania [Mr. ELLIOTT], that contestee falls within the inhibitions of our constitution, and says if a State possesses the power to add to the qualifications prescribed by the Constitution of the United States for Representatives in Congress, then he was ineligible at the time he was voted for, and is not entitled to a seat in this House. That question, then, needs no further argument.

The majority report claims, on the other hand, that this provision of our constitution is in conflict with the Constitution of the United States. If this were true, I should concede that the Constitution of the United States was of paramount authority and must prevail. But I fail to find any such conflict. The two constitutions are perfectly consistent with each other. They are in perfect harmony. Such was the judgment of the two Houses of Congress when Kansas was admitted into the Union. The Constitution of the United States says:

No person shall be a Representative who shall not have attained the age of 25 years, and been seven years a citizen of the United States, and who shall not when elected be an inhabitant of the State in which he shall be chosen.

This is not a grant of power. It does not attempt to prescribe the qualifications of members of Congress. These provisions are negative and limitations on the States. They must not send members to represent them on this floor who are not 25 years of age, who are not inhabitants of the State in which they are chosen, and who have not been citizens of the United States seven years. If the opposite had been intended the clause would have read: "Any person may be a Representative," &c.

The majority report, however, says, as does the gentleman from Pennsylvania [Mr. ELLIOTT]:

The Constitution, by prescribing certain qualifications, enumerated in the section just quoted, according to a well-known settled rule of construction, excludes all others.

If this doctrine is true, neither Congress nor a State Legislature could require more. If the maxim of Lord Coke of "*expressio unius est exclusio alterius*" applies to this provision of our Constitution, it has been violated a hundred times since the war. In fact if true States could not be divided into districts, and no restrictions as to sex, the crime of felony, or disloyalty, could be fixed either by Congress or the States. Who knows but that Mrs. Stanton and Susan B. Anthony may yet have seats on this floor. They have been citizens of the United States seven years, are actual inhabitants of New York, and Susan is certainly 25 years of age; both in fact possess all the qualifications known to the Constitution. What is the meaning of this rule of construction that we are told settles this whole case?

This maxim has only reference to inferences of fact to be drawn from written documents or parol declarations; it only means if you expressly name some out of certain requisites the inference is stronger that those omitted are intended to be excluded than if none had been mentioned. (Alderson B. Spilsburg *vs.* Burdett, 9 A. & E., 953.)

The ninth and tenth amendments to the Constitution preclude any such construction. Articles 9 and 10 of the Constitution read as follows:

ARTICLE 9.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE 10.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

We said in the Constitution that a member of Congress must be 25 years old, an inhabitant of the State, and a citizen of the United States for seven years. That is all we delegated to Congress. Congress has a right to require that of us, but the power to append other qualifications was reserved to the State or the people.

The majority report of the gentleman from Pennsylvania [Mr. ELLIOTT] says:

Congress is the creature of the Constitution of the United States.

How the bones of Jefferson must have rattled in the grave on hearing this declaration from Democrats. Chief-Justice Chase, in rendering the decision of the Supreme Court in the case of Lane County *vs.* Oregon, said:

Both the States and the United States existed before the Constitution.

How, then, can Congress be a creature of the Constitution? Every State had Representatives in Congress long before the adoption of the

Constitution. In the case of Houston *vs.* Moore the Supreme Court said:

> The powers granted to Congress are not exclusive of similar powers in the States, unless where the Constitution has expressly in terms given an exclusive power to Congress, or the exercise of a like power is prohibited to the States, or there is a direct repugnancy or incompatibility in the exercise of it by the States.

The provisions of the Constitution as to the qualification of members of Congress is not exclusive, does not pretend to be, and is not repugnant to the exercise by the States of any power not inconsistent with the Constitution.

The framers of the Constitution did not imagine that they were fixing the qualifications of members of Congress. This is evident from the very language of the Constitution itself. The Federal Convention was not delegating rights or powers to the States, as the majority report seems to assume, or to the people; it was the States in convention delegating powers to the General Government, and imposing certain restrictions upon the States, restrictions upon the powers already possessed by the States. And it should not be forgotten that the States surrendered no right not expressly named, and they gave us no power not specifically delegated in the Constitution of the United States. Among the powers possessed by the States before the Federal Constitution was formed was that of prescribing the qualifications of their agents or representatives in Congress. The right to fix other qualifications, in addition to those enumerated in the Constitution, was retained by the States along with that mass of powers not specifically delegated.

The Constitution says that a Representative must be an inhabitant of his State, but it does not require that he shall be a voter, or an inhabitant for even one week or any specified time. Will it be pretended that the States or the people who were to be represented did not intend to require more than this? If so, then this whole House might be composed of persons who were not even voters nor a part of the body-politic.

Cushing, in his work on Parliamentary Law, page 24, says:

> It may also be laid down as a general principle, founded in the nature of representative government, which supposes the electors, except in particular instances, to elect from among themselves, that no person can be elected to any office who is not himself possessed of the requisite qualification for an elector; and, consequently, that whatever other and different qualifications or disqualifications may be specified, every person who is voted for as a member of a legislative assembly must, at all events, possess the qualifications and be free from the disqualifications which attach to the character of an elector.

And again he says:

> Judges were also by the common political law of England ineligible to seats in Parliament.

This was the political law of this country at the time of the adoption of the Federal Constitution. Is it possible that the framers of that instrument intended to abrogate this common political law? If so, they would have declared their purpose in express terms.

The Constitution provides that the States shall appoint Presidential electors, "but no Senator, or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector." Does that fix the qualifications of electors, and can the States add nothing more? Senator Mitchell so argued before the Electoral Commission. If this be true, then foreigners, non-residents, minors, persons convicted of crimes, &c., may be appointed Presidential electors. Most of the States, if not all of them, have fixed other qualifications as to age, residence, &c. Maryland required, at one time, that six should be residents of the Western and four of the Eastern Shore. Other States were divided into districts, and electors were required to live in their districts. If States can add to these negative inhibitions as to the qualifications of Presidential electors, they certainly can do the same as to members of Congress.

I am aware that Judge Story and the Federalists claimed that the Constitution was the act of the whole people, that it came from them and not from the States. Yet they are compelled to admit that the delegates to the Federal Convention were sent by the States, and that the Constitution was not adopted by the people at any national election, or, in fact, by any election, but by conventions in each of the original States. In the case of Martin *vs.* Hunter the opinion of the court was delivered by Justice Story. In that decision the court said:

> The Constitution was not, therefore, necessarily carved out of existing State sovereignties already existing in State institutions, for the power of the States depend upon their own constitutions, and the people of every State had the right to modify or restrain them, according to their own views of policy or principle. On the other hand it is perfectly clear that the sovereign power vested in State governments by their respective constitutions remains unaltered and unimpaired, except so far as they were granted to the Government of the United States.

In the case of Chisholm, ex., *vs.* Georgia (2 Dallas, 435), Iredell, Justice, in delivering the opinion of the court, said:

> Every State in the Union, in every instance where its sovereignty has not been delegated to the United States, I consider to be as completely sovereign as the United States are in respect to the powers surrendered.

Chief-Justice Marshall, in Gibbons *vs.* Ogden (9 Wheaton, 204), speaking for the court, said:

> In our complex system, presenting the rare and difficult scheme of one General Government whose action extends over the whole, but which possesses only certain enumerated powers, and of numerous State governments which retain and exercise all powers not delegated to the Union, contests respecting power must arise.

In McCulloch *vs.* Maryland (4 Wheaton, 405), the court, speaking again through Chief-Justice Marshall, said:

> This Government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge. The principle is now universally admitted.

The same doctrine was enunciated in the case of Collector *vs.* Day, (11 Wallace, 124), in an elaborate opinion by Mr. Justice Nelson. Mr. Justice Swayne (in Dodge *vs.* Woolsey, 18 Howard, 349) supports the same doctrine.

McLean, Justice, in delivering the judgment of the court in United States *vs.* Bailey (1 McLean's C. C., 239), said:

> That the Federal Government is one of limited powers is a principle so obvious as not to admit of controversy.

I might continue these quotations *ad infinitum*, but I forbear. These thirteen Colonies united in the Declaration of Independence. They declared that "these Colonies are and of right ought to be free and independent States." When peace was declared Great Britain acknowledged, by name, the independence of each of the thirteen Colonies.

WHAT IS SOVEREIGNTY?

In the case of Collector *vs.* Day (11 Wallace, 124) the Supreme Court, by Justice Nelson, said:

> This opinion is predicated upon a principle which is believed to be undeniable, that the several States which compose this Union * * * became entitled, from the time they declared themselves independent, to all the rights and powers of sovereign States.

What are the powers of sovereign States? The Supreme Court answered this question in the case of Lessee of Livingston *vs.* Moore *et al.* (7 Peters, 546), through Mr. Justice Johnson:

> The power existing in every body-politic is an absolute despotism. In constituting a government the body-politic distributes that power as it pleases and imposes what checks it pleases upon its public functionaries.

Would it be doubted, under this decision, that a sovereign State has the power to say that its judges shall keep out of politics, and that they shall not be eligible to political offices "during the term for which they were elected judges?"

The Supreme Court, in the case of Ohio Life Insurance and Trust Company *vs.* Debolt (16 Howard, 428), speaking through Chief-Justice Taney, said:

> It is equally clear upon the same principle that the people of a State may, by the form of government they adopt, confer on their public servants and representatives all the powers and rights of sovereignty which they themselves possess, or may restrict them within such limits as may be deemed best and safest for the public interest.

Then certainly the State of Kansas, to protect the purity of its judiciary and the administration of its laws, may lay this restriction on its judges, and forbid them to hold political offices during the term for which they are elected judges. In Collector *vs.* Day (11 Wallace, 124), the court held that one of the reserved rights of the States was "the establishment of the judicial department and the appointment of officers to administer the laws."

> We have said—
>
> The opinion continues—
>
> that one of the reserved powers was that to establish a judicial department; it would have been more accurate, and in accordance with the existing state of things at the time, to have said the power to maintain a judicial department. All of the thirteen States were in the possession of this power and had exercised it at the adoption of the Constitution; and it is not pretended that any grant of it to the General Government is found in that instrument. It is therefore one of the sovereign powers vested in the States by their constitutions, which remained unaltered and unimpaired, and in respect to which the State is as independent of the General as that Government is of the States.

Mr. Justice Barbour, in delivering the opinion of the court in the case of the City of New York *vs.* Miln (2 Peters, 139), said:

> That a State has the same undeniable and unlimited jurisdiction over persons and things within its territorial limits as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States.

In the case of Craig *et al.* *vs.* The State of Missouri (4 Peters, 464), Justice McLean, speaking for the court, said:

> It would be as gross usurpation on the part of the Federal Government to interfere with State rights, by an exercise of power not delegated, as it would be for a State to interpose its authority against a law of the Union.

I admit that this House can nullify the constitution and laws of Kansas enacted to protect its judiciary, but if you do it by permitting Judge Peters to retain his seat you do it in the face of this decision, which declares that such an act would be "a gross usurpation" of power that was never delegated to the General Government.

The Supreme Court of the United States, in an opinion delivered by Chief-Justice Chase (Lane County *vs.* Oregon, 7 Wallace, 76), goes squarely against Judge Story's argument in his Commentaries. The court says that "both the States and the United States existed before the Constitution." This was reiterated and approved by the Supreme Court in Collector *vs.* Day in an elaborate opinion by Nelson, J., who quoted from the decision of Chase, C. J., in Lane County *vs.* Oregon, and gave to that decision his unqualified sanction.

If the States and the United States existed before the Constitution, then representation, as stated by Judge Story, is not, as I have said, a creature of the Constitution, but existed prior to its adoption, and the article I have quoted is an inhibition on the States and not a grant of

power. We then had, it seems, thirteen independent sovereignties, limited only in their sovereignty by the Articles of Confederation. In article 2 it was expressly stipulated that—

> Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

It was also expressly provided in the Articles of Confederation that—

> No State shall be represented in Congress by less than two nor more than seven members; and no person shall be capable of being a Delegate for more than three years in any term of six years; nor shall any person, being a Delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emoluments of any kind.

Will any intelligent man contend that this section just quoted prescribed the qualifications of members of Congress? The States retained the absolute power to determine who should represent them. It was these same sovereign States, jealous of their rights, that met in Philadelphia in 1787 "to form a more perfect Union, establish justice," &c. It was these independent, sovereign States which met to delegate a portion of their sovereign power to a general government as a recompense for the protection it would afford to each of them. It will not do to say that States are subdivisions of the nation as counties are subdivisions of the States, with certain functions of local self-government delegated to them by the States. It is folly to talk about a "paternal government," the nation being the parent and the States the children; for the history of the origin and formation of the Federal Government shows that the States are older than the Union—that they gave to the General Government form and vitality, and all the life it has. All power proceeded from them, and all that was not delegated was reserved to the States or to the people. When I listen to some of the latter-day argments in favor of a "paternal government" I am not surprised that a distinguished citizen of Maine should propose by a system of national taxation to raise enormous surplus revenues to be given away by this royal "parent" to pay State and county taxes. Kansas, when admitted into the Union, reserved the right in her constitution, as other States have done, to preserve the purity of her judiciary and the integrity of her State organization.

The right to say that a judge on the bench shall not be elected to Congress nor occupy a seat on this floor certainly never was delegated to the United States and it was not forbidden to our State. Most of the States have provisions similar to ours in their constitutions, making judges on the bench ineligible to seats in this body. This proceeds from no whimsical desire to superadd qualifications to those prerequisites enumerated in the Federal Constitution, but emanates from motives of sound policy. It is done to protect the internal policy of the States. In our State the intention was to preserve the purity of our judiciary by keeping the judges out of politics. Congress will certainly not deny us this right to promote an impartial and pure administration of the law in Kansas by a constitutional provision so salutary and harmless as the one in question. It works great and manifest good to the citizens and can work no injury to the judges, who take upon themselves the duties and responsibilities of the judicial office with full knowledge of the restrictions imposed by our State constitution.

It is not pretended that a good judge will not make a good Congressman, but it goes without saying that a good judge should neither allow himself to be voted for nor to take an office which he is forbidden to hold by an express provision of the State constitution which he has sworn to support. It is certainly not a hardship to refuse a seat on this floor to a Kansas judge who has sworn not to assume or claim it. But this inhibition rests not alone upon those holding judgeships in Kansas; it rests with equal force upon the voters of the State. I maintain that the constitution of our State not only forbids a judge on the bench to offer himself as a candidate for Congress, but that the same provision forbids a voter to cast his ballot for a person thus disqualified. The forbidding clause would be vain and nugatory if it did not restrain with equal force both the candidate and the electors. It is equally binding upon both.

It will be conceded that under our constitution a judge can not be elected to a seat in our State Legislature; that all votes cast for him would be void. Voters can not violate their own constitution; therefore they are inhibited from casting their ballots for judges to be elected members of our State Legislature. The constitution imposes a disqualification in this instance upon the electors. They are powerless, under this restraining clause, to elect a judge to the State Legislature. A like disqualification is imposed on the voters in the case of a candidate for Congress. In section 2, article 1, of the Constitution of the United States it is provided that—

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

It would seem clear, then, that if we can legally disqualify or inhibit voters from electing judges to the State Legislature (and nobody pretends that we can not) we may in like manner disqualify and inhibit them from electing judges to Congress. A member of Congress is no less a State officer than is a member of a State Legislature. There is no such thing known to our political system as a national election.

Senator Wallace, of Pennsylvania, in the Forty-sixth Congress, in an argument covering this whole question of suffrage, among other things said:

> The depository of absolute sovereignty and power is in the people, the people of the States, qualified by State constitutions and State laws; and all authority of every kind comes from them by representation, and this vital principle of democracy permeates every part of the Government. National power over the voter as such, or national elections as such, are new forms of old Federal theories. * * * This subject is rightly and absolutely controlled by State laws and State constitutions. There are no national voters. Voters who vote for national representatives are qualified by State constitutions and State laws.

The venerable Senator ANTHONY, of Rhode Island, quoted this approvingly in a speech delivered in the United States Senate in February, 1881, in defense of the Constitution and laws qualifying suffrage and representation in his State. Such high authority as the distinguished Senator from Rhode Island, it seems to me, ought to have great weight with gentlemen of the minority on this floor.

The Supreme Court has decided in the case of Miner *vs.* Happersett (21 Wallace, 165), Waite, Chief-Justice, that—

> The United States has no voters in the States of its own creation. The election officers of the United States are all elected directly or indirectly by State voters.

In the third Congress (1793) the seat of John Patton, from the State of Delaware, was contested by Mr. Lattimer. Delaware was entitled to one member. In 1790 her Legislature passed a law providing that—

> Every person coming to vote for a Representative for the said State in the Congress of the United States shall deliver in writing on one ticket or paper the names of two persons, inhabitants of the State, one of whom shall not be an inhabitant of the same county with himself, &c.

Now, I presume it will not be disputed that if a State law can forbid the voter to cast his ballot for a candidate for Congress who is not a freeholder and a resident of the district twelve months, as in Virginia, or for a candidate who is an inhabitant of the same county with himself, as in Delaware, then a State Legislature or a constitutional convention may say that a person coming to vote shall not cast his ballot for a judge on the bench whose term will not expire until after the assembling of the next Congress. This question was settled in the affirmative by the men of the Revolution in 1793, the men who framed and ratified the Federal Constitution.

In the Patton case it was in evidence that in New Castle County votes were given for Henry Lattimer and Solomon Maxwell. These votes were rejected because both candidates were residents of that county, the names both appearing on the same ballot. In Kent County 4 votes, containing the names of H. Lattimer and George Truitt, both inhabitants of New Castle County, were rejected.

In Sussex County 68 ballots, containing the name of John Patton only, were received and counted. Patton's total vote as returned 2,273, Lattimer's 2,243. The committee deducted the 68 votes cast for Patton in Sussex and reduced his vote to 2,205. They then added to Lattimer's vote the 4 rejected ballots cast in Kent and deducted the 9 in Sussex as illegal, leaving Lattimer 2,238 votes, or a majority of 33. This decision of the House, awarding the seat to Lattimer, settled two important questions: first, that a State in its constitution or by statute law may declare that a particular class of persons shall not be voted for as Representatives in Congress; and, second, that a candidate with a minority vote may be elected.

Virginia said that unless a person was a freeholder and a resident for twelve months in the district he should not be voted for. Kansas in her constitution declares that a judge on the bench shall not be voted for. What difference in principle is there between the qualifying clause in our Constitution and those in the constitutions and laws of Delaware and Virginia? The provision in our Constitution is not only a notice to the judge that he must not be a candidate, but is a notice and a mandate to the voters that they must not vote for a judge to represent them in Congress.

In the convention that framed the Federal Constitution no one pretended that the States had not the power to fix the qualifications of members of Congress as well as the qualifications of voters. I challenge the production of a single remark by any delegate in that body claiming that the convention ought to fix and enumerate the qualifications requisite for a member of Congress. The argument was "that all power was lodged with the States and the people, and that the States should concede to the General Government only the limited right to impose negative restrictions, leaving the States free to qualify suffrage and eligibility to suit themselves, subject to the limited powers granted to the General Government."

Immediately after the Declaration of Independence in 1776 the majority of the States adopted constitutions—all, I believe, excepting Connecticut and Rhode Island. In nearly all of these early constitutions, adopted before the United States Constitution, we find provisions fixing the qualifications of members of Congress, which were limited only by the Articles of Confederation. This was the attitude of the General Government and the States when the latter met in convention in 1787 to "propose amendments to the Constitution." These facts must be kept steadily in view in examining the proceedings of that convention.

When this question was up in the Federal Convention there was but little conflict of opinion among the delegates. Gouverneur Morris op-

posed any limitation upon the States in fixing the qualifications of those who were to represent them in Congress. Mr. Gorham was for leaving the whole question with the State Legislatures. Mr. Dickinson, one of the ablest men in that convention, said:

I am against any recital of qualifications in the Constitution. It is impossible to make a complete one, and a partial one would, by implication, tie up the hands of the Legislature from supplying omissions.

Mr. Madison opposed the proposition, and moved to strike out the words "landed." This was carried by a vote of 10 to 1. The words "qualification of property and citizenship" were stricken out by a vote of 8 States against 3.

Mr. Ellsworth advocated striking out all the disqualifying words, believing, as he stated, "that such matters should be left to the wisdom of the State Legislatures and the virtue of the citizens."

Mr. Wilson, of Pennsylvania, insisted that "the electors should govern themselves, and that it was unnecessary and improper that the Federal Constitution should chain them down." It was finally agreed, as a compromise, that the States should grant to the General Government the right to fix negative qualifications as to age, citizenship, and inhabitancy, and that the right to superadd other negative or affirmative qualifications, such as the States might deem necessary for the protection of their internal policy, should be left to the States and to the people. It seems to me that no candid man can read the debates in the Federal Convention and come to any other conclusion.

In the case of Stuart *vs.* Laird (1 Cranch, 299), the Supreme Court of the United States said:

A contemporary exposition of the Constitution, practiced under and acquiesced in for a period of years, fixes its construction.

Let us apply this rule, and then see what was the construction put upon this provision of the Constitution by those who participated in its formation and those who adopted it. I call attention here to extracts from the constitutions and laws of the original thirteen States, and also from the constitutions of the new States, and make them a part of my argument.

CONNECTICUT.

This State was first divided into Congressional districts in 1835. In that act it was provided that Representatives must reside in the districts represented; qualifications in other respects governed by the Federal Constitution.

DELAWARE.

Article 3, section 8, of the constitution of 1792 declares that—

No member of Congress, nor any person holding or exercising any office under the United States, shall at the same time hold or exercise the office of judge, &c.

Article 2, section 12, of the State constitution provides that—

No member of Congress, nor any person holding any office under this State or the United States, * * * shall, during their continuance in Congress or in office, be a senator or representative.

The same is in the constitution of 1831. In the latter, article 5, section 2, it is provided in respect to judges:

But they shall hold no other office of profit, &c.

The Legislature of Delaware in 1778 and also in 1790 declared—

That every person coming to vote for a Representative, agreeably to the directions of this act, shall deliver in writing on one ticket or piece of paper the names of two persons, inhabitants of this State, one of whom at least shall not be an inhabitant of the same county with himself, to be voted for as Representative.

GEORGIA.

Constitution of 1789, article 2, section 5:

The governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall be elected. Neither shall he receive during that period any other emolument from the United States or any of them or any foreign power.

In 1798 it was provided as follows (article 1, section 2):

No person holding a military commission or other appointment, having any emolument or compensation annexed thereto, under this State or the United States, * * * shall have a seat in either house of the General Assembly; * * * nor shall any member, after having taken his seat, be eligible to any of the aforesaid offices or appointments during the time for which he shall have been elected.

By act of the Legislature, February 11, 1799, Georgia declared—

No person shall be a Representative in Congress who shall not have been an inhabitant of the State three years next preceding his election, and paid his tax regularly during that time; nor shall he hold any office of profit under this State or the United States during the time for which he may be elected a Representative.

Section 2 of the same law provided that the governor shall not issue a certificate until satisfactory proof is given by the member-elect of residence and payment of tax:

SEC. 46. No person shall be eligible to represent any of said Congressional districts who does not at the time of his election reside within said district.

The Revised Code of Georgia of 1867, section 1328, declares that—

Besides the qualifications required by the constitution, a residence of one year next preceding the day of election in the district where the candidate offers himself is necessary to make him eligible to election.

This seems still to be the law in Georgia.

MARYLAND.

In 1776, in her bill of rights, Maryland declared as follows:

The independency and uprightness of judges are essential to the impartial administration of justice; * * * wherefore no chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

SEC. 32. No person ought to hold at the same time more than one office of profit from this State or the United States without the approbation of this State.

(Readopted in 1851, 1864, and 1867.)

Constitution of 1776, section 27:

The Delegates to Congress from this State shall be chosen annually, and no person shall be capable of being a Delegate to Congress more than three in any term of six years, and no person who holds an office in the gift of Congress shall be eligible to sit in Congress, but if appointed to any such office his seat shall be thereby vacated.

In the constitution of 1792 was this provision, namely:

That no member of Congress or person holding any office of trust or profit under the United States shall be capable of holding a seat in the General Assembly or of being an elector of the Senate.

Article 33 of the constitution of 1864 contains the following:

No judge shall hold any other office, civil or military, or political trust or employment of any kind whatsoever, under the constitution or laws of this State, or of the United States, or any of them.

In 1788 the Legislature of Maryland passed an act providing—

That every person coming to vote for Representative for the State in Congress * * * shall have a right to vote for six persons, one of whom shall be a resident of each of said districts; and the candidate in each district having the greatest number of votes of all the candidates residing in that district shall be declared to be elected for that district.

It was provided by an act of the Legislature in 1790 that—

Every person entitled and offering to vote for Representative in Congress shall have the right to vote for one person, being a resident of his district at the time of the election, and having resided therein twelve calendar months immediately before, and otherwise qualified according to the Constitution of the United States.

When Maryland was divided into eight districts, with nine members, in 1802, the act provided that—

The fifth district shall elect two members, one of whom shall be a resident of Baltimore city and the other of Baltimore county.

(This law is in the revision of 1819.)

The code of 1860, section 74, contains the following:

One of the United States Senators shall be always an inhabitant of the Eastern and the other of the Western Shore.

MASSACHUSETTS.

Constitution of 1780, article 2, chapter 6:

No governor, lieutenant-governor, or judge of the supreme court shall hold any other office or place except such as by the constitution they are entitled to hold; nor shall they hold any other place or office from any other State or government or power whatever.

This provision is still in the constitution of Massachusetts.

In 1788 the Legislature of Massachusetts passed a law dividing the State into Congressional districts. This law provided that—

One Representative, being an inhabitant of the district for which he shall be elected, shall be chosen in the manner hereinafter described.

This was the law of 1790, and also of 1794.

In 1802 the State was divided into seventeen districts, and the same law provided for a member in each district, "being an inhabitant of the district for which he shall be elected."

This feature has been enacted in every apportionment in Massachusetts since that date, making residence in the district an additional qualification for a Representative in Congress. For Presidential electors the voters in Massachusetts are required by law to vote for one in each Congressional district on a general ticket.

A statute of Massachusetts makes bribery, embezzlement, conviction of felony or other infamous crime a disqualification for holding an office under the State. This undoubtedly applies to members of Congress and Presidential electors.

This is substantially the law in every State in the Union. Under the Constitution of the United States persons guilty of bribery, embezzlement, or who have been convicted of felony or other infamous crime would be eligible to seats in Congress if the States had not interposed disqualifying provisions; and Congress would be powerless to exclude them if the States had not thus declared them ineligible.

NEW HAMPSHIRE.

Bill of rights, part 2, section 92:

No governor or judge of the supreme court shall hold any office or place under the authority of this State except such as, by this constitution, they are admitted to hold; nor shall they hold any place or office from any other State, government, or power whatever.

NEW JERSEY.

Constitution of 1776, section 20:

None of the judges of the supreme court, or other courts, shall be eligible to a seat in the General Assembly.

The constitution of 1844, article 5, section 8, provides that—

No member of Congress, or person holding office under the United States or this State, shall exercise the office of governor.

The latter clause was amended by the constitution of 1875, article 7, section 2, to read as follows:

Nor shall he be elected to any office under the government of this State, or the United States, during the term for which he shall have been elected.

When New Jersey first divided the State into five Congressional districts it was provided in section 4 of the act that there should be elected for the State "one person in each of the said districts to be a member of the House of Representatives, who shall be a citizen of the United

States, of the age of twenty-five years or upward, and an inhabitant of the district in which he shall be elected, and who shall have been a citizen of the United States seven years next preceding said election."

NEW YORK.

Constitution of 1777, section 25:

The chancellor and judges of the supreme court shall not, at the same time, hold any other office except that of Delegate to the general Congress upon special occasions.

Article 1, section 2, of the constitution of 1821 provides that—

No person, being a member of Congress, or holding any judicial office under the United States, shall hold a seat in the Legislature.

Section 10 is in these words:

No member of the Legislature shall receive any civil appointment from the governor and senate, or from the Legislature, during the term for which he shall have been elected.

Readopted in 1846.

Article 6, section 8, of the constitution of 1821 contains the following in reference to judges:

They shall not hold any other office of public trust. All votes for them for any other office * * * given by the Legislature or the people shall be void.

The constitution of 1869 declares that—

The judges of the court of appeals and the justices of the supreme court shall not hold any other office or public trust. All votes for any of them for any other than a judicial office, given by the Legislature or the people, shall be void.

NORTH CAROLINA.

The declaration of rights, part 4, provides:

The legislative, executive, and supreme judicial powers of government ought to be forever separate and distinct from each other.

The constitution of 1776, part 35, provides:

No person in this State shall hold more than one lucrative office at any one time.

Not amended until 1835.

Article 6, section 1, of the constitution of 1868 required a residence of twelve months for a voter, and section 4 provided that only qualified voters shall be eligible to office. By section 2, article 14, persons fighting a duel are declared to be ineligible to any office. This was substantially readopted in the constitution of 1878.

An act of the Legislature of North Carolina in 1792 contains the following:

And whereas it is necessary to keep separate and distinct the offices of the Federal Government from those of the State government:

Be it further enacted, That no citizen of this State shall hold, at one and the same time, any office of trust, profit, or emolument under the authority of the United States, and any office or authority, either civil or military, under the authority of this State.

Senators and Representatives in Congress are considered as coming within the purview of this law.

In 1802 the State was divided into twelve districts, and the act declared that—

The person elected in each district shall be a resident or an inhabitant of that district for which he is elected during the space or term of one year before and at the time of his election.

PENNSYLVANIA.

The constitution of 1790, article 1, section 18, provides:

No Representative shall, during the time for which he shall have been elected to any office in this State, and no member of Congress or other person holding any office under the United States, or this State, shall be a member of either house during his continuance in Congress or in office.

Article 5, section 1, referring to judges (re-enacted in 1838), provides:

But they shall receive no fees or perquisites of office, nor hold any other office of profit under this Commonwealth.

This was amended in 1850 to read as follows:

Nor hold any other office of profit under this Commonwealth, or under the Government of the United States or any other State of the Union.

The new constitution of 1873 contains these words:

Nor hold any other office of profit under the United States, this State, or any other State.

RHODE ISLAND.

This State adopted her first constitution in 1842. Article 2, section 1, requires as a qualification for suffrage one year's residence and real estate of the value of $134 above all incumbrances.

Article 9, section 1, provides that—

No person shall be eligible to any civil office * * * unless he be a qualified elector for such office.

SOUTH CAROLINA.

The constitution of 1778, article 8, provides:

No person in this State shall hold the office of governor thereof, or lieutenant-governor, and any other office or commission, civil or military, * * * either in this or any other State, or under the authority of the Continental Congress, at one and the same time.

Article 1, section 21, of the constitution of 1790 declares that—

No person shall be eligible to a seat in the Legislature whilst he holds any office of profit or trust under this State, the United States, or either of them.

Article 3, section 1, provides:

The judges shall hold their commissions during good behavior, * * * nor hold any office of trust or profit in this State, the United States, or any of them.

In 1865 this clause was amended to read:

Nor hold any other office of profit or trust under this State, the United States of America, or any other power.

Readopted in 1868.

VIRGINIA.

The constitution of 1830, article 2, provides:

The legislative, executive, and judiciary shall be separate and distinct, nor shall any person exercise the power of more than one of them at the same time.

Article 5, section 1, provides:

The judges of the supreme court of appeals and of the superior courts shall hold their offices during good behavior, * * * and shall, at the same time, hold no other office, appointment, or public trust.

The constitution of 1850, article 1, section 15, provides that—

No judge during his term of service shall hold any other office, appointment, or public trust, and the acceptance thereof shall vacate his judicial office; nor shall he, during such term or within one year thereafter, be eligible to any political office.

(Readopted in 1864.)

Article 6, section 24, of the constitution of 1870 provides that—

Judges of the supreme court of appeals and judges of the circuit courts shall not hold any other office or public trust during their continuance in office.

The Legislature of Virginia, composed of the same men who ratified the Federal Constitution, passed a law dividing the State into ten districts, declaring that—

The persons qualified by law to vote for members of the house of delegates in each county composing a district shall assemble at their respective county Court-Houses on the second day of February next, and then and there vote for some discreet and proper person, being a freeholder, and who shall have been a *bona fide* resident for twelve months within said district, as a member to the House of Representatives for the United States.

The same provision is in the act of December 26, 1799, making a new apportionment of nineteen members.

The following are the provisions in the constitutions of the other States respecting qualifications of members of Congress, &c.:

ALABAMA.

The constitution of 1819, article 5, section 2, provides:

Judges of the supreme and circuit courts and courts of chancery shall, at stated times, receive for their services a compensation which shall be fixed by law, and which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the United States, or any other power.

The constitution of 1850, article 5, section 10, provided that—

The judges of the supreme court, circuit courts, and courts of chancery shall, at stated times, receive for their services a compensation which shall be fixed by law, and which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any office of profit or trust under this State, the United States, or any other power.

This was amended in 1867 to read:

Nor hold any office (except judicial offices) of profit or trust under this State or the United States during the term for which they have been elected, nor under any other power, during their continuance in office.

The same provision is in the constitution of 1875.

ARKANSAS.

Constitution of 1836, article 5, section 5, under the head of "Executive," provides as follows:

He shall, at stated times, receive a compensation for his services which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive within that period any other emolument from the United States, or any of them, or from any other power.

Same in constitution of 1864.

In article 6, section 8, of the constitution of 1836 is the following in relation to judges of the supreme and circuit courts (retained in constitution of 1861):

Nor hold any other office of trust or profit under this State or the United States.

The constitution of 1868 has the following:

The officers of the executive department and judges of the supreme court shall not be eligible, during the period for which they may be elected or appointed to their respective offices, to any position within the gift of the qualified electors or of the General Assembly of the State.

The constitution of 1874 declares, in reference to supreme court judges:

Nor hold any other office of trust or profit under this State or the United States.

CALIFORNIA.

The constitution of 1849, article 6, section 16, provides:

The justices of the supreme court and district judges shall be ineligible to any other office during the term for which they shall have been elected.

In 1862 this was amended to read as follows:

The justices of the supreme court and district judges and county judges shall be ineligible to any other office during the term for which they shall have been elected.

COLORADO.

The constitution of 1876, article 5, section 8, provides:

No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State; and no member of Congress or other person holding any office, excepting attorney at law, notary public, or in the militia under the United States or this State, shall be a member of either house during his continuance in office.

It is provided, also, in this constitution that no person shall hold any office who is not a qualified voter.

FLORIDA.

Article 5, section 5, 1838:

But the judges shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the United States, or any other power.

In the constitution of 1865 are these words:

Nor hold any other office of profit or trust under this State, the United States, or any other power.

The constitution of 1868, article 17, section 23, provides that—

The governor, or any other State officer, is hereby prohibited from giving certificates of election, or other credentials, to any person as having been elected to the House of Representatives of the United States Congress or the United States Senate, who has not been two years a citizen of the State, and nine years a citizen of the United States, and a resident voter.

ILLINOIS.

Article 2, section 25, 1818:

No judge of any court of law or equity, * * * member of either House of Congress, * * * shall have a seat in the General Assembly.

Constitution of 1848, article 6, section 7:

No person shall be elected or appointed to any office in this State, civil or military, * * * who shall not have resided in this State one year next before his election or appointment.

Section 10 provides that—

The judges of the supreme and circuit courts shall not be eligible to any other office of public trust or profit in this State, or the United States, during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office * * * given by the General Assembly or the people shall be void.

INDIANA.

Article 7, section 15, 1857:

No person elected to any judicial office shall, during the term for which he shall be elected, be eligible to any office of trust or profit under the State, other than a judicial office.

IOWA.

Article 5, section 3, 1846:

The judges of the supreme court shall be ineligible to any other office in the State during the term for which they shall have been elected.

Under the constitution of the same date the district judges were declared to be "ineligible to any other office except that of supreme judge during the term for which they shall have been elected." And in the constitution of 1851 it is provided that—

The judges of the supreme court shall be ineligible to any other office during the term for which they shall have been elected.

KANSAS.

Topeka constitution of 1855, in reference to judges:

Nor hold any other office of profit or trust under the State, other than a judicial office.

The Lecompton constitution of 1857 contained the following on the same subject:

Nor hold any other office of profit or trust under this State, the United States, or either of the other States, or any power during their continuance in office.

In the Leavenworth constitution of 1858 is this provision:

Nor hold any office of profit or trust under the State, other than a judicial office.

The Wyandotte constitution of 1859, under which Kansas was admitted into the Union, provides as follows in reference to judges:

Nor hold any other office of profit or trust under the authority of the State or the United States during the term of office for which such justices and judges shall be elected.

KENTUCKY.

Article 1, 1792:

No member of Congress or other person holding any office of profit or trust under the United States or this Commonwealth * * * shall be a member of the House during his continuance to act as a member of Congress or in such office.

In the constitution of 1850, article 8, section 25, is the following:

No member of Congress or person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly of this Commonwealth, or hold or exercise any office of trust or profit under the same.

LOUISIANA.

Article 6, section 14, 1812:

No member of Congress or person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly of this State, or hold or exercise any office of trust or profit under the same.

Readopted in the constitutions of 1845, 1852, and 1864.

Article 39, title 3, of the constitution of 1852 provides:

No member of Congress or person holding any office under the United States shall be eligible to the office of governor or lieutenant-governor.

Readopted in 1864 and 1868.

The constitution of 1868 declares that—

No person shall hold or exercise, at the same time, more than one office of trust or profit, &c.

MAINE.

Article 4, part 3, section 11, 1820:

No member of Congress, or person holding any office under the United States, or office of profit under this State, shall have a seat in either house during his being such member of Congress or his continuance in such office.

Article 5, section 5:

No person holding any office or place under the United States, this State, or any other power, shall exercise the office of governor.

Article 6, section 6:

The justices of the supreme judicial court shall not hold any office under the United States, nor any State, nor any other office under this State, except that of justice of the peace.

MICHIGAN.

Article 6, section 2, 1833 (referring to judges):

But they shall receive no fees * * * nor hold any office of profit or trust under the authority of this State or the United States.

The constitution of 1850, article 4, section 18, provides as follows:

No person elected a member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the governor, the governor and senate, from the Legislature, or any State authority during the term for which he is elected or appointed, and all votes given for any person so elected or appointed shall be void.

Article 6, section 10:

But no judge of the supreme court or circuit court shall exercise any other power or appointment to public office.

MINNESOTA.

Article 6, section 11, 1857:

The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this State, and all votes for either of them for any elective office under this constitution, except a judicial office, given by the Legislature or the people, during their continuance in office, shall be void.

MISSISSIPPI.

Article 6, section 15, 1817:

No member of Congress, nor any person holding any office of profit or trust under the United States, or either of them, * * * or under any foreign power, shall hold or exercise any office of profit or trust under this State.

Readopted in 1832 and 1868.

MISSOURI.

Article 3, section 11, 1820:

No judge of any court of law or equity, * * * member of Congress, or other person holding any lucrative office under the United States or this State, * * * shall be eligible to either house of the General Assembly.

The constitution of 1822, article 1, section 4, declares that—

No person holding an office of profit under the United States and commissioned by the President shall during his continuance in such office be eligible, appointed, hold, or exercise any office of profit under this State.

By the constitution of 1865, article 4, section 11, it is provided that—

No member of Congress, or person holding any lucrative office under the United States, * * * shall be eligible to either house of the General Assembly.

Readopted in 1875.

Article 8, section 12, of the constitution of 1875 says:

No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States and who shall not have resided in this State one year next preceding his election or appointment.

NEBRASKA.

Article 2, section 14, 1866–'67:

No person, being a member of Congress, or holding any military or civil office under the United States, shall be eligible to a seat in the Legislature.

Article 3, section 6, of the same constitution declares that—

No person holding office under authority of the United States * * * shall be eligible to have a seat in the Legislature.

Section 13 provides that—

No person elected to the Legislature shall receive any civil appointment within this State from the governor and senate during the term for which he has been elected.

NEVADA.

Article 4, section 9, 1864:

No person holding any lucrative office under the Government of the United States, or any other power, shall be eligible to any civil office of profit under this State.

Article 6, section 11:

Justices of the supreme court, and the district judges, shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected; and all elections or appointments of any such judges, by the people, the Legislature, or otherwise, during said period, shall be void.

OHIO.

Article 3, section 8, 1802, concerning the judges:

But they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this State or the United States.

The constitution of 1851 contains the following:

Nor hold any other office of profit or trust under the authority of this State or the United States. All votes for either of them for any elective office, except a judicial office, under the authority of this State, given by the General Assembly or the people, shall be void.

OREGON.

Article 2, section 9, 1857:

Every person who shall give or accept a challenge to fight a duel, or shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

Section 10:

No person holding a lucrative office or appointment under the United States or this State shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this constitution expressly provided.

Article 7, section 21:

Every judge of the supreme court, before entering upon the duties of his office, shall take and subscribe, and transmit to the secretary of state, the following oath:

"I, ——— ———, do solemnly swear * * * that I will not accept any other office, except judicial offices, during the term for which I have been elected."

TEXAS.

Article 7, section 13, 1845:

No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

SEC. 26. No person shall hold or exercise at the same time more than one civil office of emolument.

Readopted in 1870.

TENNESSEE.

Article 5, section 3, 1796:

The judges of the supreme court shall at stated times receive a compensation for their services, to be ascertained by law, but shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State or the United States.

This was readopted in the constitution of 1834 and also 1870.

VERMONT.

Chapter 2, section 27, 1786:

No person who holds any office in the gift of Congress shall, during the time of his holding such office, be elected to represent this State in Congress.

The constitution of 1793, article 2, section 26, provides that—

No person in this State shall be capable of holding or exercising more than one of the following offices at the same time, namely: Governor, lieutenant-governor, judges of the supreme court; * * * nor shall any person holding any office of profit or trust under the authority of Congress be eligible to any appointment in the Legislature or of holding any executive or judicial office under this State.

WEST VIRGINIA.

Article 6, section 12, 1861–'63:

No judge, during his term of office, shall hold any other office, appointment, or public trust, under this or any other government; and the acceptance thereof shall vacate his judicial office; nor shall he, during his continuance therein, be eligible to any political office.

WISCONSIN.

Article 13, section 3, 1848:

No member of Congress, nor any person holding any office of profit or trust under the United States, * * * or under any foreign power, and no person convicted of any infamous crime in any court within the United States, and no person being a defaulter to the United States or to this State, or to any county or town therein, or to any State or Territory within the United States, shall be eligible to any office of trust, profit, or honor in this State.

It will be seen that Connecticut required members of Congress to be residents of their districts. Georgia required a residence in the State of three years, the payment of a tax during the whole of that period, and an actual residence in the district. Maryland required not only a residence within the district at the time of election but for one year previous thereto, and she makes her judges ineligible to any other office, under the State or the United States. Massachusetts, by act of her Legislature, first divided the State into districts in 1788, and required each member to be a resident of his district. In her bill of rights Massachusetts declared that—

The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and now, and forever hereafter, shall exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them delegated to the United States in Congress assembled.

I quote this from Massachusetts, because if I should quote it from the constitution of Virginia gentlemen on the other side would meet it with the well-worn sneer that from just such doctrines of State sovereignty sprang our late rebellion.

New Hampshire inhibited her governors and judges from holding "any other office under the authority of any other State, government, or power." New Jersey prohibited her governor from being elected to any office under the State or the United States "during the term for which he shall have been elected." She also required members of Congress to be residents of their districts. New York prohibited her judges from holding any other office or public trust. North Carolina required a residence of one year in the district. Pennsylvania said that her judges should not hold any other office of profit under the Government of the United States or any other State. Rhode Island declared that no person should be eligible to any office for which he was not a qualified voter. South Carolina said that her judges should not hold any office of trust or profit in that State, the United States, or any of them. Virginia declared that her judges should not, during their term of office, or for one year thereafter, be eligible to any political office. She also required that a person to be eligible to a seat in Congress should be a freeholder, and that he should have resided one year in the district before his election.

It will be seen that these old patriots, the men who made the Federal Constitution, never dreamed that the States could not superadd any qualifications they deemed proper, not inconsistent with those enumerated in the Constitution of the United States. The new States adopted similar provisions.

Alabama declared that her judges should not hold "any other office of profit or trust under this State, the United States, or any other power." Under the constitution of 1867 this was amended to read "during the term for which they shall have been elected." California made her judges ineligible to any other office during their whole term. Florida required that a member of Congress should have resided in his district two years next before his election in order to be eligible; also that he should have been nine years a citizen of the United States and a resident voter. Oregon requires her judges to swear that they will not accept any other office during the term for which they have been elected.

Suppose a judge in Oregon, who had sworn that he would not accept any other office during the term he was elected judge, should come here seeking admission into this House with perjury on his lips, would he be admitted? Did not Judge Peters, when he swore to support the constitution of Kansas, swear that he would not hold any other office during the term for which he was elected judge, and does he not come here with that oath on his lips?

Hon. Albert Griffin, a prominent Republican of our State, in a speech made at Abilene in February this year, in discussing this oath to support the constitution, said:

PERJURED OFFICERS.

The oath taken by Kansas officials reads:

"I do solemnly swear that I will support the Constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of ——. So help me God."

This oath is not a meaningless form. It imposes on those who subscribe to it positive duties, that can not be shirked without dishonor. It is forced on no one. It is always voluntarily taken. Indeed, the privilege of doing so is eagerly sought, and there is no conceivable plea upon which those who violate it can be justified. To "support" the constitution does not mean merely that one will not personally trample it under foot. It requires an active effort to sustain and enforce the instrument itself and all laws passed for that purpose. The duty rests imperatively upon each and every man who takes this oath to do all he can to encourage and compel obedience to each and all of the requirements of the constitution, without mental reservation, and without regard to his own opinion as to their policy or justice; and if he is unwilling, or can not conscientiously do this, he must not swear that he will.

FIRST CONTESTED ELECTION.

The first contested-election case tried in this House was that of Ramsey *vs.* Smith, in the First Congress, in 1789. The contest was made on the charge, made by Ramsey, that Smith was ineligible. James Madison, who was a member of the First Congress, in discussing the question, said:

I take it to be a clear point that we are to be guided in our decision by the law and constitution of South Carolina so far as they can guide us. * * * So far as we can judge by the laws of South Carolina, and the practice and decisions of that State, the principles I have adduced are supported.

In this same Congress, fresh from the convention that framed the Constitution, Mr. Livermore, of New Hampshire, said:

I call upon gentlemen to recollect the circumstances of Mr. Smith's election in South Carolina, and answer me. Was not the case decided by State laws? Were not his qualifications as a member determined by the laws of South Carolina? It was not supposed by the people of South Carolina that the House would question a right derived by their Representative from their authority.

And no one in that First Congress questioned the proposition. I challenge the closest examination of the record. This first precedent is on my side.

In Tucker's Blackstone, volume 1, appendix, pages 141, 142, 144, 170, 187, 197, 198, that eminent commentator says:

The Constitution of the United States of America, then, is an original, written, federal, and social compact, freely, voluntarily, and solemnly entered into by the several States of North America, and ratified by the people thereof respectively; whereby the several States and the people thereof, respectively, have bound themselves to each other and to the Federal Government of the United States; and by which the Federal Government is bound to the several States and to every citizen of the United States.

* * * * * * *

The Union is in fact as well as in theory an association of States, or a confederacy. The State governments not only retain every power, jurisdiction, and right not delegated to the United States by the Constitution nor prohibited by it to the States, but they are constituent and necessary parts of the Federal Government, and without their agency in their politic character there could be neither a Senate nor President of the United States.

* * * * * * *

Lastly, it is a compact by which the Federal Government is bound to the several States and to every citizen of the United States.

* * * * * * *

Although the Federal Government can in no possible view be considered as a party to a compact made anterior to its existence, and by which it was in fact created, yet as the creature of that compact it must be bound by it to its creators, the several States in the Union, and the citizens thereof.

* * * * * * *

The Federal Government, then, appears to be the organ through which the united republics communicate with foreign nations and with each other. Its engagements, its authority are theirs, modified and united. Its sovereignty is an emanation from theirs, not a flame by which they have been consumed nor a vortex in which they are swallowed up.

* * * * * * *

The members of the Legislature ought certainly to have no privilege but what is demonstrably essential to the freedom and welfare of their constituents. "The State is not made to dignify its officers, but the officers to serve the State."

* * * * * * *

The qualifications of the members of these bodies, respectively, are: that both Senators and Representatives should have been citizens of the United States, the former nine and the latter seven years, and be citizens also of that State for which they shall be chosen at the time of their election; to which the law of this State adds that "a Representative shall be a freeholder and resident of the district for which he is chosen;" a wise provision, and perfectly consonant with the principles of representation, &c.

Judge Tucker has been called the Blackstone of America. He was a member of the Virginia Legislature, and voted for the law superadding these qualifications.

Henry St. George Tucker, his son, was a child of the Revolution. He was but five days old when the British landed at Hood's, on the James River, and marched to Bland's Ordinary on their way to Petersburg. The Tucker family escaped capture by a hasty flight to Wintopoke. This son of Judge Tucker afterward became an eminent jurist, ranking with the men most distinguished for ability and learning in that day. His associates, like those of John Randolph, his half-brother, were the men of the Revolution, the men who had framed the Federal Constitution. He was made president of the University of Virginia, founded by Thomas Jefferson. He had imbibed the political maxims of the fathers of the Republic, and was as well if not better qualified, as regards talent and profound learning in the law, than was the distinguished Federalist Judge Story.

While president of the University of Virginia Henry Saint George Tucker delivered a course of lectures on the Constitution, in which he took issue with Judge Story on questions touching the sources of political power under our system of Federal and State authority. In these lectures he uses the following language, to which I invite careful attention:

In the history of the two great parties which have divided the people of the United States ever since the adoption of the present Constitution, a constant struggle is observable in relation to the character of the Government. The Federal party (so called by a strange perversion of the use of the term) have always been inclined to represent the United States as constituting one people, instead of a confederacy of States; while their opponents (formerly called Anti-Federalists, but more recently known as the Democratic or Republican party) have ever strenuously contended that the Constitution was a compact or the result of a compact between the States, who retain their sovereignty and all the rights of sovereignty which they have not expressly transferred to the Federal Government.

* * * * * * *

It was confederate as far as it was a government at all. The delegates were appointed by the States, not by the people; sometimes, indeed, by conventions, but they were conventions which as much represented the States as the Legislatures could do. Moreover, in the deliberations of Congress they voted by States, the smallest having equal weight with the largest; a test of confederate character which has been universally admitted. * * * It was assembled upon recommendation merely, which no State was bound to obey.

The Confederation was adopted by all the States except Maryland and Delaware. Justly, then, has it been admitted by Judge Story that the union of the States anterior to that time "grew out of the exigencies of the times, and from its nature and objects might be deemed temporary, extending only to the maintenance of the common liberties and independence of the States and to terminate with the return of peace with Great Britain and the accomplishment of the ends of the Revolutionary contest." It was under this ephemeral government—this government of sufferance; this government the creature of their own will, and capable of being dissolved at any moment by their own breath—that the States are said to have been at the time of the separation. With what propriety could it be said by Judge Story that they "were under the dominion of a superior, controlling, national government?" * * *

Now it happens that Hancock, Adams, and Gerry, from Massachusetts; Ellery, from Rhode Island; Sherman, Huntington, and Wolcott, from Connecticut; Lewis, from New York; Witherspoon, from New Jersey; Robert Morris, from Pennsylvania; Thomas McKean, from Delaware; Carroll, from Maryland; the two Lees, from Virginia; Penn, from North Carolina; and Heyward, from South Carolina, who signed the Declaration of Independence, were signers of the Confederation, in which the sovereignty of each was declared to be retained; and we have already seen the opinion of Judge Chase, another signer of the Declaration, of his views of the same interesting matter. I feel myself, therefore, justified in repelling the position that "the separate independence and individual sovereignty of the several States were never thought of by the patriot signers of the Declaration of Independence."

Each State prescribes the qualifications of its own voters, the Constitution only providing that they shall have the qualifications which such States may have prescribed for the voters for the most numerous branch of its own Legislature. And as the right to vote is prescribed by the State, the duty of doing so can not be enforced except by the authority of the State. No one can be elected to represent any State except a citizen thereof. Vacancies in the representation of any State are to be filled under writs of election issued by the executive of such State. In all this there is not one feature of nationality. The whole arrangement has reference to the States as such, and is carried into effect solely by their authority.

The Federal Government has no agency in the choice of representatives except only that it may prescribe the times, places, and manner of holding elections. It can neither prescribe the qualifications of electors nor impose any penalty upon them for refusing to elect.

The States alone can do these things; and, of course, the very existence of the House of Representatives depends, as much as does that of the Senate, upon the action of the States. A State may withdraw its Representatives altogether, and Congress has no power to prevent it nor to supply the vacancies thus created. If the House of Represenatives were national in any practical sense of the term, the "nation" would have authority to provide for the appointment of its members, to prescribe the qualifications of voters, and to enforce the performance of that duty. All these things the State Legislatures can do within their respective States. * * * But it is difficult to imagine a national legislature which does not exist under the authority of the nation, and over the appointment of which the nation as such can exert no effective control.

Henry St. George Tucker was the father of Hon. JOHN RANDOLPH TUCKER, a distinguished member of this House.

Judge Story was committed to the doctrines of Hamilton and the Federalists under Adams. He seems, however, to have forgotten that at the very time when the convention which framed the Constitution was in session the Congress of the United States was also in session. He seems to have overlooked the further fact that when the Constitution was agreed upon by the convention it was submitted to Congress, and by it referred to the several States for their action. He was like the great philosopher Sir Isaac Newton, who, in building a house, cut the usual cat-hole in the door and near it a smaller one for the kitten. He was astonished afterward to see the kitten enter at the cat-hole. Judge Story seems to have had a similar awakening, for he afterward admits that there was a wide difference of opinion among eminent statesmen upon this question. I quote his own words:

There is great room, therefore, for diversities of judgment and opinions upon a subject so comprehensive and various in its elements.

The majority report, as does the gentleman from Pennsylvania [Mr. ELLIOTT], quotes Story and Kent, both Federalists, but seem to repudiate Jefferson, Madison, Randolph, the Tuckers, and the men who framed the Constitution. I now assert that there can not be found a decision of the Supreme Court sustaining Story's theory of the Constitution and Government. It is true that in Martin *vs.* Hunter's Lessee (1 Wheaton, 334), the opinion of the court being delivered by Justice Story, it was said:

The vital importance of all the cases enumerated in the first class to the national sovereignty might warrant such a distinction. In the first place, as to cases arising under the Constitution, laws, and treaties of the United States. Here the State courts could not ordinarily possess direct jurisdiction. The jurisdiction over such cases could not exist in the State courts previous to the adoption of the Constitution, and it could not afterward be directly conferred on them, for the Constitution expresaly requires the judicial power to be vested in courts ordained and established by the United States.

The admiralty and maritime jurisdiction is of the same exclusive cognizance, and it can only be in those cases where, previous to the Constitution, State tribunals possessed jurisdiction independent of national authority that they could now constitutionally exercise a concurrent jurisdiction.

* * * * * * *

If State tribunals might exercise concurrent jurisdiction over all or some of the other classes of cases in the Constitution without control, then the appellate jurisdiction of the United States might, as to such cases, have no real existence contrary to the manifest intent of the Constitution. Under such circumstances, to give effect to the judicial power, it must be construed to be exclusive; and this not only when the *casus fœderis* should arise directly, but when it should arise incidentally in cases pending in the State courts. This construction would abridge the jurisdiction of such court far more than has ever been contemplated in any act of Congress.

Yet in Claflin *vs.* Houseman (3 Otto, 140), Judge Bradley, delivering the opinion of the court, said:

It is indeed intimated by Mr. Justice Story, *obiter dictum*, in delivering the opinion of the court in Martin *vs.* Hunter's Lessee, (1 Wheaton, 334–337), that the State courts could not take direct cognizance of cases arising under the Constitution, laws, and treaties of the United States, as no such jurisdiction existed before the Constitution was adopted. This is true as to jurisdiction depending on United States authority; but the same jurisdiction existed (at least to a certain extent) under the authority of the States. Inventors had grants of exclusive right to their inventions before the Constitution was adopted, and State courts had jurisdiction thereof. The change of authority creating the right did not change the nature of the right itself. The assertion, therefore, that no such jurisdiction previously existed must be taken with important limitations, and did not have much influence with the court when a proper case arose for its adjudication.

BARNEY VS. M'CREARY—THE PRECEDENTS.

So much for Judge Story.

The case of Barney *vs.* McCreary came up in this House in October, 1807. The Legislature of Maryland, in 1790, had passed a law requiring that a member of Congress should be a resident of the district in which he was chosen at the time of his election and for twelve months immediately before. In November, 1802, a law was enacted making the city of Baltimore and Baltimore County the fifth district, entitled to two Representatives, one of whom "shall be a resident of Baltimore city, and the other of Baltimore County." These laws were not questioned until 1807. It was disputed whether McCreary, who had the highest number of votes, was or was not a resident of the city; and, also, whether the act of the Legislature requiring a qualification of residence was valid or invalid.

The Committee on Elections reported in favor of McCreary on the 9th of November, 1807, without deciding the first question, on the ground that the act of the Legislature was void. The Federalists generally took that position in the House, while the Republicans or Democrats maintained that this power was one of the reserved rights of the States. There was an elaborate discussion of this question, ten members speaking in favor of the report and eighteen against it. I can not give even a brief synopsis of all these speeches. I quote verbatim from the Annals of that Congress the action of the House in the case.

Mr. Sawyer, fresh from the Revolution, said:

By this article it appeared that the general qualifications specified are that a person, to become eligible to a seat in this House, must have arrived at the age of twenty-five years, have been seven years a citizen of the United States, and a resident of the State for which he was to be elected; leaving, as might be naturally supposed, to the States respectively the addition of such other particular qualifications as they might think proper to impose, not incompatible with those fundamental ones laid down in that article.

John Randolph of Roanoke said—

That House had never been called upon to make a more important decision than the one now proposed. * * * It was one of those questions which in his mind had been so long unalterably fixed that he could not refrain from the endeavor to warn the committee of the dangerous ground which they were invited to tread. In undertaking to decide upon the validity of the law of a State they touched upon a subject which should never be approached but under the most imperious necessity and where no shadow of doubt could hang upon their decision. * * * What were they required to do? To declare the law of Maryland, long reverenced and obeyed, under which successive elections had been held and never before questioned; to pronounce this law to be a dead letter, entitled to no respect, even from her own citizens, and to absolve them from all obedience to it? Was it matter of surprise that the members of the House were startled at an innovation so daring and so dangerous.

He had laid down as a principle not to be questioned that Congress should never undertake to pronounce upon State regulations but in cases too clear to admit of contest and when the decision could not be evaded without manifest detriment to the public good. If he were called upon to establish a criterion, an infallible touchstone of the soundness of political principles, it should be made to consist of so much as a sacred regard for the rights of the States. * * * He viewed the proposed measure but as the commencement of a series, as the entering-wedge. If they began with declaring one law of one State unconstitutional, where were they to stop? They might, they would go on (it was a natural tendency of power never to be satiated as long as there was any thing left to devour) until the State governments, stripped of all authority, rendered contemptible in the eyes of the people for their imbecility and odious for their expense, mere skeletons of governments, the shadows of their former greatness, should be forever abolished and a great consolidated empire established upon its ruins.

He looked forward to such an event as the death-warrant of the existing Constitution and of the people's liberties. If they wished to preserve the Constitution they must learn to respect the rights of the States, and not bring the whole artillery of the Federal Government to bear upon them. In such a contest the States must fail, and when they did fall there was an end of all republican government in this country.

The second paragraph of the second article of the Constitution had, to his extreme surprise, been construed by the Committee of Elections as restricting the States from annexing qualifications to a seat in the House of Representatives. He could not view it in that light. Mark the distinction between the first and second paragraphs. The first is affirmative and positive. "They shall have the

qualifications necessary to the electors of the most numerous branch of the State Legislature." The second is merely negative. "No person shall be a Representative who shall not have attained the age of 25 years," &c. No man could be a member without these requisites; but it did not follow that he who had them was entitled to set at nought such other requisites as the several States might think proper to demand.

If the Constitution had meant, as now contended, to have settled the qualifications of members, its words would naturally have run thus: "Every person who has attained to the age of 25 years, and been seven years a citizen of the United States, and who shall when elected be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives." But so far from fixing the qualifications of members of that House, the Constitution merely enumerated a few disqualifications within which the States were left to act. It said to the States: "You have been in the habit of electing young men hardly of age; you shall send us none but such as are five-and-twenty. Some of you have elected persons just naturalized; you shall not elect any to this House who have not been seven years citizens of the United States. Sometimes mere sojourners and transient persons have been clothed with legislative authority; you shall elect none whom your laws do not consider as inhabitants." Thus guarding against too great laxity in the State regulations by general and negative provisions, leaving them, however, within the limits of those restrictions, to act for themselves, to consult the genius, habits, and, if you will, the prejudices of their people.

The first paragraph which he had read was positive and affirmative. By it every person having the qualifications requisite to an elector of the most numerous branch of the State Legislature was entitled to vote for members of the House of Representatives. Yet nevertheless the qualifications rested with the States. They might make it a part of the qualifications of an elector that he should reside within his district, county, or borough. Would it not be absurd to say that a man might take a seat in that House who at the time was not qualified to vote for a member of it?

The right to prescribe the qualifications of the person for Congress, having respect, however, to the Constitution for which he had contended, was so obvious and natural, that it had been adopted by the States and acted upon from the commencement of the Government, without any man dreaming of or starting an objection to it. And the uniform practice of near twenty years, and the laws of the States in which the practice originated, were to be overturned at once, with as little ceremony as they would change one of their rules. The decision will not be final. It will be but the forerunner of a long series of acts, abrogating the laws and usages of the States, endeared to the people by habit and sanctified by reason. Before you enter upon this fatal act be you well assured the right is indisputably your own, and that you are called upon to exercise it by considerations which it would be criminal to resist. Beware lest while you proudly assert your power you do not meet the reprobation of the great body of the American people.

Mr. Bibb, of Georgia, expressed surprise that the Committee of Elections—

Should have inserted such words in their report when it was known to them that there was in the Constitution a general reservation of all power not expressly delegated.

Mr. Love, of Virginia, spoke as follows:

In discussing the great constitutional question involved in the report I shall adopt the division which the subject seems naturally to require: First, whether the right to legislate on the subject contemplated by the laws of Maryland mentioned in the report does not of necessity reside in some legislative delegation; and, if so, second, where does it reside? I shall contend for the affirmative of the first proposition. The great object of government, no doubt, is to attain to that degree of political perfectibility which, without invading the natural rights of man, shall be consistent with expediency and convenience. Is the power then contended for by Maryland in the act of her Assembly consistent with expediency and no infraction of individual rights? If so, I presume it is included in the common and usual powers of legislation, and must be found to exist either in our State or General Government. The confusion that would be attended upon the mode of election and the total want of local representation are too obvious to need comment. The right to legislate at all on this subject I had not until to-day supposed would be questioned; and I confess, although now denied, I have heard no satisfactory reason offered in support of such an opinion.

Forming then, as I presume, a proper object of legislation, I will proceed to inquire where, according to the nature of our civil institutions, it must be presumed to reside. If it resides in the General Government, it must be admitted that, according to the nature of that instrument, it must be found to be perfectly delegated. An argument to prove this position I should have presumed, at this time of day, unnecessary. If there are any here who doubt this position, I would in the first place refer them to all writers on the subject of our political institutions; for all who speak on the subject admit that the powers delegated to the General Government are to be taken strictly, and that nothing is considered granted unless expressed to be so.

In the opinion I have formed on this subject I feel great confidence, from the uniformity of construction which the State Legislatures have put on their powers. In perhaps every State in the Union have laws been enacted of a similar nature to that which is now the subject of consideration. In Virginia, I acknowledge, there is such a law as the gentleman from North Carolina has mentioned. It certainly goes further in principle than the law of Maryland; yet I think it a wise one, in leaving to the people the choice of Representatives whose interests are, in some measure, assimilated to their own. Fourteen or fifteen other States, I believe, have many years ago, and some of them of a late date, perhaps coeval with the operations of the General Government, passed laws of a similar nature with that under discussion. When we find so many distinct, enlightened bodies as the State legislatures are simultaneously acting in the same manner on the same subject, without any previous concert, I confess it strangely supports me in the correctness of the opinions I have formed.

Richard M. Johnson, of Kentucky, afterward Vice-President, argued as follows:

Is it not a principle of republican government that they should have well defined the qualifications of the electors and the elected? Should any power but the people themselves have a right to alter the qualifications required by the Constitution and then in convention only? Would any power less than a convention of the State of Maryland assume the right of adding a disqualification? * * * One word on the subject of the State sovereignties and the Federal Government. There were many subjects in which they had concurrent powers. In those cases I would always decide in favor of the States.

Mr. Nelson, of Maryland, declared his firm belief that McCreary was not entitled to his seat; that the resolution as reported was insidious, though he believed it was not intended or perceived by the committee, as it went to prostrate the State of Maryland. He believed the State had the right to fix qualifications for its Representatives, and would contend for that right as long as he lived.

Mr. Love moved to strike out of the resolution the words "agreeably to the Constitution of the United States."

Mr. Goldsborough suggested the propriety of Mr. Love's withdrawing his motion and renewing it in the House, where the votes on the question could be recorded, but Mr. Love declined.

Mr. Key objected to such a motion, because the House would, by agreeing to such an amendment, express an opinion that a member could be entitled to a seat without being duly qualified, which was absurd.

Mr. Marion moved to amend the amendment by striking out other words, so that the resolution should read: "*Resolved*, That William McCreary is entitled to his seat in this House;" and thereby avoid a decision on the constitutionality of the State law.

Mr. Rhea advocated the amendment last proposed from a wish to avoid a decision on State laws.

Mr. Clopton advocated the amendment, and in the course of his remarks said he strongly supported the right of the States to annex qualifications, and pointed out the evils to be feared from a contrary decision which would be implied by the resolution as reported.

He was followed by Mr. Sloan on the same side. Messrs. Findlay and Sturgess opposed, and Messrs. Goldsborough, Campbell, and Upham supported the amendment last offered. The question being taken on the amendment, it was carried—yeas 73. The question was then put on the resolution as amended, and carried—yeas 83.

The committee then rose and reported the resolution as amended to the House. On the question of concurrence by the House with the action of the Committee of the Whole, Messrs. Kelly and Smilie opposed, and Messrs. Marion and Taylor supported, the amended resolution. The yeas and nays were then called on the amendment, and it was adopted—yeas 70, nays 38.

Mr. Howard, in giving expression to the views of the Federalists, said—

That as a member of this House he not only disclaimed all power to legislate upon the subject of the qualifications of the elected, but denied the right of Congress either to dispense with those required by the Constitution or to superadd others. He considered that the qualifications of members was a fundamental regulation fixed by the Constitution and unalterable but by a change or an amendment itself.

Mr. Johnson, it will be seen, did not differ from the Democratic side of the House, but thought it was a power which ought to be exercised by the people in forming a State constitution, as in Kansas, and not left to legislation.

The House decided, by the very emphatic vote of 70 yeas to 38 nays, that they would not invalidate the law of Maryland. It was in evidence, and so agreed, that McCreary was a resident of the city of Baltimore when elected, therefore the law of Maryland was not violated. Without this evidence McCreary would have lost the seat. This was a square stand-up fight between the Federalists on the one side and the Jeffersonian Democrats on the other. The decision of this House in that celebrated case was an emphatic decision in favor of the doctrine for which I contend.

THE PHILIP BARTON KEY CASE.

That this is true and this question considered settled by that House in favor of the State law I need only call your attention to the next case decided by that House. It was the case of Philip Barton Key. Certain citizens of the third Congressional district of Maryland petitioned Congress to vacate the seat of Mr. Key, alleging that he had not resided one year in the district, as provided by the law of Maryland of 1790. The Committee on Elections, after an investigation, reported that—

By an act of the Legislature passed the 25th of January, 1806, residence is not prescribed as a qualification of a candidate for Congress, except for the fifth district; and that by the said act to reduce into one the several acts of Assembly, respecting elections, it is enacted, "that all laws, clauses and sections of laws repugnant to or inconsistent with the provisions of this act be, and the same are hereby, repealed." From which it appears that the law of Maryland, relied on by the petitioners against the seat of Mr. Key, is not now in force. From the above statement of facts the committee are induced to submit the following resolution:

"*Resolved*, That Philip B. Key, having the greatest number of votes, and being qualified agreeably to the Constitution of the United States, is entitled to his seat in this House."

Mr. Rhea moved to strike out the words "having the greatest number of votes and being qualified agreeably to the Constitution of the United States." The question was divided, and the words "having the highest number of votes" were stricken out without a division, as that question was not in issue. The words "and being qualified agreeably to the Constitution of the United States" were stricken out by a vote of 79 to 28.

So careful were those old Republican Democrats that they should not be misunderstood and their actions construed as only insisting that a Congressman should be eligible under the Constitution, and not according to the law of the State, the resolution as it passed read:

Resolved, That Philip B. Key is entitled to his seat in this House.

It was conceded that he was duly qualified under the Constitution of the United States, and the committee found that he was qualified under the constitution and laws of Maryland. Yet it was claimed that his residence of a few weeks only in Maryland was too short and the precedent unsafe; that he ought to be at least a voter. The vote on the

resolution stood 57 to 52. If the law of Maryland of 1790, requiring a year's residence in the district, had not been repealed, Mr. Key would have lost his seat by a vote of two to one. There is no question about this.

The Tenth Congress considered the question settled and State law as well as United States law must be obeyed.

JEFFERSON'S VIEWS.

Joseph C. Cabell, of Virginia, wrote a letter to Thomas Jefferson, in 1814, indorsing the views of John Randolph, and asking Jefferson's opinion on the power of the States to annex additional qualifications for members of Congress. Jefferson replied as follows:

Had the Constitution been silent nobody can doubt but that the right to prescribe all the qualifications and disqualifications of those they would send to represent them would have belonged to the State. So, also, the Constitution might have prescribed the whole and excluded all others. It seems to have preferred the middle way. It has exercised the power in part by declaring some disqualifications, to wit, those of not being 25 years of age; of not having been a citizen seven years; and of not having been an inhabitant of the State at the time of election. But it does not declare itself that the member shall not be a lunatic, a pauper, a convict of treason, of murder, of felony, or other infamous crime, or non-resident of his district. Nor does it prohibit to the State the power of declaring these or any other disqualifications which its particular circumstances may call for; and these may be different in different States. Of course, then, by the tenth amendment, the power is reserved to the State.

If, whenever the Constitution assumes a single power out of many which belong to the same subject, we should consider it as assuming the whole, it would vest the General Government with a mass of power never contemplated. On the contrary, the assumption of particular powers seems an exclusion of all not assumed. This reasoning appears to me to be sound.

Here we find that Jefferson, after mature reflection and a careful study of the question, unhesitatingly indorses the doctrine for which I contend, that the power to superadd qualifications to those negative ones enumerated in the Federal Constitution is "a power reserved to the States."

A distinguished Republican, who afterward occupied the Presidential chair, once made the following startling statement on this floor:

I believe that the fame of Jefferson is waning, and that the fame of Hamilton is waxing; and that we are gravitating toward a stronger government. I am glad that we are.

If a man can hold a seat on this floor in open violation of the constitution of Kansas, of which State he is a citizen, and which constitution was solemnly sanctioned by both Houses of Congress in the act admitting our State into the Union, then indeed it does seem that we have "gravitated" very near to that consolidated empire of which Hamilton dreamed and for which he plotted. Is it not time that the centralizing ideas of Hamilton should wane a little and that we should go back to the pure democracy of Jefferson?

In support of the great principle for which I contend I have cited the opinions of Randolph, Sawyer, Bibb, Johnson, Troup, Love, Nelson, Clopton, Macon, Marion, Taylor, and Barker—all members of the Tenth Congress, and all Democrats of the old school. I have cited, also, the opinion of Thomas Jefferson, our first Democratic President and the father of the Democratic party. These men were nearly all actors in the great struggle that secured the freedom and independence of the Colonies. They and their associates were the men who framed the Federal Constitution, and they were its first interpreters. Their judgment on a great question like the one now at issue outweighs the partisan opinion of a thousand Storys or Kents. Among those who were committed to the opposite doctrine in that Tenth Congress were L. W. Sturgiss, Josiah Quincy, and Mr. Howard, all Federalists, and elected as such.

Will this House adopt the theory of the Federalists, under the lead of Hamilton and Adams, or of the Democrats of that day, under the lead of Jefferson? This is, after all, the question to be decided in this case.

But I am told the Trumbull case is against me. A brief examination of this case will show that the opposite is true. Lyman Trumbull was elected a member of this House November 7, 1854. Before his term commenced he was elected, February 8, 1855, by the Illinois Legislature to the United States Senate as an anti-Nebraska Democrat. The Democrats of the Illinois Legislature protested against Trumbull's admission as a Senator. This protest was signed by 13 senators and 29 representatives, and referred to the Judiciary Committee, in the Thirty-fourth Congress, first session, December 3, 1855. It was presented by Mr. Cass, and is as follows:

To the honorable the Senate of the United States:

The undersigned senators and representatives of the people of the State of Illinois, and the Legislature thereof, respectfully represent that at a meeting of both houses of said Legislature, convened on the 8th day of February, 1855, for the purpose of electing a Senator for said State to the Senate of the United States for six years from the 4th day of March, 1855, 51 votes were cast for Lyman Trumbull, 47 votes for Joel A. Matteson, and 1 vote for Archibald Williams, and that 1 member of said Legislature was absent. They further represent that the constitution of the State of Illinois contains the following provision in the tenth section of the fourth article thereof:

"The judges of the supreme and circuit courts shall not be eligible to any other office or public trust of profit in this State or the United States during the term for which they were elected, nor for one year thereafter. All votes for either of them for any elective office, except that of judge of the supreme or circuit court given by the General Assembly shall be void."

They further represent that the said Lyman Trumbull was on the 7th day of June, 1852, elected judge of the supreme court of Illinois and was duly commissioned as such for the term of nine years from the 24th day of June, 1852; that he took upon himself the oath of said office, and entered upon the discharge of the duties of the same; that his said term of office for which he was elected is unexpired, and will not expire until the 27th day of June, 1861; and that in and by virtue of the said provision of the constitution of the said State of Illinois the votes cast by the members of the General Assembly for said Trumbull for Senator for said State as aforesaid are null and void; and said Trumbull is not legally elected to the Senate of the United States, and is not entitled to a seat in said Senate; and against said pretended election the undersigned, in behalf of themselves and their constituents, do hereby protest.

UNITED STATES OF AMERICA,
State of Illinois:

I, Alexander Starne, secretary of state for the State of Illinois, do hereby certify that Lyman Trumbull was, on the 7th day of June, 1852, elected judge of the supreme court of the State of Illinois, and was duly commisioned as such for the term of nine years from the 24th day of June, 1852; that he took upon himself the oath of office, and entered upon the discharge of the duties of the same. That said term of office for which he was elected is unexpired, and will not expire until the 27th day of June, 1861.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, this 24th day of February, 1855.

ALEXANDER STARNE, *Secretary of State.*

On Monday, February 4, 1856, the President of the Senate presented a certificate from the governor of Illinois showing that Lyman Trumbull had been elected judge and was disqualified. Mr. Trumbull arose and said:

I had ceased to be a judge more than a year and a half before my election to the Senate. The governor seems to have pretermitted the rest of his statement. I resigned the office of judge, an election was held by virtue of a proclamation from the governor, who signed this paper, and a successor was chosen more than eighteen months before my election to the Senate.

This question came up again in the Senate February 20 on an inquiry of Senator Crittenden, of Kentucky, as to when the committee would probably report. A short discussion followed. Senator Toombs, of Georgia, a member of the Judiciary Committee, said:

I have been unwilling, in common with other gentlemen who are members of the committee, to come to a determination without a further investigation of the grave and important question of conflict between the Constitution of the United States and the constitution of the State. It is not confined to that State, but from a slight examination which I have given to the subject I think the constitutions of half the States in the Union have provisions in them which may be declared void, if the principal question in controversy in this case be decided in a certain way. This is, therefore, a very grave and important matter; it is one on which I am by no means satisfied.

Mr. Trumbull, in stating his side of the case, said:

The constitution of the State of Illinois declares a judge of the supreme court ineligible to other offices during the term for which he was elected. The term for which I might have held the office, it is true, had not expired. I held the office of judge altogether about five years. I was twice elected to hold it. I was elected for nine years at the second election, but under that election I did not hold the office long. I resigned and had been out of office a year and a half when I was chosen to this body. Unquestionably, therefore, the spirit of the constitution of the State of Illinois does not apply to my case, though it is possible the letter may.

Senator Toucey, of Connecticut, asked Mr. Trumbull "if there had been any decision of any court of the State of Illinois to the effect that the provision in the State constitution incapacitating judges of their higher courts from being elected to other offices for the term for which they were chosen and one year thereafter is void, as coming in collision with the Constitution of the United States?" Mr. Trumbull replied that there had been no judicial decision, but he supposed it was competent for the Legislature to pass upon the subject.

Mr. Douglas said the question had never been raised in the courts of Illinois; that "the meeting of the present Congress was the first time when it was possible to raise it;" and he added:

I desire to say that this is an open question; that no decision has ever been given on it by the people of Illinois, by any tribunal in Illinois, or by any tribunal anywhere which could possibly have a right to express an opinion on the subject.

Hon. George E. Pugh, Senator from Ohio, one of the ablest lawyers who ever held a seat in the United States Senate, followed, and, in discussing the provisions in the United States Constitution, said:

I agree that no State can dispense with or subtract from the requisites prescribed in the Federal Constitution, but I can see no pretense for asserting that the States may not superadd any qualification which is consistent with those requisites. A Senator is an officer of the General Government; he is also an officer of his own State. * * * While the Federal Constitution might prescribe certain requisites therefor to secure the interests of the Federal Government, the rights of the citizens of all the States and the welfare of the whole Union; while it might be well to do this, and bind each State to an observance of such requisites, no reason can be assigned why the people of a State might not prescribe other qualifications in addition for the purpose of protecting their separate interests, rights, and welfare.

I agree, of course, that such additional requisites must not only be consistent with those specified in the Constitution of the United States, but with the whole spirit and tenor of that instrument. No mischief can result to the Union or to any State from this course of decision, and it leaves to the States that degree of independence, that reservation of powers, which the tenth amendment to the Constitution so plainly indicates.

* * * * * * *

That the regulations of each State would be applied by the Senate to every case of a contested election I have not a doubt, whether such regulation be expressed in a constitution, an act of the Legislature, joint rule, or consent for the occasion, or even a prevalent usage.

Mr. Pugh, in the same speech from which I have quoted, said:

While I agree that the Senate is an exclusive judge of the election returns of its own members, by the express terms of the Federal Constitution, I understand the rule to be well established and universally applicable that the courts of each State are the most authoritative expositors of their own constitution and laws.

Senator Pugh then laid down two propositions which I think can not be successfully controverted:

First. There is no conflict between the Constitution of the United States and the constitution of the State of Illinois. They are perfectly consistent. Now,

so far as my learning extends, there is no principle more firmly established in the law of England and America than this: that whenever two enactments can stand together, whether they be called constitutions, statutes, or by what name soever, they shall stand together and both shall be obeyed.

I would suggest here that there is no conflict between the Constitution of the United States and that of the State of Kansas, as there is no provision in the United States Constitution requiring that a member of Congress be taken from the bench. A member of Congress comes as an agent of the people.

I submit—

Said Senator Pugh—

that the Constitution of the United States never designed to exalt the agent above the principal, the creature above the creator, the minister above the sovereign, as this proposition assumes.

Mr. Pugh wound up his ablè argument by declaring:

If Mr. Trumbull be permitted to occupy his seat after the evidence we have heard it would be an occurrence unprecedented, as I believe, in the history of representative governments; it would exhibit the anomalous spectacle of a gentleman representing the State of Illinois by our sanction when the electors of that State have said in their fundamental law that he should not represent them; it would be a gross affront to one of the sovereign constituents of the Union; it would strike down at one blow the constitutions of twelve or sixteen States; it would be another stride, longer than any stride yet taken, toward that consolidation of powers in the Federal Government which has already grown to an inordinate degree, and from which more than from any other cause a deadly peril threatens us.

Senator Adams, of Mississippi, said:

If a question arises as to the eligibility of a member, under any qualification prescribed by the Constitution of the United States, I judge of that myself as a member of this body; but if the question of eligibility arises from the construction of the constitution or laws of a particular State, I take it for granted that the construction which the State places on it is correct, and I act upon it, without regard to the question whether I would as a member of the State Legislature have decided in the same way or not. * * * I therefore look upon it as a settled question that the action of the Legislature of a State is binding upon this body so far as their State constitution and laws are concerned; and that we will take it for granted, and not inquire whether they have decided right or wrong according to our notions.

Senator John P. Hale held the same view. In the course of his remarks he used this language:

I believe that, whatever the constitution of Illinois may mean, the Legislature of Illinois is the ultimate and final tribunal to settle it. They have settled it; and as they have settled it their action is conclusive, and I place myself on this ground.

Mr. Trumbull again said:

The clause in dispute in the constitution of the State of Illinois is a peculiar one; it embraces only ten or a dozen lines. I apprehend that, on a close examination of it—I doubt whether the constitution of Illinois intended to apply at all to any officer except an officer of the State. The language is:

"The judges of the supreme and circuit courts shall not be eligible to any office of public trust or profit in this State, or in the United States, during the term for which they are elected, nor for one year thereafter. 'In this State or the United States' is the language. What officers? Officers of the State of Illinois, in the State, or the United States."

It seems plain that Trumbull and his friends were not claiming the right to nullify the constitution of Illinois; but the whole effort was directed to showing that they were not violating said constitution.

Senator Crittenden, of Kentucky, who had the matter in charge, made an elaborate speech in favor of Trumbull. After quoting the provisions of the constitution of the State of Illinois, he said:

What was the intention of the framers of this provision? It was to preserve the independence of their judiciary, and to prevent the possibility of one of the judges of the State using the influence of that office to obtain another. That is the reason and the sole reason for this prohibition; and, to accomplish this object, the constitution of Illinois provides, not only for ineligibility during the term of nine years, but one year thereafter, lest he should, by anticipated contrivance, intrigues, and influence, provide for another office by the use of the influence which his present office affords. One year after the expiration of his office was supposed to be sufficient for that purpose. Here is a case where the office of this gentleman has been determined eighteen months before he was elected a member of this body. * * * If it apply to him from the moment of resignation, it could, by analogy, apply only for the term he actually served and one year thereafter. That would be preserving the analogy exactly. * * * It is perfectly clear to my mind, then, Mr. President, though perhaps I should not speak so strongly before this honorable body, it is quite clear and my mind is quite satisfied that this case does not come within the meaning and the purview of the constitution of the State of Illinois.

The Senators in that celebrated case did not wish to violate the constitution of Illinois; and many of them seem to have held the opinion that, as no court in that State had decided that the inhibition attached to the person, and continued for one year after the term of office had expired by law, the rule of exclusion did not apply.

Senator Trumbull in that case nowhere claimed the right to nullify the constitution of Illinois. His friends did not claim that right. When they voted they did not consider that they were violating the spirit at least of the constitution. They did not claim the right to nullify one-half of the constitutions of the Union. It is true that George E. Pugh, with the leading Democrats in the Senate, considered it a violation of the letter of the constitution of Illinois. It is true that the governor of Illinois, with every Democrat in both branches of the Legislature, protested against the violation of the letter of their constitution. But, as the spirit was not violated, the Senate, under that clause empowering Congress to judge of the qualifications of its own members, allowed Trumbull to retain his seat. But I affirm that no one who reads that debate carefully will insist for a moment that Trumbull would have retained his seat in violation of the spirit and letter of the constitution of Illinois.

In the Senate that admitted Trumbull were sixty-two members. Of these thirty-four were Democrats; the balance were Whigs and Republicans. Thirty-five Senators voted to seat Trumbull. Of these less than one-half were Democrats, and twenty-four were Whigs and Republicans. Of the Senators who voted to seat Trumbull only six claimed that they had the right to invalidate the constitution of Illinois. Twelve Senators who spoke on the subject claimed that it was not a violation of that constitution. Eight Democrats claimed that it did violate the letter of the constitution of that State, and voted against his admission. A majority of the Democrats voted "no" or did not vote. So much for that precedent.

But the reasoning in the Trumbull case does not meet the law of my case. The constitution of Kansas is explicit; both its letter and spirit have been violated. Our supreme court has decided that the inhibition attaches to the person and extends through the whole term for which he was elected.

Judge Trumbull had resigned his seat on the bench eighteen months before he offered himself as a candidate for Congress and twenty-one months before his election to the United States Senate. He had not violated the constitution of his State by dragging the judicial ermine into the mire of party politics and making his judgeship a stepping-stone from which to mount to a seat in Congress. He had observed the spirit of the constitution of Illinois by surrendering to the people the trust they had bestowed; and he had done that so long before he offered himself as a candidate for political office, that no one could charge him with using the great power and influence of his judgeship for electioneering purposes. Such was the judgment of learned lawyers in the Senate who awarded him a seat in that body.

The case of Turner *vs.* Marshall, in the Thirty-fourth Congress, was decided on substantially the same ground. Turner and Marshall were opposing candidates for Congress in November, 1854. Marshall received 8,497 votes and Turner 2,912. Marshall had been a judge of the circuit court of Illinois, elected June 10, 1851, and commissioned for four years. He resigned that office August 10, 1854, before he became a candidate for Congress, and sixteen months before the meeting of the Thirty-fourth Congress. This House followed the precedent adopted by the Senate in the Trumbull case, and decided that the spirit of the constitution of Illinois had not been violated, as Marshall had resigned his judgeship sixteen months before presenting himself to take the oath of office as a member of the Thirty-fourth Congress. His term of office as judge would have expired twelve months before the meeting of that Congress. The House in 1856 contained, as I recollect, one hundred and seventeen Republicans and only seventy-nine Democrats, the balance Whigs and Know-Nothings.

Both the Senate and the House, in these two cases, acted on the theory that there was an implied construction put upon the constitution of Illinois when the Legislature elected Trumbull United States Senator. I admit that there were men in both Houses of Congress who clung to the logic of the old Federalists, and insisted that the States had no voice in the matter of fixing qualifications of members of Congress; but this only shows that Federalism was not yet dead, and that the leopard had not yet changed its spots.

THE DEMOCRATS OF ILLINOIS.

The Democrats of Illinois, headed by such men as Governor Palmer and Judge Trumbull, occupy no doubtful position on this question. In the last session of the Illinois Legislature, on January 10, 1883, in the house of representatives, the following proceedings took place:

Mr. Herrington offered the following resolution:

Whereas it will be the duty of the members of the Thirty-third General Assembly, now in session, to elect a Senator in the Congress of the United States, to serve for a term of six years, beginning on the 4th day of March, 1883; and

Whereas section 5 of article 5 of the constitution of the State of Illinois, which the members of this house have sworn to support, provides that "neither the governor, lieutenant-governor, auditor of public accounts, secretary of state, superintendent of public instruction, nor attorney-general shall be eligible to any other office during the term for which he shall have been elected:" Therefore,

Resolved, That it is the sense of this house that none of the officers of the State mentioned in the aforesaid article of the constitution should be voted for by the members of this house for the office of United States Senator, but should serve out the full terms of the offices to which they were elected by the people of the State.

Resolved, That it is the sense of this house that a proper construction of said section 5 of article 5 of the constitution is that the framers thereof intended to prohibit the bartering of the official patronage of the State by any of such officers to aid them in securing votes or influence in securing any other official position.

Mr. Fuller moved to make the foregoing resolution a special order for to-morrow morning, immediately after the reading of the journal.

Thereupon Mr. Littler moved to commit said resolution to the committee on judiciary. Pending discussion, Mr. Hoffman moved the previous question. The point of order raised by Mr. Herrington that, this being a subsidiary question, the previous question does not lie was overruled by the speaker. And the question being "Shall the main question be now put?" and the yeas and nays being demanded, resulted as follows—yeas 77, nays 66. And the motion prevailed.

The question now being on the motion to commit to the committee on judiciary, the roll of members being called, it was decided in the negative by the following vote—yeas 37, nays 104. The question now recurring on the motion of Mr. Fuller, to make the consideration of said resolution a special order for to-morrow morning immediately after the reading of the journal, and the roll of members being called, it was decided in the affirmative by the following vote—yeas 97, nays 46.

THURSDAY, *January* 11, 1883—9 o'clock a. m.

The time having arrived, the hour fixed for the consideration of the resolu

tion offered by Mr. Herrington relating to section 5 of article 5 of the constitution of Illinois, the same was taken up. Pending the consideration, Mr. Quinn offered the following amendment to said resolution, and moved its adoption:

"*And be it further resolved*, That a proper observance of section 5, article 5, of the constitution forbids that any person who has at any time in the past been elected to the United States Senate in violation thereof should now be voted for by members of this house for the office of United States Senator; and that the principle enunciated in the second resolution forbids that any person holding any State or Federal office, executive or legislative, which gives him control of any official patronage in the State which has been or can be used to aid him in securing votes should be voted for by members of this house for United States Senator."

Negatived by a vote of yeas 21, nays 119.

Mr. Thomas offered the following as a substitute for the resolution, and moved its adoption:

"*Resolved*, That it is the opinion of this house that section 5 of article 5 of the constitution does not prohibit the Legislature electing either of the State officers named therein to the Senate of the United States."

And the substitute was lost.

The question again recurring on the original resolution, pending the consideration of the same Mr. Pearson, of Madison, moved that the House do now adjourn.

The yeas and nays being demanded, it was decided in the negative by the following vote: Yeas 55, nays 88.

Another resolution was offered as a substitute and voted down, when the proceeding closed as follows:

The question again recurring on the resolution of Mr. Herrington, and the yeas and nays being demanded, it was decided in the affirmative by the following vote: Yeas 80, nays 65.

Those voting in the affirmative are Messrs. Abrahams, Baker, Bez, Billings, Brink, Caldwell, Canning, Carlin, Clark, Cleary, Clinton, Cox, Crafts, Crandall, Cronkrite, Day, Downing, Duffy, Dugan, Felker, Fellows, Fuller, Gallop, Greer, Gregg, Haines, Hay, Herrington, Hiatt, Higgins, Jennings, Kimbrough, Kinman, Klupp, Lawrence, Linegar, McNally, Messick, Mette, Moore, Morrison, Murray of Sangamon, Murray of Scott, Newton, O'Connell, O'Shea, Parish, Pearson of McDonough, Pratt, Purnell, Richardson, Ricks, Rogers, Rook, Roundtree, Rowland, Sexton, Seyster, Sheridan, Starkel, Stevens of Hancock, Stevens of Montgomery, Sullivan of Cook, Sullivan of Saint Clair, Symonds, Taylor of Cook, Taylor of Kankakee, Templeton, Updyke, Utiger, Varnell, Vaughey, Walsh, Welch of Kendall, Welch of Bureau, West, Wiley, Willoughby, Wood of Cook, Yancy—80,

Those voting in the negative are Messrs. Adams, Ansley, Bethea, Black Boardman, Boyer, Brown, Calhoun of De Witt, Calhoun of Vermillion, Cleaveland, Coates, Collier, Cook, Cowperthwaite, Crews, Crocker, Curtis, De Bord, Emerson, Erwin, Ewing, Fairbanks, Funk, Goodspeed, Hammond, Harper, Hawker, Hawks, Hester, Hoffman, Honey, Hoskinson, Johnson, Jones, Kennedy, Lackie, Littler, McCartney, McFie, Manahan, Mathews, Mitchell, Nichols, Nowers, Parker, Pearson of Madison, Pedersen, Quinn, Ray, Roane, Scurlock, Stimming, Struckman, Studer, Sumner, Sundelius, Thomas Thompson of Peoria, Thornton, Tryon, Walker, Wendell, Wood of De Kalb, Worthington, Mr. Speaker—65.

It will be observed that not only all the Democrats in the Illinois house but many Republicans committed themselves to the doctrine for which I contend.

Now mark how totally different is the ground upon which Judge Peters stands from that occupied by both Trumbull and Marshall. If either of these gentlemen had been on the bench at the time of his election, I repeat the question, can any reasonable man believe, after examining the debates in those cases, that either would have been awarded a seat in the Senate or House? Judge Peters was on the bench when he offered himself as a candidate for Congress; he was on the bench when the election was held; he was on the bench when he received his certificate of election; and he continued on the bench for some time afterward, holding two commissions for totally different offices at one and the same time, in open violation of the constitution of Kansas and in derogation of an explicit and positive ruling of the supreme court of our State. He drew pay as a member of this House ten months before his term as judge expired. His term of office as judge had not expired when he took the oath as a member of this body.

In the Marshall case the report of the Committee of Elections did not accompany the resolution, was not made for twelve months after, and formed no part of the final decision of the House, and was never adopted by the House, the committee's statement to the contrary notwithstanding. Mr. Harris, a Democrat from Illinois, gave to the subject and the principle involved a critical and profound examination, and stated the true democratic theory of government. In the course of his speech Mr. Harris said:

If the members of this House decide that the sitting members are entitled to their seats they strike down by that decision not only the constitution of the State of Illinois but the constitutions of one-half of the States of the Union.

I admit that if the constitution of the State of Illinois conflicts with that of the United States, the latter is paramount and the former will have to give way; but I contend that there is no conflict between the two, and that by deciding against the rights of Messrs. Trumbull and Marshall (whom I shall call the sitting members) both constitutions may stand and be in full force without any jar or discord.

If both seats are declared vacant, whether the contestants are admitted or not, no violence will be done to the Constitution of the United States; but by admitting their rights to the seats and excluding the contestants the constitution of Illinois is trampled under foot by this House.

* * * But it will be at once perceived that the provision of the Federal Constitution just cited does not impose any limitation or restrictions upon the States to add other qualifications if they choose. If it had been so intended how easy it would have been, how natural it would have been, for the framers of that instrument who desired that there should be no doubt or ambiguity as to its import to have said, "Any person may be a Representative," &c.

These great provisions are declared by Mr. Jefferson to be the corner-stones of the Constitution; but instead of making them the head of the corner, they are too often rejected by the builders as unworthy of notice. When, therefore, the Constitution declares a man must be twenty-five years of age, must be an inhabitant of the State from which he comes, and must have been for seven years a citizen of the United States, it must be taken in connection with the declaration that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people; and before we strike down with the arm of Federal power the rights of a State and the constitution of a State we must find the power to do it in the Constitution itself or find that State constitution in clear repugnance to that of the United States.

Now, I ask if there is any power delegated here that should prohibit the States from adding qualifications to their Representatives. If not, then the obvious and necessary construction that must be placed upon these provisions must be that the States have the right to impose any additional qualifications or restrictions which they in their wisdom should think proper, provided always that such restrictions do not come in conflict with the Constitution of the United States. * * *

I maintain that the States have a right to adopt these limitations, and I dare any gentleman, learned or unlearned, to point to the provision of the Constitution which prohibits a State from making them. It can not be found in the Constitution. It is an assumption of power, and one which every day's experience teaches us that it is time to curb.

Power begets power. Possession of power stimulates a desire to increase it. First the judiciary strikes down a State, then the Senate strikes down a State; and now the House of Representatives has, for the first time in our history, an opportunity to do the same thing. * * * It is very kind of the gentlemen thus to take care of the States and prevent them from doing anything frivolous and foolish. It is extremely kind of them to suppose that the States require their guardianship in this matter. True, the people of the States were themselves able to frame the Constitution of the United States; they had originally that capacity, but having framed it and organized the two Houses of Congress, they are no longer capable of determining who are proper persons to represent them here. Congress, as a legislative body, must take them under its guardianship. It must determine whether the wishes of people are sensible and right or whether they are frivolous and foolish. * * * I confess, sir, that when the question was first presented to my mind I came to the conclusion that the provision in the constitution of the State of Illinois was in conflict with the Constitution of the United States, and was of course worth nothing; but upon examination of the question the conclusion was irresistibly forced upon me there was no conflict—that both constitutions are in entire harmony. The Constitution of the United States provides certain qualifications, but it does not prohibit the State from adding others thereto, provided they do not conflict with those enumerated in that instrument.

Senator Stewart, of Michigan, in the Trumbull case, used this forcible language:

It is important to consider in connection with this subject the fact that there is no necessity incumbent upon an individual to receive and hold a judicial office to which this disability is attached. To every citizen of a State is left the decision of the question whether or not he will accept the office of judge under the constitution of his State. If he does accept it, he voluntarily assumes to himself the disability following upon the honors and responsibilities conferred. I have said, and I beg Senators to bear in mind, that this disability has been deliberately fixed by the various constitutions of those States of the Union in which it is contained as a matter of stern necessity, in the opinion of those who formed those constitutions.

This is precisely the case now at issue. Judge Peters voluntarily took upon himself the duties and responsibilities of a judgeship in Kansas with this disability attached.

I appreciate that this House is invested with authority to judge of the election and qualifications of its own members; and I know, also, that when it sits in this quasi-judicial capacity it is governed by the laws of the country, State as well as national. It possesses no arbitrary power, and it was not the habit of this body in the earlier and better days of the Republic to exercise any such power. I am aware that the Republican majority on this floor in times past have occasionally adopted the questionable policy of voting Democrats out and Republican contestants in. But I am not here to ask Democrats to emulate so narrow a policy. It matters not whether Judge Peters or myself holds the seat on this floor; men are nothing, the principle involved everything.

A question similar to the one under discussion came up in the Forty-second Congress, in the case of Bowen *vs.* De Large, from South Carolina. The committee found that De Large had less than a majority of the votes cast at the election, and that he was not entitled to his seat. Also that Bowen was ineligible under the constitution of South Carolina. In their report the committee say:

It further appeared that on the 19th day of October, 1870, on the same day when he claims to have been elected to this House, the contestant was chosen a member of the house of representatives of the State of South Carolina for the period of two years; and on the 1st day of November, 1872, he took the oath of office, and took his seat as a member of said house. It further appeared that in the fall of 1872 the said Bowen was elected sheriff of Charleston, S. C., for the term of four years, and on the 10th of November, 1872, took the oath of office and entered upon the duties of the same, which office he now holds. These offices are, in their nature, incompatible with the office of member of this House, and are expressly declared to be so by the constitution of South Carolina. Some of the committee are of opinion that the acceptance of these offices by Mr. Bowen disqualified him from the prosecution of a claim to a seat in this House, and from taking a seat therein, if he shall be found to have been duly elected.

This report was written by Hon. GEORGE F. HOAR, and was signed by Representatives McCrary, HOAR, Merrick, Hazleton, Arthur, and Rice.

The provision in the constitution of South Carolina to which the committee referred is as follows:

No person shall be eligible to a seat in the General Assembly while he holds any office of trust or profit under the State, the United States of America, or any of them, or under any other power.

Mr. Bowen made an able argument to show that the object of this provision of the constitution was not to fix the qualifications of members of Congress, but local officers of their own State government.

Hon. GEORGE F. HOAR, an eminent lawyer of the Old Bay State, now a Senator in Congress, and chairman of the Senate Committee on Elections, in closing the debate, said:

When the whole case was in, it further appeared that within about two months of the present time the contestant accepted the office of sheriff of Charleston, and took the oath to perform its duties—an office which is also incompatible, by the express terms of the constitution of South Carolina, with a seat in this House, and which is to continue for four years, or thereabout, from the time he took it.

It is difficult to see how any man who has sworn that for four years he will exercise the incompatible duties of sheriff of Charleston can consistently present himself and ask to be sworn to exercise at the same time the duties of a member of this House, the assumption of both offices requiring an oath to support the two constitutions which make those duties incompatible.

Mr. Butler inquired:

What have we to do with the constitution of South Carolina?

Mr. HOAR said:

I understand that we have a good deal to do with a prohibition in a State constitution, which a member is sworn to support and which disqualifies him to hold office.

The report was adopted January 24, 1873, without a division.

It is to be regretted that this eminent constitutional lawyer is not now a member of this House. I should like to hear his voice ring out in this Hall in support of the principle for which I contend. I should like to see the righteous scorn with which he would denounce the attempt of a member to hold a seat here in violation of an express provision of the State constitution which he had sworn to support, and in the face of a decision of the supreme court of that State. I can imagine how his classic brow would flame with virtuous indignation when he would exclaim, as he did in the Bowen-De Large case:

It is difficult to see how any man who has sworn that for four years he will exercise the incompatible duties of judge of the ninth judicial district of Kansas can conscientiously present himself and ask to be sworn to exercise at the same time the duties of a member of this House, the assumption of both offices requiring an oath to support the two constitutions which make these duties not only incompatible, but absolutely prohibit them.

If some gentleman on the Republican side should ask, "What have we to do with the constitution of Kansas?" I should expect to hear his eloquent reply:

I understand, sir, that we have a good deal to do with a prohibition in a State constitution which a member has sworn to support, and which disqualifies him to hold office here.

The majority of the committee say, as does the gentleman from Pennsylvania [Mr. ELLIOTT]:

The States have no power to superadd other qualifications, for the reason that such powers can not, in the nature of things, be found among the reserved rights of the States, and no such power is delegated to them by the Constitution.

Shades of Jefferson! As I have shown, the powers delegated to the General Government were enumerated; those not enumerated were reserved to the States or the people. Who ever before heard of States in convention delegating powers to themselves? These States were reserving powers not delegated. If there be a future life, and those who have passed over are conscious of what is transpiring here, I can imagine how Alexander Hamilton must have chuckled over this report. I can also imagine the feelings of Jefferson when he saw all of his cherished theories of government repudiated by his professed friends.

When the Constitution of the United States was formed the right of each State to be represented in Congress existed under the Confederation, and was reserved with certain limitations. It would be nonsense to say that the Constitution of the United States delegates to the State the right to send Representatives to Congress. It was sovereign States, which had just secured their independence, that met in convention for the purpose of forming "a more perfect Union."

Section 3, article 14, of the amendments to the Constitution of the United States provides, and I call the attention of the gentleman from Pennsylvania to this—

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

Suppose that was the only provision of the Constitution on the subject of the qualification of members of Congress or officers of a State, would it be claimed for a moment that no others could be added? Would any one pretend that this fixed the qualifications of members of Congress or of State Legislatures? If so, it would not be competent for Congress or the States to require more, as it would fix those of members of State Legislatures, as well as judicial and other officers of the States. It must have been the intention to allow the States to superadd any qualifications they saw proper to impose that did not conflict with this inhibition. Now, read these two provisions together:

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

And—

No person shall be * * * a Representative in Congress * * * or hold any office, civil or military, * * * under any State, who, having previously taken an oath, &c.

It will be seen that the same principle is involved in the one case as in the other; and if it fixes the qualifications of members of Congress, it fixes those of State Legislatures; and if the States can not superadd in the one case, they cannot in the other. The Constitution is the supreme law of the land.

Mr. Speaker, there must be a power somewhere to add other disqualifications or to prescribe needed qualifications; and the only question would be, where is this power lodged? As it was not delegated to the General Government, it was, of course, reserved to the States. That Congress possessed the power to prescribe other qualifications or disqualifications was never dreamed of in the early history of our Government.

The ninth amendment to the Constitution of the United States is in these words:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

It seems to me that the power on the part of Congress to prescribe any additional disqualifications for members of Congress is prohibited by the ninth amendment, and that such power was retained by the States or the people. All that Congress can insist upon is in the Constitution. Other restrictions are among the reserved rights of the States. No one ever questioned the right of a State to apportion itself into districts and to require that the member should reside in his district. Of course, if a State can do this, it can fix other qualifications or disqualifications, as the Federal Constitution only provides for inhabitants.

It is our State that is being stricken down to-day; it is the young State of Kansas that lies bleeding at your feet, begging you to respect her constitution. To-morrow it will be yours. This imperial car of Juggernaut will roll on until State lines are obliterated and we have one grand, centralized, consolidated empire. If the report of the majority of the Committee on Elections is sustained, you nullify the constitutions and laws of over thirty States. In this case you take a longer stride toward centralization than the Republican party has done since the war.

Democrats, I ask you if you can afford to do this? Republicans, can even you afford to be placed in this position? Democrats, if we are to go back on the principles advocated by Jefferson, the father of Democracy, if we are to go back on State rights as advocated by the fathers, if we are to spell nation with a big N, why go to Chicago a month after the Republicans? Why not go at the same time, camp on the same ground, and be as one of them?

I think it was in 1842 that Congress passed the first law requiring the States to be divided into districts. That law provided that where a State is entitled to more than one Reprepresentative, the number to which each State shall be entitled under this apportionment shall be elected by districts, composed of contiguous territory, equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative.

The Legislatures of four States repudiated this law, declaring that Congress could not determine the qualifications of a member of Congress. Four States totally disregarded the law and elected on a general ticket. These cases were referred to the Committee on Elections, of which Stephen A. Douglas was a member. It raised the question of State rights. Douglas recommended the passage of the following resolutions:

Resolved, That the second section of "An act for the apportionment of Representatives among the several States according to the Sixth Census," approved June 25, 1842, is not a law made in pursuance of the Constitution of the United States, and valid, operative, and binding upon the States.

Resolved, That all the members of this House (excepting the two contested cases from Virginia, upon which no opinion is hereby expressed) have been elected in conformity with the Constitution and laws, and are entitled to their seats in this House.

The House, by a vote of 128 to 57, decided in favor of admitting the members and against the right of Congress to dictate to the States how they shall elect their members.

The late Speaker of this House seems to have recognized this doctrine in the Skinner case in the present Congress. Mr. SKINNER was commissioned as a Representative from the State of North Carolina. He was commissioned by the governor, as all State officers should be, and not by the President, as all Federal officers must be. Mr. KEIFER, in the preamble to his resolution, recognized SKINNER as representing a district, and not the whole State; and yet the ex-Speaker says:

To admit him to the seat would leave the said county of Bertie without any district representation in this Congress, and the said county of Carteret would be doubly represented.

This whole district system comes from the States, under the reserved power of the States, and was practiced over fifty years before the pretense was set up that Congress had anything to say about it.

Suppose the Legislature of Kansas had been in session when the vacancy occurred in the old second district of that State by the death of Mr. Haskell. That district no longer exists, a new apportionment having been made. Suppose the Legislature had declared the vacancy to exist in the sixth district, where Mr. Haskell lived, and had provided for filling that vacancy from the sixth district. Would any one have disputed the right of our Legislature to do this? This House has knowledge of the vacancy, and if a man comes here duly commissioned by the governor of Kansas I apprehend he would get his seat. Suppose, on the other hand, that the governor had issued his proclamation to fill the vacancy by an election in the sixth district; that a member had been elected in that district and duly certified or commissioned by the State. Would any one question the legality of such election?

Presidential electors are apportioned among the States precisely as are members of Congress. One is nominated for each district, but elected on a general ticket. Would any one question the right of a State to

apportion them and elect by districts as we do members of Congress? This was originally the practice in some of the States. I believe this doctrine had the sanction at least of the last national Republican convention.

The constitution of the State of Kansas says the contestee is not eligible. The supreme court of the State of Kansas has passed upon this very question. In the famous case of the State on the relation of J. H. Watson *vs.* N. Cobb (2 Kansas, 33), the court said:

It is clear that it is not the intention of this provision to prescribe rules by which the existence of a vacancy in any of the judicial offices named is to be ascertained. Even after a removal from or a resignation of office the justices and judges are still plainly and unequivocally bound by the constitutional inhibition until the expiration of the office. The object sought to be accomplished by this provision is that our high judicial officers may be removed as far as possible from the temptation to use the power and influence of their positions and authority for their own advancement; to prevent their minds from being distracted from their legitimate duties by ambitious hopes and struggles for preferment; to raise them above those political and partisan contests so unbecoming the desired purity, impartialty, and calmness of judicial character.

Its effect is to prevent the acceptance of any other office by a judge or justice the term of whose judicial office has not yet expired, and to render such acceptance void.

The ineligibility of the justices and judges attaches to them as individuals, and not merely in office, and extends not only while they hold office but during the term for which they are elected; nor is the principle changed when the office emanates from another authority; the constitutional inhibition remains the same. It is still the law, which governs the courts of this State, an unchanging and unbending rule, from which there is no escape. It is true that as a government the State of Kansas has no control over the eligibility or qualification of the United States.

It will be seen that according to this ruling of our supreme court, which interprets the clause of our State constitution now in dispute, Judge Peters was not eligible to a seat on this floor when he was voted for, was not eligible when he took the oath as a member, and that his retaining a seat in this body would be in direct conflict with our State constitution. This the majority report admits, as does the gentleman from Pennsylvania. The ineligibility of our judges attaches to them as "individuals," and not merely as officers; and that disqualification continues, says our supreme court, "during the whole term for which they are elected." This construction of our constitution, according to all precedents, must have a binding force and influence in controlling the action of this House. If the Constitution of the United States fixes the qualifications of members of Congress in the article referred to, and the maxim of "*Expressio unius est exclusio alterius*" is to control, it would not be competent for the people in State convention, the Legislature, or Congress to fix any additional qualifications.

If that doctrine be correct, then the man who gets the most votes must have the seat. The rule would not work much harm to me, as the official returns show that I had 25,000 more votes than the Democratic ticket; that I had 5,000 more than the Democrats and Nationals combined; I had more votes than Governor Glick, our present governor; I had over 10,000 more votes than St. John, the Republican candidate; 61,000 more votes in the State than FUNSTON, who has just been sworn as a member. In the old second district FUNSTON only beats my vote, in 1882 369 votes. I had 42,000 more votes in the State than ANDERSON, 51,000 more than RYAN, and 61,000 more than Haskell. If the voting had been limited to districts, without reference to residence, I would be elected, as I had 148 more votes in the second district than the late Mr. Haskell.

If the Federal Constitution fixes all the qualifications of a member of Congress, how could you exclude a man who had been convicted of bribery under a law like that of 1790, which declared that "a person convicted of bribery shall be forever disqualified to hold any office of honor or trust under the United States?" Would gentlemen dodge this proposition by claiming that a member of Congress is a State officer? They are driven to this dilemma, or they must admit that men may be disqualified by the States acting outside of the negative restrictions imposed by the Federal Constitution. I grant that it is not in the power of the States or of Congress to add to or subtract from any affirmative and express provision of the Federal Constitution. No such affirmative grant of power to fix the qualifications of members of Congress is found in any part of the Constitution of the United States. Acting strictly within the letter as well as the spirit of the Federal Constitution, Kansas fixed in her constitution a disability by declaring that a person holding the office of judge in our State should not be eligible to a seat in this body. This was deemed necessary by the framers of our constitution and by the people when they adopted it to protect the purity of our judiciary.

If we concede that Congress, and not the States, has this power to superadd qualifications, and this is the position in which this majority report places this committee and the House, then clearly Judge Peters must be denied a seat on this floor, for the reason that both Houses of Congress by an act that is irrevocable approved and sanctioned that provision of our State constitution which makes him ineligible. The disqualifying words in that section of our constitution are affirmative and explicit—

Not hold any other office of profit or trust under the authority of the State or the United States during the term of office for which said justices or judges shall be elected.

This very clause was in our constitution when it was adopted by the people of Kansas July 29, 1859, it was there when Congress passed the act of January 29, 1861, admitting our State into the Union, and was a part of the compact between that State and the General Government. It is inviolable, irrevocable. If Congress had the right to sanction a State constitution containing a restrictive clause like that and did sanction it, then Congress is bound to maintain the integrity of that State constitution, and this House is bound to maintain it when its violation is attempted on this floor.

Men have knocked at these doors asking admission in this body, and this House has said: "We can go beyond the limits prescribed in the Constitution and refuse them seats, although they possess every requisite named in that instrument." But a judge, who has sworn to support the constitution of his State and the United States, comes here to claim a seat in violation of the constitution of his State, and we are told by the same men and the same party, that the qualifications of members are fixed in the Constitution of the United States, and that we can not add to or subtract from them. Is this sound logic or good law?

Let me call your attention to another fact. The Constitution of the United States contains the following provisions:

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and the States, shall be bound by oath or affirmation to support this Constitution.

Apply the doctrine of *expressio unius est exclusio alterius* to this provision, and tell me where a State obtains the right to say that a member of a State Legislature shall take an oath to support the State constitution. Was this not one of the rights reserved to the States and to the people? It is a right which the States possessed before the Federal compact was formed.

THE TEST-OATH.

I am now led to inquire, and I hope some gentleman on the other side will inform me, where Congress gets the power to prescribe an additional oath as a condition of membership here—an oath requiring special qualifications unknown to the Federal Constitution? On the 2d day of July, 1862, when almost unanimously Republican, Congress passed the following test-oath law:

Be it enacted, &c., That hereafter every person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval department of the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation: "I, A B, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto; and I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter: so help me God;" which said oath, so taken and signed, shall be preserved among the files of the court, House of Congress, or department to which the said office may appertain; and any person who shall falsely take the said oath shall be guilty of perjury, and, on conviction, in addition to the penalties now prescribed for that offense, shall be deprived of his office, and rendered incapable forever after of holding any office or place under the United States.

This House construed that law as being applicable to members of Congress. After its passage members were required to take that oath before they could occupy seats on this floor. What becomes of the doctrine of *expressio unius est exclusio alterius* when applied to the Federal Constitution in connection with this law? Here are a dozen disqualifications wholly unknown to the Constitution, and here is an oath wholly outside of and not authorized by that instrument, which members were required to take. Under this law seats were refused to scores of men who possessed all the qualifications known to the Constitution, and who were ready to take the oath which it prescribes. This constitutional oath has never been changed.

The case of John Young Brown, in the Fortieth Congress, is in point. Brown had received 8,922 votes. Smith, the contestant, had 2,816 votes; a clear majority for Brown of 6,106. Brown was qualified under the Constitution of the United States, and was ready to take the constitutional oath and also the test-oath. No one doubted this. As the minority of the committee expressed it—

At the time of the election Mr. Brown possessed every qualification for a Representative in Congress which is expressly prescribed in the Constitution of the United States.

But the majority of the committee and the House declared him ineligible under this act of 1862. The vote stood 108 to 43, thus deciding that all the qualifications requisite for a member are not to be found in the Constitution, and that Congress may superadd others.

This House, on the 22d of March, 1864, passed the following resolution:

That in all contested-election cases referred to the Committee of Elections, in which it may be alleged by a party to the case, or a member of the House, that either claimant is unable to take the oath prescribed in the act approved July 2, 1862, entitled "An act to prescribe an oath of office, and for other purposes," it shall be the duty of the committee to ascertain whether such disability exists; and if such disability shall be found to exist, the committee shall report to the House, and shall not further consider the claim of the person so disqualified without the further order of the House; and no compensation will be allowed by the

House to any claimant who shall have been ineligible to the office of Representative in Congress at the time of the election, and whose disability shall not have been removed by act of Congress.

Here it was made the duty of the committee to ascertain, not whether a man was qualified under the Constitution of the United States, but whether he was eligible under this act of Congress. It strikes me that the Republicans who passed this law and this resolution and insisted upon their application to members of Congress are estopped from saying that all the qualifications and disqualifications are fixed in the Constitution.

Republicans in this House dare not say that Congress can not add to the negative qualifications in the Constitution for members of this House, for in that case they would be admitting that this House for twenty-two years has been organized and controlled by an unconstitutional law. If Congress can add to the constitutional inhibitions or qualifications, then Congress did add to these inhibitions when Kansas was admitted into the Union with this provision in her constitution prohibiting judges on the bench being elected to seats in this body. The convention that framed the constitution of Kansas was almost unanimously Republican; the people who adopted it were three-fourths Republican. Congress when Kansas was admitted was also largely Republican; in fact, Kansas was the first-born of the Republican party. Yet we have the strange spectacle of the Republicans in this House voting to nullify a constitution they made, and agreed to by the unanimous Republican vote in this House in 1861. Will political wonders never cease?

This majority report places the Committee on Elections in the same position.

The constitutional convention of Illinois in 1862 apportioned that State for members of Congress. The convention divided the State into fourteen districts. Jameson, in his work entitled "Jameson on Constitutional Conventions," doubts the power to do this, but admits that it is customary for States when they form their first constitutions to make provision for the election of member of Congress, and says:

Congress having the power to make or alter, doubtless might ratify such regulations however made; or if a State, actual or inchoate, were in such a condition that it had no lawful Legislature, Congress might itself, for the sake of convenience, establish them by its direct action. This it does in substance by anticipation in those cases which it accepts, and admits into the Union Territories presenting themselves with constitutions containing the apportionments referred to.

In the act of Congress admitting Kansas into the Union I find the following:

Until the next general apportionment of Representatives the State of Kansas shall be entitled to one Representative in the House of Representatives of the United States.

That is, Kansas should be entitled to one Representative, who must be eligible under the disqualifying clause in her State constitution. In other words, she must not elect one of her judges, as it had just been agreed in the compact between the State of Kansas and the General Government that a judge in that State should not be eligible to a seat on this floor. Let gentlemen apply here the maxim of *expressio unius est exclusio alterius*. Let them answer me whether this disqualifying clause in our constitution was not made an act of Congress in that act of admission. If the contestee is permitted to hold a seat here, you violate not only the constitution of Kansas, but this act of Congress and the compact solemnly entered into between us and the General Government.

This is the old question over again—a contest between those who agree with Hamilton, that the States should surrender all muniments of sovereignty to an all-absorbing central authority, and those who believe with Jefferson that the States are sovereign within their respective spheres, limited only in their rights of local self-government by express grants of power in the Federal Constitution. This issue was intensified and clearly defined during the administration of John Adams. The Republicans or Democrats, when they held their Congressional caucus which nominated Thomas Jefferson in 1800, passed the following resolution:

3. Preservation to the States of the powers not yielded by them to the Union, and to the Legislature of the Union its constitutional share of its division of powers; and resistance, therefore, to existing movements for transferring all the powers of the States to the General Government, and all of those of that Government to the executive branch.

I had supposed when the war was over, slavery abolished, and the black man on a political equality with the white man, that we could go back to first principles, and parties would divide upon old issues. On those old issues I am a Democrat; but if the majority report of the Committee on Elections is adopted, and the Democratic party goes back on "State rights," I confess I do not know what issue is left. The last Democratic President was elected in 1856, a distinguished son of Pennsylvania. I read this morning the platform upon which he was elected. The slavery question aside, I doubt if the Democratic convention to meet in Chicago next July would dare to adopt the same platform with even my distinguished friend from Pennsylvania as our candidate. If you adopt this majority report, how will this resolution adopted in 1856 read in the next national convention:

Resolved, That the Federal Government is one of limited powers, derived solely from the Constitution, and the grant of powers shown therein should be strictly construed by all the departments of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

The Democrats had passed this same resolution in 1840, 1844, 1848, and 1852. Dare they pass it in 1884? I assert that they dare not adopt the platform of 1856 in 1884. The Whig convention in 1852 resolved—

That the Government of the United States is of a limited character, and it is confined to the exercise of powers expressly granted by the Constitution and such as may be necessary and proper for carrying the granted powers into full execution; and that powers not granted or necessarily implied are reserved to the States respectively and to the people.

The American convention of 1856 declared in favor of "the unqualified recognition and maintenance of the reserved rights of the several States."

REPUBLICANS DARE NOT ADOPT THE PLATFORM OF 1860.

Yes, Republicans, at Chicago in June you will not nominate Arthur, Blaine, LOGAN, EDMUNDS, or a Sherman. You will nominate Robert T. Lincoln; not on account of his ability or anything he has done, but simply because he is the son of one of the most distinguished men this country has ever produced. But, I repeat, with Robert T. Lincoln as a candidate, you will not dare to adopt the platform upon which his father was nominated and elected in 1860.

The national Republican convention of 1860, which nominated Lincoln, made this declaration:

That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.

President Lincoln made this resolution a part of his inaugural address without any mental reservation, and upon it we fought the war of the rebellion.

Egypt had a pharaoh who did not know Joseph, and we have a Republican party to-day that does not know Lincoln, or in fact any of its old leaders, such as Chase, Sumner, Trumbull, Doolittle, Spalding, and hundreds whom I might name. Indeed, the convention at Chicago in June next will not dare to adopt the platform upon which Lincoln was nominated and elected in 1860.

I quote the above resolutions because they show the Jeffersonian idea of government.

The Republican party, when it organized in 1856, took the name of Jeffersonian Republicans, to show to the world their devotion to his theories of government. All parties were committed to the doctrine of State rights, as these resolutions show, from 1800 until the centralizing tendencies of government became dominant with the ruling party during the late war. Yet we have in this House a Committee on Elections, appointed by a Democratic Speaker, who seem to repudiate or have forgotton the principles of Jefferson, Madison, Randolph, the Tuckers, in fact, of all the fathers and old Democratic leaders.

CIVIL AND RELIGIOUS LIBERTY.

I am not unmindful of the fact that these great principles of civil liberty were first formulated by the great minds of the Mother of States. The proposition for the first Continental Congress came from Virginial the Declaration of Independence emanated from Virginia; the Federa; Constitution and our "more perfect Union" were the inspiration of Virginia, and the Old Dominion was above all other States the cradle of American Liberty.

This question of eligibility was fully discussed before the Electoral Commission in 1877.

The Constitution of the United States, article 2, section 1, provides—

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

It seems that the same principle governs here as in the election of a member of Congress, and that the States may add other qualifications and disqualifications. When the electoral vote of Louisiana was called, objection was made by ELI SAULSBURY, J. E. McDonald, John W. Stevenson, Louis V. Bogy, David Dudley Field, G. A. Jenks, R. L. GIBSON, J. R. TUCKER, W. M. Levy, E. JOHN ELLIS, and W. R. MORRISON to counting the vote of William Pitt Kellogg, because, among other things, by the constitution of Louisiana he was not entitled to hold both offices (that of governor and of Presidential elector), but was disqualified therefrom. The same Senators and Members objected to the votes cast by W. P. Kellogg, J. H. Burch, Peter Joseph, L. A. Sheldon, Morris Marks, A. B. Levisee, O. H. Brewster, and Oscar Joffrion, for the following reasons:

Fourth. The votes cast in the electoral college of said State by Oscar Joffrion, W. P. Kellogg, J. H. Burch, and Morris Marks are not electoral votes, for that the said Oscar Joffrion, W. P. Kellogg, J. H. Burch, and Morris Marks, are and were ineligible by the laws of Louisiana, and are and were disqualified, for by the constitution of Louisiana (section 117) it is provided that "No person shall hold or exercise at the same time more than one office of trust or profit, except that of justice of the peace and notary public;" whereas on and prior to the 7th day of November, 1876, and until after the 6th day of December, 1876, W. P. Kellogg was acting *de facto* governor of said State; Oscar Joffrion was supervisor of registration for the parish of Pointe Coupée, in said State; Morris Marks was a district attorney for one of the districts of said State, and candidate for district judge, and was elected at said election; and J. H. Burch was a member of the senate of said State, also a member of the board of control of the State penitentiary, and administrator of the deaf and dumb asylum, both salaried offices, and treasurer of the school board of East Baton Rouge.

Fifth. In addition thereto, Oscar Joffrion was specially disqualified by the thirteenth section of the act of the Legislature of said State dated 24th day of July,

1874, which provides that no supervisor of registration shall be eligible for any office at any election where said supervisor officiates, and the said Oscar Joffrion, at the election held on the 7th day of November, 1876, did act and officiate as supervisor of registration for the parish of Pointe Coupée, in said State.

Senator Matt. H. Carpenter, an eminent lawyer and a Republican, in an argument before the Electoral Commission, said:

Another of the Hayes electors was William Pitt Kellogg, governor of the State, both on election day and on the 6th day of December, when he sat in the electoral college and cast a vote for Hayes; and three others, both on election day and when they voted in the electoral college, were holding salaried offices under the State government. The constitution of Louisiana (article 147) declares: "No person shall at the same time hold more than one office, except that of justice of the peace and notary public." Therefore, if electors are to be considered as Federal officers, two of the Hayes electors in this college were constitutionally incapable of being electors, and if they are State officers, then four others are constitutionally incapable of being electors.

Mr. Carpenter again said:

When the Constitution provides that each State shall appoint electors, it means of course that it shall appoint them according to its own constitution and laws; and what its laws may be must be determined by its own constitution.

And after quoting the provision of the Federal Constitution relating to the appointment of electors, he continued:

This provision, applied to the case in hand, is this: "The State of Louisiana shall appoint electors." * * * This does not fix the qualifications of electors, but it is an inhibition upon the State in the exercise of its power to appoint.

Hon. Lyman Trumbull, in his argument, said:

They (the States) can determine certainly whom they will appoint, and may put inhibitions on the appointment of particular persons.

The learned Judge Campbell, formerly of the Supreme Court of the United States, in the same discussion used the following language:

The question is presented whether they could, as a part of that power, designate the class of persons from whom the electors should not be made. In the exercise of that power they have specifically said that a person who is concerned with the registration, who has the appointment of a commissioner of election of a parish, who is the returning officer of that parish, shall not be a competent person to be elected.

* * * * * * *

But I say that the term "manner" of election does include sufficient authority to determine who shall and who shall not be elected. They may say that an infant shall not be elected; they may say that an alien shall not be elected; they may say that a person convicted of felony shall not be elected.

* * * * * * *

Therefore we think if the commission were to reject all these electors for the reasons set forth it would be a vindication of the will of the people as manifested in their organic law and in their statutes.

Hon. Henry L. Pierce, formerly a prominent Republican member of this House from Massachusetts, while discussing the same subject on this floor, said that he regretted to differ with his political friends, and added:

The most careful conservator of State rights would never have objected to an examination by Congress, or by any other national authority, so far as to ascertain whether electors who sent their votes here to be counted had been chosen and were qualified in the manner prescribed by the constitution and laws of their States and of the United States. * * *

In the case now under consideration an offer of evidence was made * * * that certain of the electors certified to have been chosen were disqualified, both under the provisions of the State constitution and the Federal Constitution. If these are not matters which the representatives of all the people authorized by the Constitution to count the votes and declare the result can inquire into, then this Government stands on a very insecure foundation.

It seems that Mr. Pierce was not willing to go as far in favor of State rights as the majority of his party associates. They had gone beyond anything ever dreamed of even by Calhoun, and absolutely refused to go behind returns to inquire whether the disputed votes were genuine or fraudulent.

The Electoral Commission, by the usual vote of 8 to 7, refused to hear evidence to prove the ineligibility of electors on account of holding other offices of trust or profit under the State or the United States. Commissioner Field then offered the following resolution:

That in the opinion of the commission evidence is admissible upon the several matters which counsel for the objectors to certificates Nos. 1 and 3 offered to prove.

Rejected: Yeas 7, nays 8. The majority of the commission, that is, the usual 8, made this ruling. They said:

The commission, by a majority of votes, is also of opinion that it is not competent to prove that any of said persons so appointed electors as aforesaid held an office of trust or profit under the United States at the time when they were appointed, or that they were ineligible under the laws of the State, or any other matter offered to be proved *aliunde* the said certificates or papers.

This was saying in effect: "We are ministerial officers and can only count the votes returned; we can not go behind the returns and investigate the question of eligibility. That must be settled by the States, and not by Congress or this commission."

They said that the States must provide the court to determine whether electors were eligible or not. This House can, however, go behind the returns and see whether a man claiming a seat here is eligible or not under State or United States laws.

Representative GIBSON, of Louisiana, submitted an objection to the decision and report of the Electoral Commission in the form of a protest. This protest covered all the facts in the Louisiana case, including the ineligibility of the electors named under State laws, and was signed by 24 Senators and 150 Representatives. The decision of the commission was sustained in the Senate by a vote of 41 yeas to 28 nays.

In the House, February 20, 1877, Representative GIBSON offered the following:

Ordered, That the votes, purporting to be electoral votes for President and Vice-President, which were given by William Pitt Kellogg, J. Henri Burch, Peter Joseph, L. A. Sheldon, Morris Marks, Aaron B. Levisee, O. H. Brewster, and Oscar Joffrion, claiming to be electors for the State of Louisiana, be not counted.

The House adopted this resolution by 173 yeas to 99 nays.

This question came up again in the House on the 3d day of March, 1877, when Hon. J. Proctor Knott, from the Committee on Elections, introduced a preamble and resolution declaring that Samuel J. Tilden had received 196 electoral votes, and was duly elected President of the United States. This was adopted by a large majority.

Is it not strange that some Democrat, or even Republican, in that Congress did not get up during that controversy in the Senate or House and exclaim, as does this Committee on Elections or the gentleman from Pennsylvania [Mr. ELLIOTT], "The Constitution, by prescribing certain qualifications enumerated in the section quoted, according to a well-known settled rule of construction, excluded all others?" Not one even had the courage to say with the majority of this committee, "The electoral college is a creature of the Constitution and not a power delegated to the General Government by the States." No one was bold enough, as does in effect the majority report in this case, to say: "The States have no power to superadd other qualifications for Presidential electors, for the reason that such powers can not in the nature of things be found among the reserved rights of the States and no such power is delegated to them by the Constitution."

Such doctrines from a Democrat at that time would have been hooted out of this House. Can Democrats afford to go back on the position they took in the electoral count? I know Republicans would like to see it done. But if we are to nominate the "old ticket," or any other ticket, or for that matter raise the cry of "reform" and the "great fraud," can we afford to go back on that record? To do so is to stultify our party and means defeat next fall. Will we do it?

Representative GIBSON submitted the following objections to the decision of the Electoral Commission in the Louisiana case, which were read by the Clerk of the House, namely:

The following objections are interposed by the undersigned Senators and Representatives to the decision made by the commission constituted by the act entitled 'An act to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877,' as to the true and lawful electoral vote of the State of Louisiana, for the following reasons, namely:

First. That the said commission, as guides to their action, adopted and rejected resolutions, as follows:

Mr. Commissioner HOAR submitted the following:

"*Ordered*, That the evidence offered be not received."

* * * * * * *

Mr. Commissioner BAYARD offered the following as a substitute:

"*Resolved*, That no person holding an office of trust or profit under the United States is eligible to be appointed an elector, and that this commission will receive evidence tending to prove such ineligibility as offered by counsel for objectors to certificates 1 and 3."

The question being on the adoption of the substitute, it was decided in the negative—yeas 7, nays 8.

Mr. Commissioner Field offered the following as a substitute:

"*Resolved*, That in the opinion of the commission evidence is admissible upon the several matters which counsel for the objectors to certificates Nos. 1 and 3 offered to prove."

The question being on the adoption of the substitute, it was decided in the negative—yeas 7, nays 8.

* * * * * * *

The question then recurred on the adoption of the order submitted by Mr. Commissioner HOAR, in the following words:

"*Ordered*, That the evidence offered be not received."

The question being on the adoption of the order, it was determined in the affirmative—yeas 8, nays 7.

* * * * * * *

Second. For that the said commission refused to receive evidence offered, as in the annexed paper stated, or any part of said evidence, and decided that the votes mentioned in certificates numbered 1 and 3 shall be counted for Hayes and Wheeler, said evidence to the contrary notwithstanding.

Senators.—W. H. Barnum, Connecticut; Charles W. Jones, Florida; Francis Kernan, New York; Frank Hereford, West Virginia; Henry Cooper, Tennessee; Lewis V. Bogy, Missouri; W. W. Eaton, Connecticut; S. B. Maxey, Texas; T. F. Randolph, New Jersey; R. E. Withers, Virginia; J. E. Bailey, Tennessee; H. G. Davis, West Virginia; George R. Dennis, Maryland; G. Goldthwaite, Alabama; A. S. Merrimon, North Carolina; T. M. Norwood, Georgia; T. C. McCreery, Kentucky; and Joseph E. McDonald, Indiana—18.

Representatives—Lucien L. Ainsworth, John D.C. Atkins, John C. Bagby, Henry B. Banning, George M. Beebe, Richard P. Bland, James H. Blount, Andrew R. Boone, Taul Bradford, John M. Bright, John Young Brown, Aylett H. Buckner, George C. Cabell, John H. Caldwell, William P. Caldwell, Milton A. Candler, George W. Cate, Bernard G. Caulfield, Chester W. Chapin, John B. Clarke, John B. Clark, jr., Hiester Clymer, Alexander G. Cochrane, Francis D. Collins, Philip Cook, Jacob P. Cowan, Samuel S. Cox, David B. Culberson, Joseph J. Davis, Rezin A. De Bolt, George G. Dibrell, Milton S. Durham, John R. Eden, Albert A. Egbert, E. John Ellis, Charles J. Faulkner, William H. Felton, David Dudley Field, Jesse J. Finley, William H. Forney, Benjamin J. Franklin, Benoni S. Fuller, Lucien C. Gause, Randall L. Gibson, John M. Glover, John Goode, John R. Goodin, Thomas M. Gunter, Andrew H. Hamilton, Robert Hamilton, Augustus A. Hardenburgh, Henry R. Harris, John T. Harris, Carter H. Harrison, Julian Hartridge, William Hartzell, Robert A. Hatcher, Eli J. Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Benjamin H. Hill, William S. Holman, Charles E. Hooker, James H. Hopkins, John F. House, Andrew Humphreys, Frank H. Hurd, George A. Jenks, Frank Jones, Thomas L. Jones, Edward C. Kehr, J. Proctor Knott, L. Q. C. Lamar, Franklin Landers, George M. Landers, Lafayette Lane, William M. Levy, Burwell R. Lewis, John K. Luttrell, William P. Lynde, L. A. Mackey, Levi Maish, William McFarland, John A. McMahon, Henry B. Metcalfe, Charles W. Milliken, Roger Q. Mills, Hernando D. Money, Charles H. Morgan, William R. Morrison, William Mutchler, Lawrence T. Neal, Jeptha D. New, John F. Phillips, Early F. Poppleton, Joseph Powell, Samuel J. Randall, David Rea, John H. Reagan, John Reilly, James B. Reilly, Americus V. Rice, Haywood Y. Riddle, John Robbins, William M. Robbins, Miles Ross, John S. Savage, Milton Sayler, Alfred M. Scales, John G. Schumaker, James Sheackley, Otho R. Singleton, William F. Slemons, Milton I. Southard, William A. J. Sparks, William M. Springer, William H. Stanton, William S. Stenger, Adlai E. Stevenson, William H. Stone, Thomas Swann, John K. Tarbox, Frederick H. Teese, William Terry, Charles P. Thompson, Philip F. Thomas, J. W. Throckmorton, John R. Tucker, Jacob Turney, John L. Vance, Robert B. Vance, Alfred M. Waddell,

Ansel T. Walling, Elijah Ward, Levi Warner, William W. Warren, Henry Watterson, Erastus Wells, Wash. C. Whitthorne, Peter D. Wigginton, Alpheus S. Williams, James Williams, Jere N. Williams, Benjamin A. Willis, William W. Wilshire, Benjamin Wilson, Fernando Wood, Jesse J. Yeates, and Casey Young—149.

The "annexed paper" referred to in the foregoing is as follows:

We offer to prove that William P. Kellogg, who certifies as governor of the State of Louisiana to the appointment of electors of that State, which certificate is now before this commission, is the same William P. Kellogg who, by said certificate, was certified to have been appointed one of said electors. In other words, that Kellogg certified his own appointment as such elector.

That the said Kellogg was governor *de facto* of said State during all the months of November and December, A. D. 1876.

Constitution of Louisiana, article 117: "No person shall hold or exercise at the same time more than one office of trust or profit, except that of justice of the peace or notary public."

Then follows the specifications as to offices held by Oscar Joffrion, A. B. Levisee, O. H. Brewster, Morris Marks, and J. Henri Burch, as specified in the original objection to the certificate, which I need not repeat here. (See proceedings of Electoral Commission and of the two Houses of Congress, 1877, page 426 to 458, inclusive.)

In the House of Representatives, February 20, 1877, Mr. GIBSON, of Louisiana, submitted the following resolution; which, after debate, was agreed to by a vote of yeas 173, nays 99:

That the votes purporting to be electoral votes for President and Vice-President which were given by William P. Kellogg, J. Henri Burch, Peter Joseph, Lionel A. Sheldon, Morris Marks, Aaron B. Levisee, Orlando H. Brewster, and Oscar Joffrion, claiming to be electors for the State of Louisiana, be not counted.

* * * * * * *

Yeas—Abbott, Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, Banning, Beebe, Bell, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, W. P. Caldwell, Campbell, Candler, Carr, Cate, Chapin, John B. Clark of Kentucky, John B. Clarke of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Culberson, Culver, Davis, De Bolt, Dibrell, Durham, Eden, Egbert, Ellis, Faulkner, Felton, Field, Finley, Forney, Franklin, Fuller, Gause, Gibson, Goodin, Gunther, A. K. Hamilton, Robert Hamilton, Hancock, Hardenburgh, Hazlett, Hatcher, Haymond, Henkle, A. S. Hewitt, G. W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Humphreys, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, G. M. Landers, Lane, Le Moyne, Levy, Lewis, Luttrell, Lynde, Mackey, Marsh, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Odell, Payne, Phelps, John F. Phillips, Pierce, Piper, Poppleton, Powell, Rea, Reagan, John Reilly, James B. Reilly, Riddle, W. M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Schumaker, Seelye, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stanton, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thomas, Thompson, Throckmorton, Turney, Tucker, John L. Vance, Robert B. Vance, Waddell, C. C. B. Walker, Walling, Walsh, Ward, Warner, Warren, Waterson, Erastus Wells, Whitthorne, Wigginton, Wike, A. S. Williams, James Williams, J. N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Yates, and Young—173.

The House of Representatives, March 3, 1877, adopted the following preamble and resolution, offered by Hon. J. Proctor Knott, of Kentucky, by a vote of 136 yeas to 80 nays:

And whereas the pretended votes given by F. C. Humphreys, Charles H. Pearce, William H. Holden, L. W. Long, William Pitt Kellogg, J. H. Burch, Peter Joseph, L. A. Sheldon, Morris Marks, Aaron B. Levisee, O. H. Brewster, and Oscar Joffrion were cast without any authority of law, and by persons who had not been appointed electors:

Now, therefore, in view of the foregoing facts, the truth of which is attested by an overwhelming array of sworn testimony, as well as the intelligence of the American people,

"*Be it resolved by the House of Representatives of the United States*, That it is the duty of the House to declare, and this House does hereby solemnly declare, that Samuel J. Tilden, of the State of New York, received 196 electoral votes for the office of President of the United States, all of which votes were cast and lists thereof signed, certified, and transmitted to the seat of Government, directed to the President of the Senate, in conformity with the Constitution and laws of the United States, by electors legally eligible and qualified as such electors, each of whom had been duly appointed and elected in a manner directed by the Legislature of the State in and for which he cast his vote as aforesaid; and that said Samuel J. Tilden, having thus received the vote of a majority of the electors appointed as aforesaid, he was thereby duly elected President of the United States of America for the term of four years, commencing on the 4th day of March, A. D. 1877; and this House further declares that Thomas A. Hendricks, having received the same number of electoral votes for the office of Vice-President of the United States that were cast for Samuel J. Tilden for President as aforesaid, the said votes having been cast for him by the same persons who voted for the said Tilden for President as aforesaid, and at the same time and in the same manner, it is the opinion of this House that the said Thomas A. Hendricks, of the State of Indiana, was duly elected Vice-President of the United States for the term of four years, commencing on the 4th day of March, A. D. 1877.

Those voting in the affirmative were:

Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, Banning, Beebe, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Carr, Caulfield, John B. Clark of Missouri, John B. Clark of Kentucky, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Davis, De Bolt, Dibrell, Douglass, Durham, Ellis, Faulkner, Field, Finley, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, A. H. Hamilton, Robert Hamilton, Hardenburg, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hatcher, Henkle, Abram S. Hewitt, Hooker, Hopkins, House, Humphreys, Hunton, Hurd, Jenks, T. L. Jones, Knott, Lamar, Franklin Landers, G. M. Landers, Levy, Lord, Luttrell, Lynde, Mackey, McFarland, McMahon, Meade, Mills, Money, Morrison, Mutchler, Neal, New, O'Brien, Odell, Payne, Phelps, John F. Phillips, Poppleton, Pierman, Rea, John Reilly, Rice, John Robbins, W. M. Robbins, Roberts, Miles Ross, Sayler, Scales, Schleicher, Sheakley, Slemons, William E. Smith, Southard, Sparks, Spriggs, Stanton, Stenger, Stone, Swann, Tarbox, Teese, Terry, Tucker, Thomas, Thompson, Throckmorton, Turner, J. L. Vance, P. B. Vance, Waddell, Walling, Walsh, Ward, Warner, Erastus Wells, Whitthorn, Wigginton, Wike, James Williams, J. W. Williams, Willis, Wilshire, Benjamin Wilson, and Yates—136.—*Congressional Record*, volume 5, part 3, page 2226.

Thus I have shown that 24 Senators and 173 Representatives were committed to the principle for which I contend in the case now under debate. It would be strange if this House should now recede from the position it so deliberately took and so firmly held in 1877 on this same question of eligibility.

IS A MEMBER OF CONGRESS AN OFFICER OF THE STATE OR OF THE UNITED STATES?

Is a member of Congress an officer of the State or of the United States? I maintain that he is an officer or agent of the State. Members of Congress are elected by the people of the States, under laws passed by the States. They are commissioned by the States, and they come here and take the oath of office and occupy seats on this floor in virtue of such commissions.

Article 2, section 3, of the Constitution provides that the President "shall commission all officers of the United States." This was never construed to mean members of Congress. They never were commissioned by the President. In fact the Constitution keeps up the distinction between members of Congress and officers of the United States in all its provisions. Section 4, article 2, provides—

That all civil officers of the United States shall be removed from office on impeachment.

Members of Congress are not impeachable, and are not, therefore, civil officers of the United States.

In article 1, section 6, the Constitution provides that "no person holding any office under the United States shall be a member of either House during his continuance in office," still keeping up the distinction between "officers" and "members."

This distinction further appears in article 6, which declares that—

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

The framers of the Constitution were careful to nowhere call members of Congress "United States officers," because they were regarded as "State officers."

Attorney-General Brewster, in an elaborate opinion, dated July 21, 1882, says:

A member of Congress is not an officer of the United States in the constitutional meaning of the term. In the case of Blount, on an impeachment before the Senate in 1799, the question arose whether a Senator was a civil officer of the United States within the purview of the Constitution, and the Senate decided that he was not. This question arose under the fourth section of the second article of the Constitution. "Other clauses of the Constitution," observes Judge Story in section 733 of his work on the Constitution, "would seem to favor the same result, particularly the clause respecting the appointment of officers of the United States by the Executive, who is to commission all the officers of the United States;" and the sixth section of the first article, which declares that "no person holding any office under the United States shall be a member of either House during his continuance in office; and the first section of the second article, which declares that no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector." To these clauses may be added that in section 3 of the fourth article, which provides that no person shall be a Senator, &c., who having previously taken an oath as a member of Congress or as an officer of the United States, &c. These clauses show a marked discrimination between members of Congress and officers, the latter term in the sense in which it is there used not including legislators.

It will be remembered that Congress passed a law in 1876 prohibiting political assessments by officers of the United States against employés of the Government. The Republican Congressional committee, composed of Senators and Members of this House, sent out the usual circular, demanding contributions. Hon. George William Curtis, as president of a civil-service reform club in New York, published a circular, saying that "the members of this committee are officers of the United States Government," and warning the employés that it was a crime under the law of 1876 to contribute money to them. Hon. Jay A. Hubbell, a member of this House and chairman of that committee, speaking for himself and his associates, published an indignant rejoinder, in which he said, "We are *not* officers of the United States;" and he proposed to submit the question to the Attorney-General. It was submitted to the Attorney-General, who afterward gave the elaborate opinion from which I have quoted, holding that Senators and Members are not officers of the United States. The Republican Senators and Representatives took the same view, and the result was that the last Congress amended the law so as to read:

No Senator, Representative, or Territorial Delegate, * * * or Senator, Representative, or Territorial Delegate-elect, or any officer of the United States, &c.

Carefully making the distinction between members of Congress and officers of the United States. Thus both Houses of Congress, by the passage of that law, decided that Members and Senators are not officers of the United States.

Hon. SAMUEL J. RANDALL, in this House, December 5, 1881, said:

But there was no right established as against the right of a member to be sworn in as all other members are sworn in who bear a certificate from the governor of a State, a Congressman being a State officer, and the governor's certificate being authority as his commission here both according to the Constitution and the law thereunder.

McCrary, in his work on Elections, says:

The qualifications of Federal officers are fixed by the Federal Constitution or Federal law; and the qualifications for State officers are fixed by State constitutions or State laws. It is not competent for any State to add to or in any manner change the qualifications for Federal officers as prescribed by the Constitution or laws of the United States. Nor can the United States add to or alter the qualifications for a State officer as fixed by State regulations.

In the light of the authorities and facts I have cited it is clear that

a member of Congress is an officer of the State. The people of the State, as I have said, elect him; the State provides all the machinery for his election; the governor of the State commissions him; and he comes here as the Representative of the people of the State—a State officer. This would seem to be conclusive, because, as McCrary says, being an officer of the State, the State can fix his qualifications and disqualifications, so that they do not conflict with the Constitution of the United States.

This question was very fully considered and discussed before the Electoral Commission in 1877. It was, as I recollect, conceded that a Presidential elector is a State officer, and the Republicans took the ground that, being a State officer, when the State certified to his election we could not "go behind the returns." If an elector is a State officer, there can be no question about a member of Congress.

The distinguished gentleman from Virginia [Hon. JOHN RANDOLPH TUCKER], in his argument before the Electoral Commission, said:

> Now I apprehend that the thing just comes down to this: That whether this be a Federal or State office (and I believe it to be a State office), the elector must be appointed by the State.

Hon. JOHN A. KASSON, in the same discussion, took even stronger ground when he exclaimed:

> Shall we now go on and complete the absorption of this most absolute, independent, and unquestioned right of the States to appoint their electors in their own way?

The late distinguished jurist Hon. Jeremiah S. Black, in discussing the same question, said—

> I do believe firmly in the sovereign power of the State to appoint any peron elector that she pleases, if she does it in the manner prescribed by the Legislature.

Mr. Stoughton said:

> I think he who would venture to go behind the expressed will of the State, as to the method in which the electors should be appointed, would find himself engaged in an effort to invade its sovereignty and interfere with the supremacy of a State.

Attorney-General Evarts conceded the whole question to the States when he said:

> There is, as we suppose, no safe rule except to say that this injunction laid on the States, that they shall not appoint the excluded persons, does not execute itself. * * * Those qualifications are nothing but appointment by the State; and with that the act of Congress and the Federal Constitution, with due reference to State authority, do not interfere.

Mr. Merrick quoted the Constitution, and argued as follows:

> You will see from the phraseology of the article that it is a limitation upon the power of appointment, rather than a specification of any disability in the appointee. A State has the power to appoint whom it pleases, with certain limitations.

Judge Miller, one of the commissioners, said:

> Are not both (electors and members of Congress) State officers in one sense at least—both elected by the power of the State? There are those who claim that they are Federal officers, and perform only Federal functions; yet when the election of President is thrown into this House, they at once lose their Federal character, and vote by States, "Each State having one vote." This is the highest function of sovereignty that this House can perform.

It is fashionable among some politicians to denominate ours a "complex system of government;" to me there is nothing complex about it. We have, in reality, but one government, that of the States. It is these same States now in session in this Hall to consider questions that affect all the States; they are here in their collective capacity, they are at home in their individual capacity. We have no "nation" in contradistinction to the government of the States. This is a federation of the States, hence we call it "a Federal Government;" it is a union of the States for certain purposes, hence we call them in this capacity "the United States.

The Government of the Union being a federation of the States with certain specified powers delegated by the States in the Federal Constitution, it requires no history to show that the Government of the United States is not one of original sovereignty, but of delegated or enumerated powers. If the Federal Convention of 1787 had been a convention of the people, in their sovereign capacity, ours would have been a Constitution limiting legislation, and Congress would have had all powers not prohibited; but being a Government of delegated powers, all powers not delegated are prohibited; and the States still possess all rights not delegated by or prohibited to them.

The Constitution speaks for itself. Those who wrote it were scholars, who knew the exact meaning of every word and phrase employed in it. They were careful even in the matter of punctuation. Mark this phraseology:

> Congress shall have power to lay and collect taxes, duties, imposts and excises; * * * to borrow money; * * * to regulate commerce; * * * to coin money; * * * to establish post-offices and post-roads, &c. No State shall enter into any treaty, alliance, or confederation; * * * no State shall, without the consent of Congress, lay any impost duties, &c.

It will be seen that powers were delegated to Congress and prohibited to the States. Had powers been delegated to the States and prohibited to Congress it would have changed the whole character of the instrument.

Again: "The House of Representatives shall be composed of members chosen," &c.; "representatives and direct taxes shall be apportioned," &c.; "the House of Representatives shall choose their Speaker," &c. All these are mandatory. "No person shall be a Representative," &c. Here is a limitation upon the States. Without it everybody would have been eligible, man or woman, bond or free. It was agreed that Congress might insist that the member should be twenty-five years of age, a citizen seven years, and an inhabitant of the State. This was no delegation of power, nor does it pretend to be. It was, and is, a limitation upon the powers of the States. It was so understood by the States in the Federal Convention, and in their subsequent ratification of the Constitution, as I have clearly shown.

THE RELATION OF THE STATES TO THE UNITED STATES GOVERNMENT.

Without the States the Government of the United States would cease to exist. It received from them as sovereign and independent Commonwealths all the vitality and power it has, and without them it would die. Suppose the States should fail or refuse to elect members of this House. Then this House would cease to exist. Suppose that a majority of the States should fail or refuse to elect Senators. Then that House would be helpless. Suppose that the States should fail or refuse to appoint Presidential electors. In that case we should have no President. New York did in 1789 refuse to appoint Presidential electors. Suppose five other States had followed her example; that would have ended the Federal Government. This, it is true, would have been revolutionary, but where would have been the remedy? Here is found the reason perhaps why members of the State Legislatures are sworn to support the Constitution of the United States.

There is, as I have said, but one system of government.

The Whig national convention in 1852, that nominated General Scott for President, passed this resolution:

> *Resolved*, The Federal and State governments are parts of one system, alike necessary for the common prosperity, peace, and security, and ought to be regarded alike with a cordial, habitual, and immovable attachment. Respect for the authority of each and acquiescence in the just constitutional measures of each are duties required by the plainest considerations of national, State, and individual welfare.

In Texas *vs.* White (7 Wallace, 717), Chief-Justice Chase, in delivering the opinion of the court, said:

> And we have already had occasion to remark at this term that the people of each State composed a State, having its own government, and endowed with all the functions essential to separate and independent existence; and that without the States in union there could be no such political body as the United States. Not only, therefore, can there be no loss of separate and independent autonomy to the States through their union under the Constitution, but it may not be unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions looks to an indestructible Union of indestructible States.

I believe with the Supreme Court that each State owes obedience to the Constitution and Government of the United States; but I insist, as does the court, that every citizen, every member of this House, should in like manner obey the constitution and laws of each and every State in the Union. This obligation is mutual and reciprocal on the part of the States and the General Government, because they are mutually dependent on each other. The State governments and the Federal Government, as the court truly says, are only parts of one general system or federation.

THE FATHERS.

President John Adams, in his inaugural address, urged a "respectful attention to the constitutions of the individual States and a constant caution and delicacy toward the State governments," and "an equal and impartial regard to the rights, interest, honor, and happiness of all the States in the Union."

Thomas Jefferson recommended "the support of the State governments in all their rights as the most competent administrators for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the General Government in its whole constitutional vigor as the sheet-anchor of our peace at home and safety abroad."

Madison argued that it was essential "to hold the union of the States as the basis of their peace and happiness; to support the Constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and the people as equally incorporated with and essential to the success of the general system." What could be plainer?

This House has no right to violate, much less to set at defiance, the constitution or laws of a State, one of the component parts of this body; to do so is revolutionary. If this House sets the example of striking down the constitution and laws of a sovereign State, it will be simply "sowing the wind" of disrespect for State constitutions and State laws and the national Constitution and national laws. We have the right to that obedience and respect to the constitution and laws of our States which you exact of us to the Constitution and laws of the United States. This has been the Democratic doctrine since the days of Jefferson. And shall it now be repudiated, for the first time, in the house of its friends? This House is the only power which can now decide so as to enforce obedience to our State constitution. Continue the sitting member, and you nullify and strike down the constitution of a sovereign State. When you thus injure and enfeeble a State government you strike a blow at republican institutions and the sovereignty of the States. Continue the sitting member in his seat, and you say a judge may, with impunity, violate the constitution he has sworn to support.

Continue the sitting member, and you trail the judicial ermine in the dust. Continue the contestee in his seat, and the moment a judge is elected and sworn he will begin to intrigue for a seat in Congress, using all the power and machinery of his office to that end. Every decision will be political, not judicial. He will willingly league himself with every attorney in the district who has aspirations to take his place on the bench, and our courts will become places of political debauchery, instead of temples for the administration of unbribed and unpurchased law.

Judges thus freed from the restraints imposed by the constitution and laws of the State will join in the business of setting up delegations, and every lawyer in the circuit who wants to get rid of him will unite with the people who are tired of his administration in forwarding his scheme for promotion to a seat in Congress.

Such will be the natural result if this House decides to ignore our State constitution and the law or compact under which Kansas was admitted into the sisterhood of States. In old Bible times judges came before kings, and it might be well for this House to stop and inquire why kings came at all? Moses's father-in-law advised him to "select from the people able men, such as fear God, men of truth, hating covetousness," for judges of the people. Kansas, in her constitution, attempted to provide the same class of men for her judges, and by this provision in our constitution keep them in the ways of the fathers. But the majority report in this case nullifies our constitution and trails the judicial ermine in the dirty pool of party politics. It will be recollected that Samuel, the great judge and prophet of Israel, when he got old, made his sons judges over Israel, but "his sons walked not in his ways, but turned aside after lucre, and took bribes, and perverted judgment." Kansas judges, with the majority report of the Committee on Elections, seem also to have forsaken the fathers and their precepts, and are following in the footsteps of the sons. Now, will the House, like the elders in Israel, strike down our local State governments and clamor for a king, so as to be like other nations round about. If this House adopts the majority report and thus strikes down over thirty State constitutions, it will be almost the last act in favor of one grand, overshadowing, centralized, consolidated government. Yet I pray that our fate as a nation may not be that of Israel.

CAN A MINORITY CANDIDATE BE SEATED?

As Judge Peters was ineligible on election day, ineligible when he received his certificate of election, ineligible when the term of the present Congress commenced, and ineligible when he took the oath in this House, by an express provision in the constitution of our State which he and all the voters of our State were bound to notice and duly respect and as the evidence shows they did know, and as all votes cast for him were null and void, it follows that the contestant, who received the next highest vote, and who was then and is now duly qualified under the Constitution of the United States and the constitution and laws of the State of Kansas, was elected and is entitled to the seat.

I am aware that the majority for contestee seems large, but if the whole vote were reduced to that of an average Congressional district the margin would be very small. It will be seen that if the contestant is not admitted 83,364 voters in Kansas who voted for an eligible candidate as against an ineligible one will be without representation on this floor, while the 99,866 who voted for the contestee with due notice of his ineligibility voted at the same time for three other candidates whose eligibility is not disputed, and if Judge Peters is unseated they will still have three Representatives in this Congress. Under the old apportionment the State of Kansas had but three members and was divided into three districts, but under the new Congressional apportionment she gained four additional members, who were elected by the State at large.

It is a part of the unwritten history of our State that Governor St. John had decided to call a special session of the Legislature to apportion the State into seven districts, and that the proclamation was actually signed. But when it was represented to him that this would give the opposition at least three of the seven members he decided not to call the Legislature together. Thus it happened that three members were elected from the three old districts and four from the State at large. The facts show, therefore, that the situation in Kansas is about this:

Whole Republican vote in the State, in round numbers	100,000
The opposition vote about	84,000

This would entitle the Democrats, in any fair division of the State, to three members at least. These 100,000 Republican voters now have six members on this floor without counting the contestee. Can there be any injustice in giving the other 84,000 voters one Representative?

But what is the law and what are the precedents upon which we must rely in deciding whether or not I am entitled to a seat on this floor? The Constitution says that "each House shall be the judge of the elections, returns, and qualification of its own members." This provision invests the House with powers of a judicial nature, and in the exercise of those powers it will be governed of course by well-settled rules of law and the decisions of courts of competent jurisdiction. Even the large discretionary power so often exercised by this House is qualified and restrained by positive law and the authority of the courts.

In a case like the one under debate I understand the rule to be this: If I vote in good faith for a disqualified candidate, believing him to be eligible, having no notice of his disqualification, which in its nature is such that the law does not require me to take notice of it or presume that I have such notice, then my vote is not absolutely void, but only voidable. Where a candidate thus disqualified has a majority of votes there is no election. If, however, I vote for a man, knowing him to be ineligible, or where the law will not excuse my ignorance of that fact, then it is the same as if I had not voted at all or had voted for a dead man. All votes cast for a candidate thus disqualified are thrown away; and the minority candidate next highest on the list, if qualified, is elected. This was the decision of this House in 1873 refusing to count the votes cast for Horace Greeley after his death. You said he was not *in esse*.

I have examined the principal cases cited in McCrary on Elections, and I find that in all of those cases the electors had no knowledge of the disqualifications of the candidate voted for. In the case cited in the Dawes report, in the second session of the Fortieth Congress, it is expressly stated that this point was not involved, because it did not appear that the electors had such notice.

In the North Carolina case of Abbott *vs.* Vance, the House had given VANCE 64 votes, Abbott 32, scattering 10. In the Senate, VANCE had 32, Abbott 11, scattering 5. VANCE was declared elected, but was ineligible, unless Congress would remove his political disabilities under the fourteenth amendment to the Constitution. Abbott was refused his seat.

The majority report was signed by O. P. Morton, JOHN A. LOGAN, A. G. Thurman, and Joshua Hill. The committee reasoned that "if the votes for VANCE were not counted there was no quorum voting." The committee, however, said:

> It has been suggested that there is a distinction in respect to the operation of the rule insisted on by the memorialist between a popular election, under our liberal system of suffrage, for a member of the House of Representatives, by ballot, and an election of a Senator by a *viva voce* vote of the members of the Legislature.
>
> Your committee are inclined to think this is correct, but that the distinction bears against the claim of the memorialist instead of in favor of it.
>
> The number of persons entitled to vote at a popular election is not fixed and definite, and hence it is impossible to have a quorum, or anything answering thereto. There is no power to compel attendance. This is, and necessarily must be wholly voluntary. Therefore it is necessary that those attending should have the right to elect where the election is free, and the electors are not prevented from attending by force, intimidation, or fraud.
>
> If a candidate receiving the majority is disqualified, and the votes cast for him are nullities, as claimed by the memorialist, the remaining votes are as effective to elect as if every voter of the district had been present; and if those who voted for the candidate receiving the majority had not been present at all, the election nevertheless would have been valid.
>
> But the rule is wholly different in legislative bodies. The number is fixed and definite. A quorum can be and is required to act, and the presence of a less number is not effective. Had but the thirty-two who voted for Abbott been present in the House at the time the vote was cast we do not suppose any one would contend that he had even a shadow to base his claim upon, yet this number would be sufficient to elect in a district of a thousand voters if no others voted.

Mr. VANCE was disqualified, as I have said, under the fourteenth amendment, yet, as the committee remarked, to throw out the 95 votes for VANCE as void no quorum had voted, and consequently there was no election. The committee say "there was no evidence that the people had any notice of VANCE'S want of eligibility."

The committee also cites the fact that "Congress might remove the disabilities of VANCE and thus make him eligible, and the votes for him not void but simply voidable."

The committee say:

> It is difficult to conceive how the Constitution could grant authority to Congress to remove disabilities under which an individual is laboring, and allow him to take his seat as a member, and yet at the same time embrace the idea that such an election was wholly void, and votes cast for him nullities.

I admit that when electors vote for a disqualified candidate in ignorance of his disqualifications the election is void, and must be remanded to the elective body; "but where the candidate is disqualified by a provision of the organic law or a public record no notice is required, and voters are presumed to know of his disqualifications."

In the election of a United States Senator it requires a majority to elect, and of course a minority candidate could not be elected.

Heywood on County Elections (535) says:

> It must be remembered, however, that in case a candidate laboring under disabilities should be returned the election will be avoided on petition; and that if, before the election comes on or a majority has polled, sufficient notice has been publicly given of his disability, the unsuccessful candidate next to him on the poll must ultimately be the sitting member. * * * When the disability of a candidate is notorious, it should seem that it is not necessary to give notice to the electors.

Male on Elections (336) says:

> If the election is made of a person or persons ineligible, such election is void either *in toto* or of one only, according as the ineligibility applies to all or one only, where that ineligibility is clear and pointed out to the electors at the poll. It has been held that the votes given to such ineligible candidate, after notice, are thrown away, and a competitor, though chosen by a smaller number of electors, has in such cases been held duly elected.
>
> But such ineligibility ought to be clear, and grounded upon some known and settled rule of law. The same doctrine holds at law in the election to offices in which, after notice of the ineligibility of any particular candidate, the votes given to him are held to be thrown away.

Grant on Corporations (109) says:

> When the ineligibility of a candidate arises from holding or having held a

public office, the people within the jurisdiction of such office are held in law to know and are chargeable with notice of such ineligibility.

And on page 208 he says:

A disqualification, patent or notorious, at once causes the votes given for the candidate laboring under it to be thrown away.

In confirmation of this rule we have a decision that to vote knowingly for a disqualified candidate is equivalent to not voting at all. In the case of Taylor *vs.* Mayor of Bath—

All the judges held that the verdict was right. They held that as fourteen electors who voted for Briggs had notice that he was not qualified, their votes were thrown away; that when electors vote for a person not qualified it is the same thing as if they had given no votes at all, in which case it was not disputed that silence was a constructive consent.

In Queen *vs.* Coaks, 1855 (28 Eng. L. and E., 307), Lord C. J. Campbell said:

Now, it is the law—both the common law and the parliamentary law, and it seems to me common sense—that if an elector will vote for a man who he knows is ineligible it is as if he did not vote at all, or voted for a non-existent person; as it has been said, as if he gave his vote to the man in the moon.

The English authorities seem to be all one way, and it is unnecessary to quote further from them.

Cushing, in his Parliamentary Law, lays down this proposition:

SEC. 175. If an election is made of a person who is ineligible, that is, incapable of being elected, the election of such person is absolutely void, even though he is voted for at the same time with others who are eligible and who are accordingly elected, and this is equally true whether the disability is known to the electors or not, whether a majority of all the votes or a plurality only is necessary to the election, and whether the votes are given orally or by ballot.

SEC. 176. The principle above applies equally where the constitution or law points out, among other eligible persons, the particular candidates to be voted for; in which case votes given for other persons are void. Thus the constitutions of Maine and Massachusetts, providing that, in case of a failure to elect senators at the general election, the deficiency shall be supplied on the day of the meeting of the Legislature by such senators as shall be elected and the members of the other branch from among the persons voted for and not elected as senators. All votes given on such occasions for any other than the candidate designated by law, though otherwise eligible, are thrown away.

Angell and Ames on Corporations (p. 98, n. 3) say:

If the assembly be duly convened, and the majority vote for an unqualified person, after notice that he is not qualified, their votes are thrown away, and the person having the next majority, and not appearing to be disqualified, is duly elected.

This subject has been discussed at different times in the Legislature of Massachusetts, and it has been uniformly decided that votes given for candidates constitutionally ineligible should be regarded the same as blank votes. In 1843 an effort was made to change this parliamentary rule, and a majority of the committee submitted a report, accompanied by a resolution, to the effect that it "was not in accordance with the constitution and laws for the two branches of the Legislature to reject, in making up the count, the ballots cast for ineligible candidates." A minority of the committee submitted an adverse report, saying:

The fact that the votes given for ineligible candidates, when the two houses have met in convention for the purpose of filling vacancies in certain offices, have been rejected from the count, is of long standing; and that no evil has resulted from such practice is, of itself, a sufficient reason why a different rule should not be established. It is time enough to provide a remedy when an evil is found to exist and not in anticipation of an evil. This, it is believed, is a safe course in all cases. * * * The practice of rejecting blank pieces of paper, although they may have the form and shape of the actual votes which are cast, is believed to be uniform everywhere. The reason for the rejection of such paper is that it is not a voice given and numbered; that no one is designated who can be elected.

It is, however, no less an expression of dissatisfaction to the candidate voted for by other persons, on one side or the other, than it would be if it bore the name of an imaginary being or a person ineligible. In both cases it is not a vote, and should not so be treated. So far as precedents can be found, the practice of rejecting from the count the votes cast for an ineligible candidate is not peculiar to the convention of the two houses in the Massachusetts Legislature. It has obtained more or less in the House of Representatives of the United States, and in the house of commons of Great Britain. * * * Inasmuch as the custom has obtained, for aught that appears, from time immemorial, to reject such votes, the undersigned take leave to submit that the proposed resolution of the majority of the committee is uncalled for, and that no further action be had on such order.

The house laid the resolution of the majority on the table, thus in effect adopting the report of the minority. (Cushing's Reports of Contested Elections in Massachusetts, page 499.)

The subject was again discussed, and the decision reaffirmed, that votes cast for ineligible candidates should be thrown away. In 1849 Mr. Slade was returned as the duly elected representative of the town of Somerset, and his seat was contested for the reason, among others, that a ballot for Nathaniel Morton, of Taunton, for member of Congress, was thrown out by the judges of election.

The committee, in their report declaring Mr. Slade lawfully entitled, discussed this question as follows:

The policy of the law requires that such a construction should be put upon all proceedings at elections as to make such proceedings valid, rather than nugatory. An election is always attended with trouble, inconvenience, and expense, and should not be set aside for light or frivolous causes. If votes cast by mistake for persons not eligible are to be counted, then the intention and will of the voter is defeated; if, on the other hand, such votes are willfully put into the ballot-box, the person who thus indicates so clearly his disregard of the value of the elective franchise, that it is only a deserved punishment for his delinquency to deprive his vote of all weight and influence at such election. By so doing a voter is not deprived of any legitimate exercise of his right, because he can always manifest his opposition to any one candidate by voting for some other. (Rex *vs.* Monday, Cowper. Lord Mansfield said the only way of voting against one was to vote for another.)

Finally, it seems to the committee that there is no reason why a person who votes for an ineligible candidate should not be put on a footing with one who does not vote at all, as in both cases the parties show a disposition to prevent an election, and both of them show an unwillingness to perform their duty, by aiding to promote those elections which are absolutely essential to the existence of the government. For if every voter refrained wholly from voting, or voted for an ineligible candidate, the result would be the same—no choice; and although it is true that no penalty is attached by law to a neglect of this obligation of voting, yet the obligation is not the less plain for that, and the committee believe it to be a duty too important to be neglected, and too sacred to be trifled with, by voting for fictitious persons or ineligible candidates. * * * The voter who puts into the ballot-box a blank piece of paper as clearly indicates his opposition to all the candidates as he who puts in a vote for an ineligible candidate; and there seems to be no reason why the opinion of the one should not be entitled to consideration as well as that of the other.—(Report agreed to April 10, 1849. (See Cushing's Reports of Contested-Election Cases in Massachusetts, 576).

In Indiana the same doctrine has been established by three decisions of the supreme court: In the cases of Gulick *vs.* New (14 Ind., 927), Carson *vs.* McPhetridge (15 Ind., 327), and Price *vs.* Governor Baker (41 Ind., 572). In the former case the court says:

It being conceded that the votes cast for Wallace were powerless and fruitless in effecting the main end arrived at—that is, in electing him—we are still asked to decide that they were so far effective as to prevent the election of any other person; that they were, so far as affirmative results were involved, thrown away, but that negatively they were operative. We are reminded that, in our form of government, a majority should rule, and that if the course indicated is not followed a majority of the voters may be disfranchised, their voice disregarded, and their rights trampled under foot, and the choice of a minority listened to. True, by the constitution and laws of this State the voice of a majority controls our election; but that voice must be constitutionally expressed.

Even a majority should not nullify a provision of the constitution, or be permitted at will to disregard the law. In this is the strength and beauty of our institutions. Suppose a majority should persist in voting for a man totally ineligible to take the office of sheriff, what would be the result? As he could not hold the office, either the one capable of holding, receiving the next highest vote, would, as contended by the appellant, be entitled to the office, or there would be a vacancy, as insisted by the appellee. Suppose the proceedings should result in creating a vacancy, then it would remain, greatly to the detriment of public and private interests, or it would, under the statute, have to be filled by the action and choice of perhaps two men, which might be, possibly, in direct conflict with the choice of that majority in every respect. Then, while it is true that the votes of a majority should rule, the tenable ground appears to be that if the majority should vote for one wholly incapable of taking the office, having notice of such incapacity, or should perversely refuse or negligently fail to express their choice, those, although a minority, who should legitimately choose one eligible to the position should be heeded. Suppose that eight years ago, at the first election under our new constitution, when nearly all the offices in the State were to be filled, a majority of the voters in the State and in the several districts and counties had voted for persons wholly ineligible to fill the several offices, would these offices have thereby remained vacant? Could that majority, by persevering in that course, have continued the anarchy which might have resulted from such action? Or, rather, is it not the true theory that those who act in accordance with the constitution and the law should control even a majority who may fail so to act? Whether the same reasoning should hold good where the ineligibility should arise out of some cause other than a constitutional prohibition is a question we are not now called upon to decide.

The majority of the court held that the voter must take notice of the disqualification of the candidate, and that votes cast for a candidate in fact disqualified must be thrown away, whether the voters knew of the disqualification or not. Judge Perkins dissented upon this point, but affirmed the general doctrine as follows:

1. Where, at an election, there are opposing candidates for an office, and the candidate receiving the highest number of votes is ineligible, but from a fact or cause which the voters did not and were not bound to know the result is a failure and gives no candidate a right to the office, and should be followed by another election.

Probably examples, under this proposition of cases where the voters might not have knowledge, namely: infancy of candidate, non-residency, want of naturalization, not of male sex, not of requisite degree of white blood, not in existence. This last was the fact in the case cited from 38 Maine, app. There a portion of the people by mistake voted for a person not in being. The case of State *vs.* Swearinger (12 Georgia, 23) was a case of non-residency.

2. Where the voters at the election do know, or are legally bound to know, so that in law they are held to know of the ineligibility of a candidate, the election does not result in a failure, but in such case the eligible candidate receiving the highest number of votes is legally elected and entitled to the office.

Against this proposition we have not found a single authority. Those relied on as such by the court below were the cases in 38 Maine and 12 Georgia, *supra*, and the State *vs.* Giles (1 Chand., Wis., 112).

Of the case in Maine we have said enough above.

Of the cases in Georgia and Wisconsin, it may be remarked that neither of them involved the point now under consideration, and what is said upon it is mere *dicta*, and neither of the cases cites a single authority.

The point involved in the Georgia case was whether a certain corporate town in that State could elect to office in it a person not residing within the corporate limits, and it was held that it could. This closed the case.

The point involved in the Wisconsin case was this: The constitution, article 6, section 4 provided that sheriffs should be ineligible for two years next succeeding the termination of their offices. A sheriff, in office at the time the constitution was adopted, was elected his own successor under the constitution; and it was held that he was legally elected, and that the disability imposed by the constitution related only to elections and terms held under the constitution. The decision of this point disposed of the case; and what is said beyond it, as in the Georgia case, if not improperly, but still is very loosely and carelessly said, and is not binding as authority.

Judge Cushing, in his American work on the Law of Legislative Assemblies, at pages 66, 67, lays down the same doctrine as deducible from the decided cases:

Where the same ineligibility of a candidate arises from his holding or having held a public office, the people within the jurisdiction of such office are held in law to know—are chargeable with notice—of such ineligibility; the votes given for such candidate are of no effect, and his highest eligible competitor is elected. (Grant on Corporation, *supra*, p. 107; Biddle *vs.* Willard, 10 Ind., 62, on p. 68.)

Such, also, was the ruling of the circuit court of Illinois in the case of Stewart *vs.* Hayes. (Chicago Legal News, 117.)

In the case of Hutcheson *vs.* Tilden and Bordley (4 Harris and McHenry, 277) Chief-Justice Samuel Chase decided that—

All votes given for a candidate not having such qualifications are to be thrown away and rejected as having no force or operation in law. The plaintiff can only

be entitled to such votes as were given after he received the necessary qualifications. Judgment for defendants.

The report says that the plaintiff had received the necessary qualifications about 12 o'clock on the third day of the election; and from the state of the polls it appeared that, if he had received all the votes taken after that time, he could not be elected. The judgment was for the next highest eligible candidate. This decision, I take it, is the law of Maryland to-day.

In the constitution of Maryland, adopted in 1865, is the following provision:

If any person has given any aid, comfort, countenance, or support to those engaged in armed hostility to the United States, or has, by any open deed or word, declared his adhesion to the cause of the enemies of the United States, or his desire for the triumph of said enemies of the United States, he is disqualified from holding any office of honor, profit, or trust under the laws of this State.

In 1865 Hon. HART B. HOLTON, now a member of this House, contested the seat of Hon. Littleton Maclin as senator from Howard County and claimed the same for himself. The committee on elections reported that although Maclin had received the highest number of votes, nevertheless, being disqualified under the constitution just quoted, he was not entitled to the seat; and "that HART B. HOLTON, having received the highest number of votes cast for any duly qualified candidate for senator from Howard County, is elected and entitled to a seat in this body." On February 14, 1865, this report was adopted; Maclin was unseated and HOLTON inducted into the office.

In 1866, before the house of delegates, George E. Gambrill prosecuted a contest against Sprigg Harwood for the office of clerk of the circuit court for Anne Arundel County, on the ground of constitutional ineligibility, caused by an increase in the profits of this clerkship while Harwood was a senator from Anne Arundel County in 1865. The committee on elections reported that Harwood was ineligible, and "that it must be presumed to have been known to every voter;" and that Gambrill, the minority candidate, was entitled to the office. The house of delegates sustained this report, ousted Harwood, voted down a resolution declaring the office vacant, and inducted Gambrill into the office.

This same rule obtains in the State of Maine, where it was first decided in 1831. The governor and council asked the judges this question:

Can ballots having the names of persons on them who do not possess the constitutional qualifications of a representative be counted as votes under the fifth section of the fourth article, part 1, of the constitution of Maine, so as to prevent a majority of the votes given for eligible persons constituting a choice?

The judges answered in the negative.

The ruling in the case of Speer *vs.* (Robinson 29 Maine, 531) is to the same effect; and the Legislature of Maine, in 1871, enacted this principle into a law, as follows:

And in all returns of elections the whole number of ballots given in shall be distinctly stated; but blank pieces of paper, and votes for persons not eligible to office, shall not be counted as ballots.

The same rule, I have shown, prevails in Massachusetts. New York, by the unanimous decision of her court of appeals, in the case of The People, *ex rel.* Furman, *vs.* Clute (50 N. Y., 451), sustained the same principle. The court say:

A minority of the whole body of qualified electors may elect to an office where the majority decline to vote, or where they vote for one who is ineligible to the office, knowing of the disqualification.

In the case of Price *vs.* Governor Baker the syllabus is as follows:

Where the majority of the ballots at an election are given to a candidate who is not eligible to the office, the ballots so cast are not to be counted for any purpose. They can not elect the ineligible candidate, or defeat the election of the opposing candidate by showing that he did not receive a majority of the votes cast at such election. It follows that the eligible candidate will receive an office, although less than a majority of the votes are cast for him

THE ELECTORAL COMMISSION.

In the proceedings of the Electoral Commission in 1877 I find the same principle insisted upon. In objection No. 2, in the Oregon case, it is stated that J. W. Watts, one of the candidates for Presidential elector in said State, "was ineligible, and that E. A. Cronin, the next highest eligible candidate, was duly appointed."

This was signed by James K. Kelly, United States Senator from Oregon; Henry Cooper, United States Senator from Tennessee; Louis V. Bogy, United States Senator from Missouri; Joseph E. McDonald, United States Senator from Indiana; John W. Stevenson, United States Senator from Kentucky; David D. Field, Representative from New York; J. RANDOLPH TUCKER, Representative from Virginia; Lafayette Lane, Representative from Oregon; G. A. Jenks, Representative from Pennsylvania; Anson T. Walling, Representative from Ohio; Hiester Clymer, Representative from Pennsylvania; P. D. Wigginton, Representative from California; E. F. Poppleton, J. L. Vance, FRANK H. HURD, Representatives from Ohio, and J. K. Luttrell, Representative from California.

When the commission, by the usual vote of 8 to 7, decided to count the vote of Watts, the following proceedings took place:

The PRESIDING OFFICER. Are there objections to the decision of the commission?

Mr. Senator KELLY. I have the honor to file certain objections to this decision, signed by Senators and Representatives.

The PRESIDING OFFICER. The Senator from Oregon having submitted an objection to this decision, it will be read by the Clerk of the House.

The Clerk of the House read as follows:

"The undersigned, Senators and Members of the House of Representatives of the United States, object to the decision of the joint commission directing the counting of the vote of John W. Watts, an alleged elector for the State of Oregon, as given for Rutherford B. Hayes for President of the United States, and for William A. Wheeler, of New York, for Vice-President, and rejecting the vote of E. A. Cronin, as cast for Samuel J. Tilden, of New York, for President, and Thomas A. Hendricks, of Indiana, for Vice-President, on the following grounds:

"1. John W. Watts was not elected a Presidential elector for Oregon.

"2. He (J. W. Watts) was not legally appointed a Presidential elector.

"3. He (Watts) was disqualified to receive any appointment as Presidential elector or to vote as such, in that he held an office of trust and profit under the United States.

"4. E. A. Cronin was elected a Presidential elector for the State of Oregon, and in accordance with law as such cast a legal vote as an elector for Samuel J. Tilden for President and Thomas A. Hendricks for Vice-President, and the vote so cast should be counted.

"JAMES K. KELLY,
"WM. PINKNEY WHYTE,
"HENRY COOPER,
"J. E. McDONALD,
"T. M. NORWOOD,
"FRANK HEREFORD,
"*Senators.*

"LAFAYETTE LANE,
"E. F. POPPLETON,
"G. A. JENKS,
"JOHN L. VANCE, of Ohio,
"J. W. THROCKMORTON,
"SCOTT WIKE,
"P. D. WIGGINTON,
"*Representatives.*"

Representative Lane moved in the House that the vote purporting to be an electoral vote for President and Vice-President, and which was given by one J. W. Watts, claiming to be an elector of the State of Oregon, be not counted. This passed the House yeas 151, nays 108. This House must go squarely back on the position taken by that House and by seven of the fifteen members of the Electoral Commission, or I must be awarded the seat.

This question came before the Forty-first Congress in the case of Hoge *vs.* Reed. The record showed that Reed had 11,774 votes and Hoge 8,766. Reed was declared ineligible under the fourteenth amendment to the Constitution and the seat was given to Hoge.

In the case of Wallace *vs.* Simpson, in the same Congress, it appeared that Simpson had received 14,098 votes and Wallace 9,807. Simpson was found ineligible under the fourteenth amendment, and Wallace was awarded the seat by a two-thirds vote of the House. The committee in their report said:

When one of two candidates is ineligible, the votes given for him are of no effect, and the other candidate is elected.

After quoting various authorities in support of this principle they continue—

So, if they cast their votes for an ineligible candidate, they must be regarded as votes for a person not *in esse*, and the voting is a mere nullity. * * * We think this, as an abstract question of law, is abundantly sustained by reason as well as authority. As a question of public policy we have no doubt of its entire propriety. While we do not dispute the powers and rights of majorities in this country, we hold that those powers, in order to be available, must be exercised in good faith and in accordance with the Constitution and laws of the country. When voters undertake to become revolutionary by casting their votes for a candidate well known to them to be ineligible, it is such willful misconduct as should forfeit their right in the premises. They should not be allowed to profit by their own wrong to the injury of an honest, law-abiding minority. * * *

It is conceded that in cases heretofore decided by the House the doctrine here maintained has not prevailed; but it is confidently believed that in none of them has the notoriety of ineligibility been raised, considered, or decided.

All the cases heretofore decided lacked this important element or ingredient. This is the first occasion on which that fact is made a part of the case.

The minority report, signed by S. J. RANDALL and Albert G. Burr, said:

Now, if this House is ready to adopt the theory that the disqualification of Simpson elects Wallace by a minority vote, so let it be.

Mr. RANDALL, in a speech, insisted that Congress should have removed the disabilities of both Reed and Simpson and thus made them eligible.

The law, as laid down by the majority of the Committee on Elections in the cases of Hoge and Simpson, applies with more force to the case now before the House than to those cases, for the reason that Congress might, as RANDALL said, have removed the disabilities of both Hoge and Simpson; might have admitted them to seats on the removal of such disabilities; and that the voters in casting their ballots were justified in believing that such action would be taken by Congress, and the candidates for whom they had voted be thus made eligible. But it is impossible for Congress or for this House to remove the disability of the contestee in this case, for the reason that his disability is imposed by a clause in the constitution of Kansas which was assented to by both Houses of Congress, and is a part of the compact between the United States and Kansas when that State was admitted into the Union.

THE JOHN YOUNG BROWN CASE.

The case of Smith *vs.* John Young Brown, decided in the Fortieth Congress, has been referred to as establishing the opposite doctrine. But Brown was not constitutionally ineligible; he was only declared to be ineligible under the act of Congress of 1862. There was no evidence that the voters of his district had any knowledge of his supposed ineligibility. Indeed, Mr. Kerr and Mr. Chandler, in their minority report, say:

At the time of the election Mr. Brown possessed every qualification for a Rep-

resentative in Congress which is expressly prescribed in the Constitution of the United States. No law of Congress or of the Commonwealth of Kentucky declared him ineligible or incompetent to be voted for and elected to that office.

He possessed no personal or physical disqualification patent to the electors of his district which could amount to legal notice to them that he could in no event be admitted to a seat in Congress. The votes cast for him, therefore, can upon no principle of law or justice be rejected or treated as blanks or nullities; and therefore the seat can not be awarded to Mr. Smith, even if withheld from Mr. Brown.

Mr. Brown's vote was 8,922, and Smith's only 2,816; yet 30 members of that House voted to seat Smith and only one 108 voted the other way, the rest being absent or not voting. The case we are now considering is entirely different. The contestee, Judge Peters, was ineligible under a provision of the State constitution, put there by the people of Kansas to preserve the purity of their judiciary. Being a part of the State constitution, every voter was bound to take notice of it. The Supreme Court has construed that disqualifying clause in a published opinion, which declared that "this ineligibility attached to the person of the judge and continued throughout the entire term or period of time for which he had been elected." The fact that the contestee was a judge on the bench when he was voted for and that he was disqualified were matters of public record well known to all the voters in the State. But to avoid dispute it is in evidence in this case that they did have actual knowledge of these facts.

THE RULE IN KANSAS.

The Legislature of Kansas at its last session passed a law which forbids the canvassing or counting of votes given for an ineligible candidate. That law is mandatory and is in these words:

All ballots or votes cast at any election for any person holding the office of judge of the district court or of justice of the supreme court, except for a judicial office, shall be deemed and held void, and shall not be counted by the judges or clerks of any election nor by any canvassing board, nor shall any record of the same be made by any canvassing board, nor any certificate of election be issued thereon.

That law should have the force and effect of an instruction to this House to treat all votes cast for the contestee as mere nullities, and to award the seat to the next highest eligible candidate. This has been the uniform practice in Kansas. When the candidate receiving the highest number of votes has been found ineligible, the next highest eligible candidate has always been awarded the seat or the office. The case of Joel Moody *vs.* Jonathan Foster, decided by the Kansas house of representatives in 1865, is a case in point. Jonathan Foster and Joel Moody were both candidates for the Legislature from Woodson County at the election in November, 1864. Foster had the largest number of votes, and Moody contested his election on the ground of eligibility. Mr. Foster at the time of the election held the office of postmaster at the little country town of Belmont. Section 4, article 2, of our constitution provides: "No member of Congress or officer of the United States should be eligible to a seat in the Legislature."

At the election Moody had received but 45 votes. It seems that after the election Foster resigned and had his daughter appointed in order to qualify himself. Moody, in his notice of contest-suit to Foster, said:

You were not eligible to the said office at the time of your election, being as you then were and still are a postmaster at Belmont, Kans., under the laws of the United States.

The Committee on Elections reported unanimously in favor of seating Moody in place of Foster. The report of the committee was adopted by a vote of 59 to 11.

In the house, and voting for the resolution, were some of the ablest men in the Republican and Democratic parties, among whom were Jacob Stotler, speaker, and now editor of the Emporia News; J. F. Broadhead, a prominent attorney of Linn County; O. M. Browne; Charles S. Glick, a prominent lawyer of Wyandotte; G. W. Glick, now governor of Kansas; Cyrus Leland, of Troy; Ed. Russell, now of Lawrence, and others that I might name. This case will serve to show the rule as it prevails in Kansas in contests of this character.

THE ELECTORAL COMMISSION AGAIN.

The question of notice to voters that a candidate is ineligible was discussed by Representative George A. Jenks, of Pennsylvania, a lawyer of great ability and learning, before the Electoral Commission in 1877. In contrasting the theory of the British Government with our own, Mr. Jenks said:

Here, when we appoint an agent ourselves, either directly or indirectly, can any man say in law, "I did not know who he was?" So, in consequence of the construction of our Government in opposition to that of the British Government, constructive notice exists to every individual of every officer in the United States, and the doctrine of constructive notice, that the principal knows who his agents are, would bring this within the doctrine of the judicial decisions that no one disputes, either English or American, that where the provision is that a man shall not be voted for, a vote for him, so far as the power of being elected is concerned, does not have that power. So Watts was not elected, even if he received a majority of the votes.

Mr. Commissioner THURMAN. Your proposition is that where the man can not be voted for, then knowledge on the part of the voter is of no consequence.

Mr. JENKS. It is of no consequence at all. The English authorities do not pretend to allege that it was necessary that the voter should know that he was voting for a disqualified candidate. The only question was whether the result was to elect the next highest where this knowledge did not exist. In any event the man was not elected who received the highest number of votes, but the question was whether the other was elected; but I say under the theory of our Government that the people are the principals and the officers are the agents; there is notice *per se* to every principal of every agent he has got, constructively, and we know who our agents are.

Hon. E. JOHN ELLIS, of Louisiana, now a member of this House, in discussing this question before the Electoral Commission, formulated a truism when he declared that—

It is a principle of law familiar and known to every neophyte in the profession that whatever is done in opposition to the declared will of the people, through their constitution, is an absolute nullity.

OTHER AUTHORITIES.

But we are told that the case of the State *vs.* Anderson (1 Coxe's New Jersey Reports, 318) is opposed to the doctrine for which we contend. How baseless that claim is will appear on a very slight examination. Under a law of New Jersey a man who had been elected sheriff of a county was ineligible. The case came before the court after he had been acting for some months under color of an election. The case was heard, not on a quo warranto, which would try the right of the relator to the office, but on a writ of error or certiorari. The court held that they had a discretion to say whether they would or would not oust the man and leave the office vacant. They were not called upon to decide whether another man was entitled to the office or not. So the case went off on the idea that in certiorari it was competent for the court to exercise a discretionary power and say that the office should not be vacated. It does not appear in the opinion that another man claimed the office or that any one else had been voted for.

In the case of the State *vs.* Giles (1 Chandler, Wisconsin, 112) two questions were raised: First, whether the man who had the majority vote was eligible or not; and, second, if not eligible, whether the man who received the next highest vote was elected and entitled to the office. The court held that the majority candidate was eligible. The case of course went off on the first question. It was not necessary to pass upon the second, but the court added:

It is proper to say that we are all of the opinion that the mere ineligibility of the candidate does not, as the law now is, render void the votes cast for him, and elect the minority candidate.

That is sound law, and it is not in conflict with the current of authorities, which fix this as the governing rule in such cases, that mere ineligibility without notice to the voters does not vitiate the ballots cast, but where that ineligibility is patent to the voter, or is of such a character that they are bound in law to take notice of it, and the presumption is that they have either actual or constructive notice of the fact, then all votes cast for the candidate thus disqualified are nullities, and the next highest eligible candidate is elected.

The case of the State *vs.* Smith (14 Wisconsin) is in harmony with this doctrine. There it was held that mere ineligibility did not nullify the votes cast—that is, ineligibility that was not patent to the electors, or where there was no presumption of law that they had such notice, either actual or constructive.

In the Maine cases there is no pretense that the electors knew that they were voting for persons not in existence.

In Sanders *vs.* Haynes (13 California, 145) the court decided that the man who held the certificate and who had the most votes was eligible. That, of course, ended the case. The minority man had no rights. It is true, however, that the court approved and quoted the Wisconsin case, that "the mere ineligibility of the man" does not give the office to the minority candidate. Nobody claims that it does. In this, as in the Wisconsin case, when the majority candidate was found to be eligible, there was nothing else to decide.

The Pennsylvania case of The Commonwealth *vs.* Cluly (56 Pennsylvania, 270) is much quoted and confidently relied upon by the other side. In that case Mr. Justice Strong, in delivering the opinion of the court, made the astonishing declaration that he was not aware of any judicial decision on the subject. The truth is that this question of knowledge on the part of the voters of the incumbent's ineligibility was not raised in the pleadings in that case, much less argued or proved. Judge Strong, however, in that opinion, says:

A man who votes for a person with knowledge that the person is incompetent to hold the office and that his vote therefore can not be effective, that it will be thrown away, may very properly be considered as intending to vote a blank or throw away his vote. But the present relator suggests no such case. He does not even aver that if the votes given for Cluly were thrown out he received a majority, though doubtless such was the truth. He has, therefore, exhibited no such interest as entitles him to be heard.

It is clear that this question of knowledge was not raised or judicially considered in that case; but the reasoning in that opinion is in perfect harmony with the authorities I have marshaled in support of the principle for which I contend.

In the case of Maloney *vs.* Whitman *et al.* (10 California, 38) the court held that Mandeville was not ineligible. Field, C. J., said:

As we hold that Mandeville was not ineligible, we refrain from the expression of an opinion whether, if he were ineligible, the votes given for him should be thrown out as so many blanks and Whitman declared elected, as contended by counsel.

In this case it was not shown that Mandeville was ineligible, much less that ineligibility was known to the voters.

In the case of The State *vs.* Swearingen (12 Georgia, 23) the majority candidate was found eligible. The point made against him was that he was not a corporator and resident within the city of Oglethorpe, as clerk and treasurer of which he claimed to have been elected. Lumpkin, J., said that the objection was not well taken. Of course in this

case the question of knowledge on the part of the voters was not in the pleadings or the proof.

The State *ex rel.* Kempf *vs.* Boal (46 Missouri, 528) was a case where both candidates were found ineligible. The court said:

As to the votes cast for the defendant, they were nugatory. It was as though no such votes had been cast at the election.

The ruling of the court in The State *vs.* Vail (53 Missouri, 97), as stated in the syllabus, was this:

The candidate who at an election receives the greatest number of votes, except the successful candidate, is not entitled to the office, when the successful candidate is ineligible owing to personal disqualifications and such as were not patent to the voters.

Of course if the ineligibility had been patent to the voters, that is, known to them, the opposite would have been the ruling.

Judge Napton, in an elaborate opinion, quotes the Indiana case of Gulick *vs.* New, and says:

But in the case in Indiana it is considered that where the candidate receiving the highest number of votes is ineligible by reason of a cause which the voters were not bound to know, such as nonage, want of naturalization, &c., the result is a failure to elect. * * * If a disqualified candidate receives a thousand votes and his competitor only a hundred, to pronounce the latter elected is not in accordance with any ascertained will of the electors, unless it may be inferred that the votes for the disqualified candidate were cast with a knowledge of his inability to take the office; an inference which could not be drawn where the disqualifications are such as are enumerated in the pleadings in this case (not a citizen five years, not a qualified voter, nonage, and disloyalty). It is unnecessary to determine whether it would be the rule in any case of disqualification, whether patent or latent.

The case of The People *ex rel.* Crawford *vs.* Moliter (23 Michigan, 341) was virtually decided on the pleadings, and was not a question of eligibility at all.

In Fish *vs.* Collins (21 Louisiana Annual, 284), Ludeling, chief-justice, said:

The plaintiff does not allege that he received a larger number of votes cast at the election than either of his competitors; but, on the contrary, he admits that the defendant received a greater number of votes than he did.

It is unnecessary in this case to express any opinion as to whether the votes cast for a person who is notoriously known to be ineligible should be rejected or not, as no such allegations are made in this petition.

In the case of The State *vs.* Gastinel (18 Louisiana Annual, 517) it appeared that Gastinel was disqualified by nonage, but there was no allegation that this was known to the voters. The court said: "What might have been his rights had he contested the election of defendant in accordance with law, we are not called on to say."

In the Rhode Island case the court said:

The question submitted to us does not allege or imply that the electors, knowing the disqualifications, voted for the ineligible candidate in willful defiance of the law.

THERE IS NOT A CASE AGAINST THE DOCTRINE.

In not one of these cases is there any ruling against the doctrine I am contending for. On the contrary, the reasoning in each and all of these cases is not only in harmony with that doctrine but actually supports and strengthens it. I challenge the production of a single case decided in any of our courts where the majority candidate was notoriously ineligible, or where that ineligibility was such that the voters were bound to take notice of it, that the next highest eligible candidate did not get the office. It has been the rule in the legislative cases as well. This was true of the Abbott (North Carolina) case and the case of John Young Brown. I have not been able to find an exception in the whole range of our legislative cases.

When Gallatin was elected to the United States Senate by the Pennsylvania Legislature in 1793 it was not known to the members of that body that he had been a citizen less than nine years. The same was true of the Legislature of Illinois when Shields was elected. So of Massachusetts when Baily was elected; they supposed him a citizen of Massachusetts. There does not seem to be any conflict of opinion where the ineligibility of the candidate is notorious or where the law requires the electors to take notice of it.

But suppose there had been some conflict between the decisions of courts in different States or between different State Legislatures on this question, there still remains a safe rule for the guidance of this House in deciding the case now in dispute. The Supreme Court of the United States in Christy *vs.* Pridgeon (4 Wallace, 196) held that the interpretation of a State law "placed upon it by the highest court of that State must, according to the established principles of this court, be accepted as the true interpretation;" and that such interpretation "becomes a part of the law of that State as much so as if incorporated into the body of it by the Legislature."

THE RULE IN KANSAS SHOULD PREVAIL.

So this House in the matter now in controversy must be guided by the interpretation put upon the constitution and laws of Kansas by the supreme court of that State. What is that interpretation? The supreme court of Kansas has decided in the opinion already quoted that a judge on the bench in that State is not only ineligible to a seat in Congress, but that such ineligibility continues throughout the entire term for which he was elected to such judgeship. There can be no question about the fact that Judge Peters was thus disqualified not only on election day but on the day he was sworn into office here. The committee admits this.

The uniform and unvarying rule in the Kansas Legislature has been that where the majority candidate was found ineligible the next highest eligible candidate was declared elected and entitled to the seat. The Legislature of Kansas has passed a law declaring that votes cast for a judge for a political office shall not be counted or canvassed, but treated as nullities. We thus have a legislative as well as judicial construction of the constitution of Kansas, which, according to all precedents, should determine our action in this case.

This House can not afford to violate the constitution of a sovereign State—I put this question squarely to both sides of the House—nor can we afford to assist the followers or adherents of any man or party to trample under foot the fundamental law of a State. The people of Kansas in their organic laws declared that their courts should administer justice pure and simple. They declared that no man who puts on the judicial ermine shall prostitute the tremendous power and influence of his office, to the scandal of the court and the prejudice of suitors, by using them to promote his own schemes of political ambition. They decreed that their judiciary should be kept forever free from the influences of party politics. They put that into their fundamental law. You found it there when we came here asking admission into the sisterhood of States. You assented to it then, and you are bound to maintain it now.

Permit me again, in conclusion, to thank the members of this House for their courtesy in extending my time. Let the result be what it may, I have no complaints to make against the uniform courtesy of the Committee on Elections and of the House; of Republicans as well as Democrats.

The Bonded Extension Bill.

SPEECH

OF

HON. NELSON DINGLEY, JR.,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 25, 1884.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. DINGLEY said:

Mr. CHAIRMAN: I have listened attentively to the arguments which have been presented for the passage of the bill to extend the time for payment of the tax on whisky held in bond. They seem to crystallize around two points first presented by the chairman of the Committee on Ways and Means [Mr. MORRISON], who reported the bill.

The first argument is that it would be a discrimination against the distillers and holders of whisky and a departure from the privilege accorded to goods placed in bond by importers if we should refuse to give the former the two years additional time proposed by this bill for the payment of the tax imposed upon whisky in bonded warehouses, thus increasing the bonded period to five years.

I have watched very closely, Mr. Chairman, for the citation of any statute which would authorize the assumption that imported merchandise may be held in bond for five years, or even until the same may enter into consumption before the payment of duties. Is it true that under the laws as they exist to-day an importer may hold his goods in bond for an indefinite period, or until they shall be wanted for consumption, without the payment of duty upon them? Has any one quoted the statute which sustains such an assertion? In section 2970 of the Revised Statutes it is provided that—

Any merchandise deposited in bond in any public or private bonded warehouse may be withdrawn for consumption within one year from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal; and after the expiration of one year from the date of original importation, and until the expiration of three years from such date, any merchandise in bond may be withdrawn for consumption on payment of the duties assessed on the original entry and charges, and an additional duty of 10 per cent. of the amount of such duties and charges.

In other words, Mr. Chairman, any merchant who may import into this country any article of merchandise and place the same in bond must at the end of one year pay not only the import duty but also an additional duty of 10 per cent. for the privilege of holding such merchandise in bond for a single day and not exceeding two years longer. But how is it at the end of the three years thus provided as the conditional bonded period for merchandise? Allow me to read from section 2971 of the Revised Statutes:

Any goods remaining in public store or bonded warehouse beyond three years shall be regarded as abandoned to the Government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury.

Where, then, is the authority for the assertion, so frequently made here, that a person who imports merchandise may put the same in bond for an indefinite period on the payment at the end of one year of 10 per cent. additional duty? On the contrary, at the end of the three years of the bonded period, unless the imported merchandise shall be

taken from the bonded warehouse, the Government seizes it and confiscates it to its own use.

Now, Mr. Chairman, I have to say that the bonded period of three years for whisky, as at present allowed by law, is the utmost limit that is given to any imported merchandise that is brought into this country; and, therefore, the assertion that to refuse to pass this bill is to discriminate against the holders of whisky has no foundation in law or fact. As the laws exist to-day, the owners of whisky which has been placed in bonded warehouses have the same right as to the time they may hold it in bond as do the owners of other merchandise, and the whisky men have this privilege, too, without the payment of the 10 per cent. duty required of others.

But, Mr. Chairman, there is a privilege given to holders of whisky under the practical workings of the law which importers of merchandise can not avail themselves of. At the end of one year nearly all imported merchandise is removed from the bonded warehouses and pays the duty to which it is subject. Ordinary merchandise depreciates in value from month to month in storage, and therefore the conditions which surround it practically demand that it shall be withdrawn from the bonded warehouse before the expiration of one year. But how is it in the case of whisky? It is a fact which must be taken account of in this discussion that whisky increases in value every year it remains in the bonded warehouse, certainly up to the period of five years, which renders it for the interest of the owner to hold it there as long as the law allows. So the conditions surrounding the article of whisky are very different from those which surround other merchandise.

Therefore, Mr. Chairman, the argument which has been made in this debate from the beginning, that to refuse to pass this bill would be a discrimination against the holders of whisky, has no foundation in fact. On the contrary, to pass this bill would give them a discrimination and a favor which we grant to no merchandise that is imported into this country.

Secondly, it is argued, Mr. Chairman, that, inasmuch as the Government has no present need for the tax except to pay its debts, and speculators in whisky have accumulated a surplus of 70,000,000 gallons, if Congress should allow an extension of time for payment of the tax on the same for two years on the payment of 4½ per cent. per annum interest, the Government would suffer nothing and the holders of whisky be saved from severe financial distress.

It is useless to deny the fact that the proposition involved in this extension (so called) is practically to lend the holders of whisky $63,000,000, the amount of the tax on the whisky which will accumulate in the next year or two, and to lend that immense sum of money at the rate of 4½ per cent. per annum.

It may be said that this is simply an extension of a tax to be paid; but when the time arrives that the law has said this tax shall be paid, then that money belongs to the Government as truly as though it had been paid into the Treasury. And any proposition to extend the time of payment of that tax is practically a proposition to lend the holders of whisky $63,000,000 at 4½ per cent. per annum. I object to that proposition. First, because it is not the business of this Government to lend money to any one. The Government is not a bank or a banker. It is the business of the Government to collect its revenues, and to use those revenues in paying current expenses and the public debt. If it be appropriate for the Government to loan any part of its revenue instead of paying its debts, and loan it, too, on a long term at the low rate of 4½ per cent., then I insist that whisky speculators should not be the one class selected out for such favors. We have manufacturers all over this country who are holding large accumulated stocks of goods with great difficulty. They would rejoice to have the Government loan them money to carry their stocks at 4½ per cent. We have farmers whose farms are under mortgage to secure loans at 6, 8, and perhaps 10 per cent. Why should they be excluded from the privilege of borrowing the Government money at 4½ per cent., when it is proposed to have whisky speculators enjoy this unexampled favor of the Government. No, Mr. Chairman, I can not vote to grant such a special privilege to any one, much less to whisky speculators. Second, I can not vote to extend the period for paying the whisky tax from the three years now allowed by law to five years, because I believe that if this should be done we should eventually lose all or a large part of the $63,000,000 tax on whisky now in bond. Every one knows that movements are already inaugurated to reduce the tax on whisky to 50 cents, if not to abolish it altogether; and it is more than probable that the reduction proposed will be secured by the whisky-men within two years, or before the proposed extended bonded period, if granted, should expire. If this reduction of tax should be made, is there any one here who believes that the whisky ring would not be before Congress immediately after to ask, yes, demand, the proportional reduction of their postponed tax, which would involve a reduction of $36,000,000?

No one who has witnessed the power which the liquor interest exercises in the country and in Congress can doubt that they would obtain this demand. A power which in 1878 so promptly secured an extension of time of from one to three years in which to pay their taxes; which boasts that it has in the past year controlled elections in many States, and which has induced Congress at this session to give priority to a bill for its relief over all public business, surely will escape the payment of a large part of the whisky tax affected by this bill if it can only secure the passage of the pending measure of extension.

The CHAIRMAN. The gentleman's time has expired.

Mr. DINGLEY. I ask the privilege of extending my remarks in print, and especially to make some observations on the speech which my friend from New York [Mr. COX] was permitted to print in the course of the debate on this bill, on the subject of the tariff.

The CHAIRMAN. The Chair hears no objection, and the gentleman has that privilege.

Bureau of Labor Statistics.

SPEECH

OF

HON. WILLIAM H. F. FIEDLER,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. FIEDLER said:

Mr. CHAIRMAN: While it is an easy matter to charge a man with demagogism when he raises his voice in the behalf and for the advancement of the rights of labor, still I believe that we are a great deal nearer to our calling if we give some attention to this worthy subject. Look at the records of the various legislative bodies throughout the land and you will discover a mass of legislation, but very little in the interest and for the benefit of labor. You have no right to find fault with the workingman because he doubts your genuine zeal for his welfare, while you are seeking his vote, for experience teaches him that in many instances the ballots of the successful candidate had scarcely been counted before his memory failed him, and he neglected to carry out the pledges which were advanced during the campaign to seduce the man of toil to elevate him into office!

There are men in this House to-day who are taxing their brains how to accomplish the defeat of this bill under the plea of economy, and yet should they again appear before the people as candidates for their support, will prove to be the greatest demagogues on the stump on the question of labor. Away with such hypocrisy! Let us act like honorable men; and if our convictions are such that we fear to give too much power to the laboring man, let us have the manhood to so proclaim it while seeking their suffrages!

What is there in this bill that should create any opposition? Absolutely nothing. Why hesitate to carry out the wishes of the people? Are we not their servants, and is it not our duty to give them what they ask for, providing the demand is reasonable? The wage-workers ask us to help them by proper legislation to solve the problem of existing antagonism between capital and labor. Why not grant so reasonable a proposition? Surely you do not fear that the gathering of labor statistics can result in a loss to the nation? The laborer asks for light. Why should he grope in the dark? If through hardships and oppression he is goaded into strikes and rioting we condemn him, and the authorities in hot haste order out the military to subdue him. He now appears as a peaceful citizen and asks this small boon. It can not be possible that the opponents of the bill are sincere. I feel almost certain that when the vote is taken all prejudice will disappear and the measure will receive the hearty and unanimous support of the members of this House.

Let us forget our differences and unite in enacting legislation that will secure information which will eventually result beneficially both to the employer as well as to the employé. Some years ago a similar bill was introduced in the New Jersey Legislature. It met with objection from different quarters and for various reasons, but the friends of the measure succeeded finally in having the bill passed, and a bureau of statistics of labor and industries was established. It proved to be of great value to the State, for through its agency facts were ascertained showing a condition of affairs that was detrimental alike to the people as well as the manufacturing industries. Attention being drawn to the evils, they were speedily remedied by legislation.

It was ascertained by information gained from this bureau that thousands of little children had been employed from ten to fourteen hours a day in the mills and factories of the State. A law was enacted prohibiting the employment of children under a certain age and an inspector appointed who enforced its provisions. The unfair competition of contract convict labor was also brought to the knowledge of the people through this bureau. Years were consumed in properly legislating for relief on this question, and now it is unlawful to contract out the labor of any prisoner in any of the penal institutions of the State.

The method of taxation was also examined, and it was shown clearly that railroad and other corporations were not paying a fair proportion of the tax. This information roused the people, and compelled its representatives, in the last session of the Legislature, to pass laws that would bring these parties to terms, and hereafter they will be obliged to carry an equal share of the burden of taxation.

All these advantages were to a great extent gained from information received through this labor bureau, and it is now one of the most popular departments, because it has been the means of placing the State of New Jersey in the proud position of having done more for the benefit of the laboring man than probably any other in the Union.

As there are several States that have a similar bureau, I have no doubt that they have experienced the same beneficial results. We have yet to learn of one case where a bureau of statistics of labor and industries has been once established that it has not remained a permanent institution.

It seems scarcely necessary for me to say anything in favor of the passage of this act, for its adoption is of such great importance that it should receive the support of every member who is anxious to secure information by which the conditions of labor can be improved.

We can not afford to trifle with the just demand of labor, for its friends have been ignored so long that they are becoming impatient; it is wisdom to take heed in time and give these questions, which are of such great value to them, that attention and consideration which they merit.

It has often been a wonder to me that the artisans and the laborers did not recognize their power more fully than appears to be the case, for if they once unite irrespective of former political affiliations, and would band together for their common interests, drop all bickerings and jealousies in their ranks, and present a solid front, they could elect a sufficient number of representatives to enable them to control legislation in every legislative body in the land. See to it that such a state of affairs is not forced upon you owing to your neglect in properly providing such laws as they request and to which the whole people have a just claim.

Mr. Chairman, I hope that this bill will pass.

Bureau of Labor Statistics.

SPEECH

OF

HON. RICHARD WARNER,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. WARNER, of Tennessee, said:

Mr. CHAIRMAN: First I will consider—

THE DEPARTMENTS OF GOVERNMENT.

Our General Government is divided into three departments, to wit, the legislative, executive, and judicial, each being supreme in its own sphere. These departments rest upon the Constitution as their great center and source of life, revolving upon their own axes, acting upon and checking each other. When either attempts to go beyond its constitutional limit it is by the others checked; hence is called a government of checks and balances.

The Constitution is the sun and center of our governmental system, and holds each department to it as they move in their spheres of business, while each keeps the others from flying off in their revolutions, somewhat similar to our solar system. It appears the framers intended to frame the Government as near after the manner of God's government as in the power of man to do. Take the sun as the center of the solar system, with the planets revolving around her, her power of attraction prevents them from flying off in a tangent as they revolve around her, while the motion of the planets prevents them from falling to the sun.

The province of the legislative department is to make laws for the whole nation in accordance with its constitutional limits, and this is its sole province. This department holds in its hands the purse of the nation as the emblem of its power and guardian of national finances. This is one of the leading attributes of all nations. The executive department has the exclusive executive power, and holds in its hands the sword as an emblem of power, another leading attribute of all nations. Yet the sword is a dead letter without money to back it. The judicial department is the exclusive adjudicating power, and holds in its hands the scales of justice to mete out to all men exact justice under the law, the other leading attribute of nations. The above are the three leading attributes of all nations, and in all republics each is placed in a separate department.

THE LEGISLATIVE DEPARTMENT.

This department is divided into two branches, the Senate, and the House of Representatives, each State, regardless of its population, being entitled to two Senators only, elected by the Legislatures thereof for a period of six years. This is the Federal part of our Congress and represents the States as in a sovereign, organized, and governmental capacity. The House of Representatives is elected by the people; hence is styled the national or people's department. They are apportioned among the States respectively according to their population, excluding Indians only not taxed, an amendment to the Constitution since the late war having obliterated the three-fifths clause. The number that composed the First Congress was fixed by the Constitution, which was sixty-five in the House and twenty-six in the Senate. At this time our population was about 3,500,000. The first census was to be taken three years after the adoption of the Constitution, and forever thereafter every ten years.

The number fixed as a basis for each Representative before the census of 1790, was 30,000. In 1790 the population was about 4,000,000; in 1800, about 5,000,000; in 1810, over 7,000,000; in 1820, over 9,000,000; in 1830, about 12,000,000; in 1840, over 17,000,000; in 1850, over 28,000,000; in 1860, over 31,000,000; in 1870, over 38,000,000; in 1880, over 50,000,000. I have only adopted round numbers in the above, as an accurate calculation is not required in the argument I am making.

The following is the ratio and number of Representatives each decade, including the first apportionment:

Year.	Ratio.	Representatives.
1792	33,900	106
1802	33,900	141
1811	35,000	181
1822	40,000	210
1832	47,700	240
1842	70,680	240
1853	93,420	233
1862	127,000	241
1872	131,425	292
1882	151,912	325

The ratio above may not be strictly accurate as to number, but it is very nearly so. Here the wisdom of the framers of our Constitution is plainly presented, and their intention of a strict economical government clearly shows they well knew that oppressive taxes were destructive of liberty and the downfall of all republics, hence they judiciously vested the power in Congress every decade to increase the ratio and prevent Congress from swelling to such a size as would grind the people into powder to support them. Suppose the ratio had been unalterably fixed at 30,000, now we would have in the House over 1,734 members, at present rates costing the Government over $8,000,000 annually, independent of all other contingencies connected with the House and its officers.

LEGISLATION FINANCIALLY CONSIDERED.

It is seen from the Constitution that the House of Representatives was intended as the financial agent of the people. For all revenue bills have to originate in the House of Representatives. (See article 1, section 7.) This embraces the whole revenue of the United States, to be used in every form and manner allowed by the Constitution for the support and maintenance of every department of government. In England this power is placed in the House of Commons, because they are elected by the people who have the revenues to pay; hence the people can hold them to an account at the ballot-box for any unnecessary appropriations of their money. The House of Lords are not even permitted to make any amendments or alterations in revenue bills; they must pass them as they come from the House of Commons or defeat them. The king (or queen) can make no alterations; he must let them become law or veto them. The whole responsibility is thrown upon the House of Commons, the immediate representatives of the people, that the people may hold them to account for any wrong or oppressive taxes. The people should be dealt with fairly, justly, and tenderly, and it is the duty of their immediate representatives to see that this is done. Under our Constitution this power is vested in the House, modeling somewhat after the manner of the English Government; but our Senate has more power over revenue bills than the House of Lords, for they can amend them, because they represent the States, who are also interested in revenue bills to some extent.

This is a striking illustration of the intended economy of the constitutional framers. They placed the taxing power in the hands of the people's representatives, only allowing the Senate the power of amendment, and compelling the President to veto the whole bill as it passed the two Houses or sign the whole, and then, if vetoed, two-thirds of both Houses could pass it over the veto, bringing the power of taxation nearer to the people than in England. The power is placed in the House to bring it near the people that they may protect themselves against extravagance, slavery, and serfdom, and that the Government be administered in strict economy.

Another idea of the intended economy of the constitutional framers: In article 1, section 9, subsection 7, it is declared:

No money shall be drawn from the Treasury, but in consequence of appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published from time to time.

Here wisdom is plainly painted. This clause is a prohibitory clause upon all officers of the Treasury and all Departments and officers that

pay out money except as appropriated in the appropriation bills of Congress. This is usually the last law of Congress at every session, intended to give full time, thought, and deliberation before the appropriation is made, that the finances may be guarded with a careful hand and all extravagant and unnecessary items stricken from the bill before it matures into a law. So carefully does the Constitution watch the Treasury that it instills in the mind of every member who will read and study it ideas of the strictest and most rigid economy. The thought begins with the first law of every session and keeps the idea impressed through the entire session to the last law, where it is indelibly stamped upon every member's mind. To vary from this is but a perversion of law and a forfeiture of our trust to our constituents at home. This seems to be the alpha and omega of all legislation. Not only during the sessions of Congress but after the session has closed, from time to time, the Departments have to make regular statements of the expenditures of all public money and publish them, that the people may see what is going with their toil and sweat and call their representatives to account for all extravagant and unnecessary appro priations.

OFFICIAL SALARIES.

The Constitution nowhere fixes what the salaries of officers shall be, but vests the whole power in Congress to fix all salaries of all officers in accordance with strict principles of economy; to fix their own salaries and those of all officers connected with the legislative department; to fix the salary of the President and all officers connected with the executive department; to fix the salaries of supreme judges and all salaries connected with the judicial department of the Government; in a word, all salaries, and also the power to change the salaries to suit the times, condition of the Government, and situation of the people, except the salary of the President and supreme judges, which can not be diminished during their term of office; yet they may be increased. Hence Congress is not only intrusted with the power of levying and collecting taxes, duties, imposts, and excises upon the people, but also with the power of saying how the money when collected shall be disbursed, to whom paid, and how much to each. Here tender hands should be laid upon the rights of the people and their interests guarded with the most watchful eye.

Too often it is the case members of Congress regard the affairs of the people as of less importance than their own, as is generally the case in all fiduciary capacities. Hence they are frequently heard to say, "This is a large Government, full of rich natural resources; the people have it to pay anyhow, and I can bear it," forgetting the fact that the larger the government the greater the burden to support it and the greater the field for extravagance. If a man has a debt to pay with his own money or toil he knows and feels where the money comes from to pay it, or if he has a note to give he is strictly watchful and keeps himself within the bounds of his income. But when it comes to issuing bonds, contracting debts, and levying taxes upon the people he forgets himself, and often indulges in the wildest extravagance. It is much easier to obtain the consent of a man to saddle a debt upon others than upon himself; so, also, to appropriate the moneys of others to extravagant purposes than his own. When Congress is fixing the salaries of Senators and Representatives and other officers of the Government it is fixing them for the people to pay.

It is too often forgotten by those in affluence that heavy taxes rob many poor widows and children, and leave them in a condition of starvation and want, without education. The House should always remember they are the people's trustees and to them the people must look for safety. They should at all times be true and faithful to their trust and keep the salaries at all times at par with other pursuits and the condition of the Government. To increase them above a level will make them mines to be sought for their gold. Let all things seek their level, as the water of earth and electricity of heaven. This is the nature and spirit of a true republic. It should be of all republics. They should all be based upon the principle of equality. Equality is equity.

FURTHER POWERS OF CONGRESS.

Congress is also given the power to lay and collect taxes, duties, imposts, and excises, to pay the debts, provide for the common defense and general welfare, to borrow money on the credit of the people, to coin money, regulate the value thereof, and declare what shall be a legal tender. I refer to these to show what unbounded confidence the framers of our Constitution had in the representatives of the people and how often they reminded representatives of the trust confided in them. Here plenary power is given to them over money, to fix the standard of value over the whole people without courts and without proof; also to borrow money on the faith and credit of the people, bind them in bonds to repay with interest without consulting them or obtaining their consent, except in their elections through the ballot-box. How sacred the trust; how carefully it should be guarded! These emblems of trust should be stamped indelibly upon each member's brain, travel with him from home, board with him at the hotel, sleep with him at night, meet him when he rises in the morning, go with him to the House, and haunt him while in the legislative chamber, that he may be ever reminded his master is at home; he is but a servant; let their will be done, and not his. So when he returns home, having filled his mission, he may deliver his trust to the people fully performed, unsullied, and untarnished, and they exclaim, "Well done, good and faithful servant!"

HOW SALARIES HAVE BEEN REGULATED.

In the early existence of the legal and medical profession fees were not charged; they were regarded as posts of honor, sought for the honor in them and not for money. So with legislative offices in Greece, Rome, and other nations at times. True, where this prevailed the nation had a public crib and table to feed the honored and their guests. Christ even commanded his Disciples to go out and preach to all the world without charge or pay. Yet I subscribe to the doctrine that the laborer is worthy of his hire.

Our Government has no public crib or table except as extravagantly allowed by Congress at the President's Mansion. I therefore maintain a reasonable salary should be allowed for all officers in proportion to the office filled; but this proportion should have some regard for all other pursuits in life and be proportioned in such a manner as will give equal protection to all pursuits in life, and not let some be protected at the expense of others, that the more important be neglected and the others sought for the money in them. All officers should be paid such salaries as will reasonably compensate them for their labor compared with other pursuits in life and the condition of the country. When governments are out of debt, have a healthy, full circulating medium, rich harvest, and an abundance of commerce, the salaries should be higher than when their debt is large, circulating medium small, and commerce crippled. Disproportion the salaries of officers with other pursuits in life and they will be abandoned and office sought for the money in it.

Experience and history demonstrate that when office is sought for the honor in it the governments remain pure, because impurity is dishonor and contrary to the purpose of obtaining the office. So to cast a stain upon the office would be dishonoring it instead of honoring it. On the contrary, where the office is sought for money the very purpose and object in obtaining it is corrupt; hence the officer puts the office to a corrupt purpose, and in this way the whole government becomes poisoned with villainy. This has been painted in the most glaring colors since our late war. For illustration: The President's annual salary was $25,000 from the beginning of the Government to Grant's second administration; from that time to the present it has been $50,000. Senators and Representatives only got $8 per day while Congress was actually in session up to 1856; from then to 1866, $3,000 per annum; from then to 1873, $5,000 per annum; in 1873, $7,500; and in 1874 their salary was placed back at $5,000 per annum, and stands at that now. The Chief-Justice gets $10,500; each associate justice, $10,000, which is for life or good behavior, and can not be changed during their term of office. This embraces only the heads of Departments. All other offices have been greatly increased, but none probably to so great an extent as the President's. True, the labor of Congressmen is hard and expenses high, but it can not be said they have increased as five to three since 1866, and more assuredly the President's as two to one since 1872; the proportion is too great. Talent can not be said to be superior and worth more, for the great lights, Clay, Webster, and Calhoun, only got $8 per day; and Washington, Jefferson, Jackson, Polk, and Lincoln, $25,000 per annum.

Below I attach the salaries of the members of the Legislatures of the States and Territories as far as I could ascertain, sessions, &c.

States and Territories.	Session began—	Limit of session.	Term of— Senators.	Term of— Representatives.	Salary.	Elected—
			Yrs.	*Yrs.*		
Alabama	Nov. 9, 1880	50 days	4	2	$4 per day and 10 cents mileage	Aug. 2, 1880
Arkansas	Jan. 13, 1879	60 days	4	2	$6 per day	Sept. 6, 1880
California	Dec. 1, 1879	120 days	4	2	$10 per day and $3 for 20 miles' travel	Sept. 3, 1879
Colorado	Jan. 1, 1879	40 days	4	2	$300 and mileage	Oct. 5, 1880
Connecticut	Jan. 8, 1879	None	2	1	$3 per day and mileage	Nov. 2, 1880
Delaware	Jan. 7, 1879	None	4	2	$4 per day and mileage	Nov. 2, 1880
Florida	Jan. 1, 1879	60 days	4	2	$5 per day and 10 cents mileage	Nov. 2, 1880
Georgia	Nov. 4, 1880	40 days	4	2	$5 per day	Oct. 6, 1880
Illinois	Jan. 8, 1879	None	4	2	$550	Nov. 2, 1880

Salaries of members of the Legislatures of the States and Territories.

States and Territories.	Session began—	Limit of session.	Term of— Senators.	Term of— Representatives.	Salary.	Elected—
			Yrs.	Yrs.		
Indiana	Jan. 9, 1879	60 days	4	2	$8 per day and mileage	Oct. 12, 1880
Iowa	Jan. 12, 1880	None	4	2	$150	Oct. 12, 1880
Kansas	Jan. 14, 1879	50 days	4	2	$3 per day and 10 cents mileage	Nov. 2, 1880
Kentucky	Dec. 31, 1879	60 days	4	2	$5 per day and 15 cents mileage	Aug. 4, 1879
Louisiana	Jan. 6, 1879	60 days	4	2	$500	Nov. 2, 1880
Maine	Jan. 1, 1879	None	1	1	$5 per day and $30 mileage	Sept. 8, 1879
Maryland	Jan. 5, 1880	90 days	4	2	$3 per day	Nov. 4, 1879
Massachusetts	Jan. 1, 1879	None	1	1	$8 per day and 40 cents mileage	Nov. 4, 1879
Michigan	Jan. 1, 1879	None	2	2	$3 per day and mileage	Nov. 2, 1880
Minnesota	Jan. 7, 1879	60 days	2	1	$500	Nov. 4, 1879
Mississippi	Jan. 6, 1880	None	4	2	$400	Nov. 2, 1880
Missouri	Jan. 8, 1879	70 days	4	2	$4 per day and 10 cents mileage	Nov. 2, 1880
Nebraska	Jan. 7, 1879	40 days	2	2	$5 per day and $3 for 20 miles, travel.	Nov. 2, 1880
Nevada	Jan. 6, 1879	60 days	4	2	$3 per day and $3 for 20 miles, travel.	Nov. 2, 1880
New Hampshire	June 4, 1879	None	2	2	$1,000	Nov. 4, 1879
New Jersey	Jan. 14, 1879	None	3	1	$1 per day and 8 cents mileage	Nov. 4, 1879
New York	Jan. 7, 1879	None	2	1		Nov. 4, 1879
North Carolina	Jan. 8, 1879	60 days	2	2		Nov. 2, 1880
Ohio	Jan. 7, 1879	None	2	2		Oct. 7, 1879
Oregon	Sept. 13, 1880	40 days	4	2		June 7, 1880
Pennsylvania	Jan. 7, 1879	None	4	2		Nov. 4, 1879
Rhode Island	Jan. 14, 1879	None	1	1		Apr. 2, 1879
South Carolina	Nov. 5, 1879	None	4	2	$5 per day and 10 cents mileage	Nov. 2, 1880
Tennessee	Jan. 6, 1879	75 days	2	2	$4 per day and 16 cents mileage	Nov. 2, 1880
Texas	Jan. 14, 1879	60 days	4	2	$5 per day	Nov. 2, 1880
Vermont	Oct. 6, 1880	None	2	2	$3 per day	Sept. 7, 1880
Virginia	Dec. 3, 1879	90 days	4	2	$5.40 per day	Nov. 4, 1879
West Virginia	Jan. 8, 1879	45 days	4	2	$4 per day and mileage	Oct. 12, 1880
Wisconsin	Jan. 8, 1879	None	2	1	$3.50 and 10 cents mileage	Nov. 4, 1879
Arizona	Jan. 6, 1879	40 days	2	2		Nov. 2, 1880
Dakota	Jan. 14, 1879	40 days	2	2		Nov. 2, 1880
Idaho	Jan. 12, 1880	40 days	2	2	$6 per day and mileage	Nov. 4, 1879
Montana	Jan. 14, 1879	40 days	2	2		Nov. 2, 1880
New Mexico	Jan. 5, 1880	40 days	2	2		Nov. 2, 1880
Utah	Jan. 12, 1880	40 days	2	2		Aug. 4, 1879
Washington	Oct. 6, 1879	40 days	2	2		Nov. 2, 1880
Wyoming	Nov. 4, 1879	40 days	2	2		Sept. 7, 1880

So, upon an average, the legislators receive about $4 per day while in session, while a member of Congress receives at the rate of $14 per day the year around. True, the expenses of Congressmen are heavy, but the disproportion is too great.

I here attach a list of the Governors of the States and Territories, with their names, the dates of the beginning and ending of their terms, and the salaries each received. These officers are required to be at their posts all the time, while Congress is in session only about half the time:

States and Territories.	Governors.	Term— Years.	Term— Began—	Term— Ended—	Salary.
Alabama	Rufus W. Cobb	2	Nov. 28, 1878	Nov. 27, 1880	$3,000
Arkansas	William R. Miller	2	Jan. 7, 1879	Jan. 4, 1881	3,500
California	William Irwin	4	Dec. 4, 1875	Dec. 1, 1879	7,000
Colorado	Fred W. Pitkin	2	Jan. 14, 1879	Jan. 10, 1881	3,000
Connecticut	Charles B. Andrews	2	Jan. 9, 1879	Jan. 13, 1881	2,000
Delaware	John W. Hall	4	Jan. 21, 1879	Jan. 21, 1883	2,000
Florida	George F. Drew	4	Jan. 1, 1877	Jan. 1, 1881	3,500
Georgia	Alfred H. Colquitt	4	Jan. 1, 1877	Jan. 1, 1881	4,000
Illinois	S. M. Cullom	4	Jan. 8, 1877	Jan. 10, 1881	6,000
Indiana	James D. Williams	4	Jan. 8, 1877	Jan. 13, 1881	6,000
Iowa	John H. Gear	2	Jan. 14, 1878	Jan. 11, 1880	3,000
Kansas	J. P. St. John	2	Jan. 13, 1879	Jan. 10, 1881	3,000
Kentucky	James B. McCreary	4	Aug. 31, 1875	Sept. 3, 1879	5,000
Louisiana	F. T. Nicholls	4	Jan. 8, 1877	Jan. 10, 1881	8,000
Maine	A. Garcelon	1	Jan. 4, 1879	Jan. 1, 1880	2,500
Maryland	John Lee Carroll	4	Jan. 1, 1876	Jan. 1, 1880	4,500
Massachusetts	Thomas Talbot	1	Jan. 1, 1879	Jan. 7, 1880	5,000
Michigan	Charles M. Croswell	2	Jan. 1, 1879	Jan. 1, 1881	1,000
Minnesota	John S. Pillsbury	2	Jan. 8, 1878	Jan. 13, 1880	3,000
Mississippi	John M. Stone	4	Jan. 8, 1878	Jan. 3, 1882	4,000
Missouri	John S. Phelps	4	Jan. 8, 1877	Jan. 10, 1881	5,000
Nebraska	A. Nance	2	Jan. 7, 1879	Jan. 4, 1881	2,500
Nevada	John H. Kinkead	4	Jan. 6, 1879	Jan. 1, 1883	6,000
New Hampshire	Benjamin F. Prescott	1	June 5, 1878	Jan. 4, 1879	1,000
New Jersey	George B. McClellan	3	Jan. 15, 1878	Jan. 18, 1881	5,000
New York	Lucius Robertson	3	Jan. 1, 1877	Jan. 1, 1880	10,000
North Carolina	Thomas J. Jarvis	4	Feb. 5, 1879	Jan. 1, 1881	4,000
Ohio	Richard M. Bishop	2	Jan. 14, 1878	Jan. 12, 1880	4,000
Oregon	W. W. Thayer	4	Sept. 11, 1878	Sept. 13, 1882	1,500
Pennsylvania	Henry M. Hoyt	3	Jan. 21, 1879	Jan. 17, 1882	10,000
Rhode Island	Chs. C. Van Zandt	1	May 28, 1878	May 27, 1879	4,000
South Carolina	W. D. Simson, acting	2	Dec. 28, 1878	Dec. 27, 1880	4,500
Tennessee	Albert S. Marks	2	Jan. 15, 1879	Jan. 15, 1881	4,000
Texas	Oran M. Roberts	2	Jan. 15, 1879	Jan. 15, 1881	4,000
Vermont	Redfield Proctor	2	Oct. 4, 1878	Oct. 5, 1880	1,000
Virginia	F. W. M. Holliday	4	Jan. 1, 1878	Jan. 1, 1882	5,000
West Virginia	Hy. M. Mathews	4	Mar. 4, 1877	Mar. 4, 1881	2,700
Wisconsin	William E. Smith	2	Jan. 7, 1878	Jan. 5, 1880	5,000
Arizona	John C. Frémont	4	June 12, 1878	June 12, 1882	2,600
Dakota	W. A. Howard	4	Mar. 12, 1878	Mar. 12, 1882	2,600
Idaho	Mason Brayman	4	July 24, 1876	July 24, 1880	2,600
Montana	Benjamin F. Potts	4	July 13, 1878	July 13, 1882	2,600
New Mexico	Lewis Wallace	4	Sept. 3, 1878	Sept. 3, 1882	2,600
Utah	George W. Emery	4	July 1, 1875	July 1, 1879	2,600
Washington	Elisha P. Ferry	4	Apr. 26, 1876	Apr. 26, 1880	2,600
Wyoming	John Hoyt	4	Apr. 10, 1878	Apr. 10, 1882	2,600

So upon an average the governors get $3,698 annually for sitting all the year, while Congressmen get $5,000 per annum. This calculation may have some errors, but in general it is correct.

Now let us see what has been the public indebtedness of our General Government from its origin until the present.

Tabular statement of United States debt.

Year.	Amount.	Year.	Amount.
1791	$75,463,476 52	1838	$10,434,221 14
1792	77,227,924 66	1839	3,573,343 82
1793	80,352,634 04	1840	5,250,875 54
1794	78,427,404 77	1841	13,594,480 73
1795	80,747,558 39	1842	20,601,226 28
1796	83,762,172 07	1843	32,742,922 00
1797	82,064,479 33	1844	23,461,652 50
1798	79,228,529 12	1845	15,925,303 01
1799	78,408,669 77	1846	15,550,202 97
1800	82,976,294 35	1847	38,826,534 77
1801	83,038,050 80	1848	47,044,862 23
1802	86,712,632 25	1849	63,061,858 69
1803	77,054,686 30	1850	63,452,773 55
1804	86,427,120 88	1851	68,304,796 02
1805	82,312,150 50	1852	66,199,341 71
1806	75,723,270 66	1853	59,803,117 70
1807	69,218,398 64	1854	42,242,222 42
1808	65,196,317 97	1855	35,586,858 56
1809	57,023,192 09	1856	31,972,537 90
1810	53,173,217 52	1857	28,699,831 85
1811	48,005,587 76	1858	44,911,881 03
1812	45,209,737 90	1859	58,496,837 88
1813	55,962,827 57	1860	64,842,287 88
1814	81,487,846 24	1861	90,580,873 72
1815	99,833,660 15	1862	524,176,412 13
1816	127,334,933 74	1863	1,119,772,138 63
1817	123,491,965 16	1864	1,815,784,370 57
1818	103,466,633 83	1865	2,680,647,869 74
1819	95,529,648 28	1866	2,773,236,173 69
1820	91,015,566 15	1867	2,678,126,103 87
1821	89,987,427 66	1868	2,611,687,851 19
1822	93,546,676 98	1869	2,588,452,213 94
1823	90,875,877 28	1870	2,480,672,427 81
1824	90,269,777 77	1871	2,353,211,332 32
1825	83,788,432 71	1872	2,253,251,328 78
1826	81,054,059 99	1873	2,234,482,993 20
1827	73,987,357 20	1874	2,251,690,468 43
1828	67,475,043 87	1875	2,232,284,531 95
1829	58,421,413 67	1876	2,180,395,067 15
1830	48,565,406 50	1877	2,205,301,392 10
1831	39,123,191 68	1878	2,256,205,892 53
1832	24,322,235 18	1879	2,245,495,072 04
1833	7,001,698 83	1880	2,120,415,370 63
1834	4,760,082 08	1881	2,000,000,000 00
1835	37,513 05	1882	1,918,316,744 09
1836	336,957 83	1883	1,884,171,970 07
1837	3,308,124 07		

It is seen from the above table that in 1860, before the war began, the public debt of the United States was $64,769,703.08, while the population was a little over 31,000,000, about $2 per capita; now the debt is $1,884,171,478.07, while the population is a little over 52,000,000, making over $36 per capita. If the United States debt had to be paid now by direct tax upon the poll it would cost every man, woman, and child in the United States $36, while before the war it would have cost only $2 each.

How is this debt to be paid, and who pays it? The sources of revenue now are the sales of public lands, Post-Office Department, Patent-Office Department, internal revenue, and tariff on imports. These at present rates about run the Government and pay the interest on the public debt, which amounts to about $350,000,000 annually; add this, and the amount upon every head would be some $44. The great body of this must come from the consumers and laboring classes of people. While these great burdens are hanging upon the toiling millions, the salaries of many officers has been almost doubled, still adding more leaden weight to the bond-ridden, bank-ridden, salary-ridden, and tax-ridden laborers of our once happy and free land. Should not salaries be regulated in accordance with the condition of the country? All other labor is.

PROPERTY OF THE UNITED STATES.

Turn even to another branch and corroborative argument. Take the entire property of the United States from 1850, inclusive; it is thus shown:

1850	$7,000,000,000
1860	16,000,000,000
1870	31,000,000,000
1880 (say)	43,000,000,000

So from 1860 to 1870 the property did not quite double itself, while the debt increased over thirty-fold, and in 1880 over twenty-fold. Put a direct tax upon property, and it would now take twenty dollars' worth of property to pay the debt where in 1860 it would have taken one.

See how this pressure would bear upon the unfortunate South even under our present system of taxes. In 1860 the States of New York, Pennsylvania, Massachusetts, Illinois, Indiana, Ohio, and Missouri owned $8,000,000,000 in property, while in 1870 the same seven States owned $20,000,000,000 in property. In 1860 Tennessee, Virginia, Georgia, Mississippi, Alabama, North Carolina, and South Carolina owned $4,000,000,000 in property, while in 1870 the same seven Southern States owned $2,000,000,000 in property. The result of the war was the South lost some $4,000,000,000 in property while the North increased some $15,000,000,000 in property. The excise or internal-revenue tax has rested largely since the late war upon the South. The cotton tax was wholly there and sectional; tax on litigation was mostly there; most of the courts having been closed for four years a harvest of litigation sprang up; the tax on tobacco, whisky, brandy, wine, &c., rested largely there. So the tax upon imports rested much more there, according to property, than in the North.

Notwithstanding the impoverished condition of the South, they have still had to bear the greater part of the burdens of government, while by far the greater number of governmental officers have come from the North. Then, with peace and harmony restored and brotherly love cultured, should not equality follow and the Government act upon great national principles, knowing no North, no South, no East, no West; and not permit the wheels of government to be used as a great machine to float the last vestige of property from the impoverished and pour it into the bosom of the rich. Is it not the very nature and basis of our Government that all classes and sections shall stand equal under the law, and the law be not used as an instrument of adversity to one and prosperity to another? Such is foreign to all true republics and slavish in its workings. Our Constitution denies the right of Congress to create titles of nobility. Does it not in spirit and truth equally deny the right to create lords, nobles, and foster monopolies?

PROPERTY TAXED.

In 1870 the property of all the States of the United States was worth about $30,000,000,000 and that made taxable was worth about $15,769,000,610—about one-half of the property taxed by the United States, counties, and corporations. About the same proportion obtains in 1880. From States, counties, and corporations are freed property belonging to the United States, United States banks, and bonds, and the States free property belonging to church corporations, school corporations, charitable institutions, benevolent societies, religious institutions, cemeteries, &c., amounting to about one-half the entire property. So it is seen the most if not the entire burden of supporting all the Government rests upon private land-owners, consumers, and laborers. Number of farms in States and Territories in 1880, 4,008,997; acres, 536,081,835; improved, 284,771,042; unimproved, 251,310,793; value of farms, $10,197,096,776; so about one-half of the land taxed is in woods and unimproved, producing little or nothing. Value of farming implements and live-stock on farms, $1,906,904,772, eating, lying idle, and decaying half of each year. So the entire farming property is $12,104,001,568, about one-third of the entire property.

Number of laborers of all grades in 1870, landholders and those following agricultural pursuits	5,922,471
Domestic servants	975,734
Ordinary laborers	1,031,666
Trade and transportation	1,191,233
Manufacturing	2,255,314
Miners	500,000
Professional men and bankers	677,345
Making, in all	12,553,763

The proportion to the population is about the same in 1880. Hence about one-half of the property and one-fourth of the population bear all the burdens of supporting governments. Then pray tell me why they have not a right to appeal to the rectitude and conscience of Congress and ask that their rights be respected; that the Government and laws be used as a shield to protect them and not as a sword to cut them; that equality, equity, and justice spread their wide wings over the whole people, and that they gather thereunder as the hen gathereth her brood.

CIRCULATING MEDIUM.

Take next the question of currency and see the effect of it upon the tax-ridden people. From the close of the war till about 1873 the circulating medium was near $2,000,000,000, when contraction took place, bringing it down now to some $400,000,000 or less. Of this amount there are some $27,000,000 in circulation in the Southern States, while there are some $370,000,000 in the Northern and Western States. Before the war Georgia alone had in circulation $24,000,000, and the Southern States some $70,000,000 to the Northern States' $100,000,000. Then the New England States had in circulation $40,000,000, now they have in circulation $103,000,000. The State of New York alone has in circulation $65,000,000, more than double as much as all the South.

It is a well demonstrated fact that the scarcity of money diminishes the price of property and labor but does not diminish the amount of debts or taxes; hence it takes that much more property and labor to pay the debts and taxes. Certainly land is no better now than when the war closed, nor can a man do any more labor now than then, nor does it take any less to raise horses, cattle, hogs, &c., while from 1865 to 1873 a bushel of wheat would bring $2; pork, 10 cents per pound; a good horse, $200; labor per hand by the day at ordinary work, from $1 to $2; and land, $40 per acre. Now the same kind of wheat would bring $1 per bushel; pork, 5 cents per pound; horse, $100; labor, from 50 cents to $1; and land, $20 per acre. Hence the same amount of money will purchase twice as much of the above articles; therefore it requires double the amount of property and labor to run the Government and pay the debt.

Upon what hypothesis, then, can it be argued the salaries of officers should be doubled? The argument would bear with much more emphasis upon a reduction of salaries. If the Government debt was small, circulating medium full, property and labor high, then it would come with good grace to maintain a corresponding increase of salaries in all the offices. Great Britain has a population of some 32,000,000, a circulating medium of about $905,168,000, making $32 per capita; France has a population of some 36,000,000, a circulating medium of about $2,050,000,000, making $60 per capita; Germany a population of some 42,000,000, a circulating medium of about $704,000,000, $17 per capita; while the United States has a population of over 50,000,000, and a circulating medium of about $400,000,000, about $8 per capita.

Now, take the running expenses of our General Government, and it amounts to some $300,000,000 annually, almost equal to the circulating medium, leaving out the expenses of the State, county, and corporate governments. Monarchical governments have no State expenses, as they have no States. Too often Congressmen forget the United States have some 115,000 officers, besides the officers of thirty-eight States and almost innumerable county and corporate officers, preying upon the substance of the people. Surely goodness and mercy should follow the tax-ridden people all the days of their lives and they should dwell in the house of the Lord forever.

Our system of government differs from most all others. The people have two legislative, executive, and judicial governments to support, thereby doubling the burdens. Average the thirty-eight States at one hundred legislators each, and we have over 3,800; add in the Territories, and the number exceeds 4,000; take the four hundred and one in the United States Senate and House, and we have the enormous number of 4,401 legislating for the people of the United States.

The truth is the wealth of nations depends upon a variety of causes—situation, soil, climate, production, economy of the Government, and people; the degree of information the people possess; the state of commerce, arts, and industry, the manners and habits of people, &c. The consequence is there can be no common measure of national wealth, and of course no general rule by which the ability of a people to pay taxes can be determined, and in addition to the above a number of causes may exist that cause the riches of persons, classes, and industries, and the poverty of others. The Government, through its unjust and partial laws, may be used as a great lever to foster one and impoverish the other, thus enhancing the manufacturing by burdening the agricultural, pour gold into the coffers of bondholders and banks by the sweat of labor's face, for the people to give the officers fat salaries, increase the number of officers to give them more power and widen their influence without giving any benefit to the laboring classes, increase the number and power of moneyed corporations and monopolies to draw tighter chains around the liberties of the masses.

Table showing lowest and highest prices of commodities for fifty-three years, 1825–1877.

Year.	Hops, per pound.		Iron, bar, per ton.		Iron, Scotch pig, per ton.		Lard, per pound.		Leather, hemlock, per pound.		Mackerel, No. 1, per barrel.		Molasses, New Orleans, per gallon.		Oats, per bushel.	
	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.
1825	$0 13	$0 25	$85 00	$120 00	$35 00	$75 00	$0 07	$0 10	$0 21	$0 25	$5 00	$5 75	$0 28	$0 43	$0 26	$0 40
1826	10	25	85 00	100 00	50 00	70 00	07	09	18	24	4 50	5 75	28	36	42	60
1827	08	18	77 00	95 00	50 00	55 00	07	10	17	24	4 75	6 12	31	39	31	56
1828	05	10	77 50	82 50	50 00	55 00	06	09	18	24	4 75	6 50	30	36	24	37
1829	04	11	72 50	82 50	40 00	55 00	04	06	18	23	4 87	6 00	27	33	27	46
1830	10	15	72 50	77 50	40 00	50 00	05	13	18	22	5 00	6 37	28	33	26	40
1831	08	17	70 00	80 00	40 00	47 50	08	11	19	24	5 50	6 75	25	34	27	48
1832	12	37	70 00	75 00	40 00	47 50	06	10	17	25	4 75	6 50	26	35	38	56
1833	17	38	71 00	75 00	37 50	47 50	07	11	16	20	6 25	7 00	27	36	30	48
1834	10	20	67 00	75 00	37 50	48 00	07	09	14	19	6 00	6 62	27	31	28	48
1835	11	19	67 50	75 00	38 00	42 50	07	11	14	20	6 00	8 25	26	36	33	75
1836	12	17	75 00	105 00	38 00	62 50	11	17	14	23	8 00	10 62	32	48	40	75
1837	05	09	85 00	105 00	40 00	70 00	06	15	15	24	8 00	10 75	32	45	40	75
1838	04	17	85 00	97 50	37 50	55 00	07	15	16	22	10 50	12 18	28	45	25	60
1839	15	18	82 50	95 00	37 50	45 00	08	15	17	25	12 00	14 62	26	36	30	60
1840	18	62	70 00	82 50	32 50	40 00	07	12	17	22	11 00	14 50	20	30	24	43
1841	12	40	60 00	75 00	32 00	37 50	06	09	19	22	12 00	14 75	20	28	37	50
1842	10	16	50 00	62 50	23 50	35 00	05	08	16	20	8 00	12 25	16	24	25	53
1843	06	12	55 00	60 00	22 50	32 00	05	08	15	18	7 62	11 00	18	31	27	34
1844	07	15	57 50	65 00	30 00	35 00	05	07	14	17	9 75	12 25	27	31	27	37
1845	12	33	62 50	85 00	30 00	52 50	06	08	14	16	11 50	14 00	22	37	29	51
1846	11	35	75 00	80 00	35 00	42 50	05	08	11	14	8 37	13 50	22	34	28	48
1847	08	15	70 00	77 50	30 00	42 50	06	11	11	18	8 12	11 75	30	38	39	65
1848	03	07	50 00	70 00	25 00	37 50	06	09	12	16	7 00	11 00	20	28	32	54
1849	06	17	40 00	55 00	22 50	27 50	06	08	13	17	8 12	13 50	20	32	33	49
1850	08	19	40 00	45 00	21 00	24 00	06	07	14	17	8 50	12 50	22	33	37	51
1851	24	63	33 50	41 00	19 00	25 00	07	10	13	16	8 50	11 75	28	33	65	80
1852	17	47	34 00	55 00	19 00	31 00	09	12	12	18	8 37	12 50	27	35	75	86
1853	18	40	55 00	75 00	28 50	38 00	09	12	17	21	11 50	16 00	26	33	41	52
1854	22	46	62 50	77 50	32 00	42 50	09	11	18	25	15 12	19 00	19	29	45	75
1855	05	27	55 00	65 00	26 50	37 00	09	12	19	25	18 50	22 00	23	40	42	82
1856	04	13	50 00	65 00	29 00	37 00	09	14	24	30	19 00	23 00	42	75	35	50
1857	03	12	52 00	62 50	28 00	37 50	10	16	25	33	19 00	22 00	35	80	40	66
1858	04	10	44 00	55 00	22 00	27 00	08	12	21	26	9 50	14 00	26	52	40	53
1859	08	18	42 50	50 00	22 00	31 50	10	12	20	27	15 25	16 75	36	51	36	58
1860	06	25	41 00	44 00	20 50	27 00	10	13	20	22	15 00	18 50	36	55	37	47
1861	06	32	38 00	50 00	20 00	24 50	08	10	17	22	7 50	14 75	30	55	30	47
1862	12	23	50 00	70 00	21 00	33 00	07	10	20	31	9 00	16 50	32	55	37	67
1863	15	30	65 00	76 00	32 50	45 00	09	12	26	32	15 50	18 50	35	62	53	90
1864	20	52	105 00	220 00	43 00	80 00	12	24	31	46	18 00	28 00	65	1 25	86	1 09
1865	10	65	100 00	130 00	40 00	55 00	15	29	30	40	15 25	25 00	65	1 50	45	90
1866	25	70	94 00	115 00	42 00	55 00	12	22	30	39	20 00	26 00	66	1 25	55	85
1867	40	70	80 00	100 00	38 00	49 00	11	14	28	33	14 50	21 50	65	1 20	67	94
1868	05	55	80 00	95 00	35 00	45 75	12	20	25	30	14 25	22 50	60	1 05	(a)	(a)
1869	08	28	85 00	95 00	34 50	45 00	16	21	28	32	21 50	28 00	65	1 05	62	84
1870	03	27	70 00	90 00	31 00	37 00	12	18	27	31	27 00	30 00	65	1 20	52	69
1871	08	65	70 00	95 00	30 00	39 00	09	13	26	30	13 00	27 50	50	75	42	70
1872	20	75	85 00	120 00	33 50	61 00	07	10	27	31	10 00	25 00	48	86	42	97
1873	35	55	75 00	110 00	37 00	52 00	07	09	35	31	12 00	24 00	61	97	42	58
1874	22	45	55 00	80 00	33 00	45 00	08	16	28	30	8 50	22 00	60	85	38	53
1875	15	45	50 00	62 50	29 00	41 00	13	16	27	30	7 00	24 00	54	80	30	64
1876	15	37	40 00	54 00	27 50	34 00	12	14	21	29	11 50	23 00	50	68	28	30
1877	10	32	44 80	48 72	25 00	28 00	08	12	23	30	8 50	15 00	40	59	22	46

a Nominal.

Take the above list for the years 1825, 1860, 1877, selecting three years of peace as far apart as the list will permit. In 1825, lowest and highest price: Hops, from 18 cents to 25 cents per pound; iron bars, from $85 to $120 per ton; pig-iron, from $35 to $75 per ton; lard, from 7 cents to 10 cents per pound; leather, from 21 cents to 25 cents per pound; mackerel, from $5 to $5.75 per barrel; molasses, from 28 cents to 43 cents per gallon; oats, from 26 cents to 40 cents per bushel. In 1860: Hops, from 6 cents to 25 cents per pound; iron bars, from $41 to $44 per ton; pig-iron, from $20.50 to $27 per ton; lard, 10 cents to 13 cents per pound; leather, from 20 cents to 22 cents per pound; mackerel, from $15 to $18 per barrel; molasses, from 36 cents to 55 cents per gallon; oats, from 37 cents to 47 cents per bushel. In 1877: Hops, from 10 cents to 13 cents per pound; iron bars, from $44 to $48 per ton; pig-iron, from $25 to $28 per ton; lard, from 6 cents to 8 cents per pound; leather, from 26 cents to 30 cents per pound; mackerel, from $8 to $15 per barrel; molasses, from 40 cents to 59 cents per gallon; oats, from 22 cents to 26 cents per bushel.

Here it is seen the difference in the price of such things as hops, lard, leather, molasses, &c., has not varied much for fifty-two years, in times of peace—the necessaries of life. The greatest difference seems to have

been in iron, it having cheapened nearly one-half. The price of articles during our late war can not be looked to, because of the uncertainty of money, scarcity of them, &c. True, the great increase of machinery and facilities of transportation has had something to do with this, but all this has only kept prices upon about an equilibrium as to the necessaries of life.

The following list shows for a period of fifty-two years in times of peace the difference in the price of pork (mess), sugar, wheat, and wool has not been varied much. The greatest difference seems to have been in rice, whisky, and tobacco, salt alone having grown cheaper. Notwithstanding all the great increase in machinery and transportation, the material necessaries of life and production of labor seem to have remained about the same. In this I discard the prices during wars, as they are fluctuating and uncertain. The table I am using approximates as near as I am enabled to get at prices, though there may be some errors and mistakes made.

Table showing lowest and highest prices of commodities for fifty-three years, 1825–1877.

Year.	Pork, mess, per barrel.		Rice, per 100 pounds.		Salt, Liverpool, per sack.		Sugar, raw, per pound.		Tobacco, Kentucky leaf, per pound.		Wheat, per bushel.		Whisky, per gallon.		Wool, per pound.	
	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.
1825	$12 00	$14 75	$2 00	$4 00	$2 37	$3 00	$0 06	$0 11	$0 03	$0 09	$0 75	$1 06	$0 25	$0 31	$0 30	$0 38
1826	10 00	12 00	2 00	3 87	2 12	2 60	06	10	03	08	84	1 02	26	36	28	38
1827	11 25	15 25	2 50	4 00	2 15	2 35	06	10	03	06	90	1 25	25	35	20	30
1828	12 00	15 00	2 50	4 00	2 25	3 25	06	10	03	06	95	1 62	20	26	20	30
1829	11 00	13 75	2 50	3 75	2 12	3 00	05	09	05	07	1 00	1 75	20	26	18	27
1830	11 00	15 50	2 00	3 50	1 75	2 20	06	09	03	07	1 00	1 15	21	32	16	30
1831	12 00	15 25	2 50	4 00	1 75	2 25	04	07	03	06	1 06	1 35	27	37	20	35
1832	12 50	14 25	2 75	4 25	1 75	2 50	05	07	03	06	1 12	1 35	26	35	20	35
1833	12 50	17 00	2 75	3 75	1 60	2 00	05	09	03	08	1 15	1 28	29	36	27	35
1834	12 75	15 00	2 25	3 62	1 40	1 80	05	08	04	08	1 02	1 10	20	29	25	35
1835	13 50	18 50	2 75	4 50	1 47	2 25	06	09	06	11	1 04	1 50	30	38	25	40
1836	18 00	30 00	3 00	4 25	1 60	2 12	07	11	06	10	1 37	2 12	31	44	35	40
1837	16 00	24 50	3 12	5 00	1 20	2 62	05	08	03	09	1 55	2 10	20	48	28	50
1838	16 50	25 50	3 25	5 37	1 62	2 37	06	08	04	13	1 35	2 00	30	43	28	40
1839	14 50	23 50	3 00	5 00	1 44	2 12	06	08	08	16	1 15	1 37	28	46	37	40
1840	13 00	16 00	2 75	4 00	1 40	1 75	04	08	03	16	95	1 25	21	30	20	35
1841	8 75	13 50	2 87	4 12	1 40	1 98	04	07	04	14	90	1 50	19	25	20	30
1842	6 75	10 25	2 00	3 31	1 37	2 25	03	07	02	09	83	1 30	16	21	18	22
1843	7 50	11 50	1 87	3 00	1 35	1 62	03	07	02	07	84	1 20	18	24	18	24
1844	8 50	10 25	2 25	3 62	1 25	1 52	05	07	02	06	82	1 12	21	29	25	37
1845	9 25	14 12	2 62	4 75	1 32	1 47	03	07	02	07	85	1 40	20	28	24	30
1846	9 62	13 37	2 87	4 50	1 25	1 50	05	08	02	07	80	1 35	18	25	18	28
1847	10 25	16 00	8 25	13 75	1 20	1 55	05	08	02	08	1 05	1 95	24	34	22	30
1848	9 00	13 00	7 75	13 00	1 25	1 55	10	15	03	08	95	1 40	21	27	20	30
1849	9 87	14 25	2 25	3 50	1 20	1 40	04	06	03	09	1 20	1 35	20	28	25	32
1850	10 00	11 87	2 25	3 37	1 15	1 75	04	07	05	14	1 09	1 50	23	27	30	35
1851	12 06	15 50	2 75	3 12	1 02	1 60	04	06	03	14	93	1 22	20	27	30	41
1852	14 62	19 75	2 75	5 00	1 05	1 55	03	05	03	09	1 03	1 15	20	25	26	42
1853	13 00	19 75	3 37	4 50	1 12	1 62	04	06	04	10	1 22	1 80	22	32	38	44
1854	12 12	16 00	4 12	4 62	1 47	1 70	03	06	05	11	1 75	2 50	26	41	25	40
1855	12 50	23 00	2 50	5 87	90	1 22	04	08	06	13	1 96	2 80	30	43	24	34
1856	16 25	21 00	3 62	4 87	80	1 05	06	10	06	16	1 30	2 17	25	36	30	38
1857	16 50	25 70	3 25	5 37	70	84	09	11	07	20	1 25	1 95	21	37	30	44
1858	15 35	19 00	2 75	3 75	62	80	05	08	06	18	1 20	1 50	21	35	27	32
1859	14 60	18 12	3 00	4 50	75	1 07	05	08	04	14	1 30	1 65	23	29	34	45
1860	16 12	19 75	3 00	4 62	68	1 15	06	08	03	13	1 35	1 70	19	27	34	40
1861	12 25	18 00	3 00	7 25	50	95	04	09	03	16	1 20	1 60	15	21	22	45
1862	11 00	14 50	6 62	7 75	85	1 52	07	11	06	30	1 30	1 55	19	39	46	65
1863	11 50	18 25	3 75	8 50	1 20	1 70	07	14	08	36	1 25	2 00	44	78	62	80
1864	19 50	43 25	7 00	15 50	1 75	3 50	11	25	08	55	1 72	2 75	60	2 03	75	1 10
1865	19 00	31 50	9 75	14 00	1 55	2 50	11	17	07	45	1 25	1 88	1 92	2 25	70	77
1866	21 18	33 55	11 50	15 25	2 50	4 10	10	15	08	18	2 20	3 45	2 00	2 33	25	27
1867	18 90	24 10	8 50	12 50	2 60	2 75	09	10	09	16	2 30	3 40	2 10	2 32	25	37
1868	21 10	29 50	8 25	11 25	2 50	2 60	09	12	08	15	2 05	3 25	91	2 30	34	37
1869	26 50	33 37	7 25	10 00	2 50	3 00	09	13	08	13	1 45	2 18	90	1 14	32	35
1870	20 00	30 00	5 50	9 50	2 40	3 25	09	10	07	12	1 40	1 90	82	1 05	34	45
1871	12 85	23 00	6 75	9 75	2 80	3 25	07	10	06	11	1 45	2 00	85	95	32	63
1872	12 80	16 00	7 50	9 50	2 80	3 25	07	09	09	16	1 65	2 10	82	91	45	67
1873	13 00	19 00	7 00	9 50	3 00	3 50	07	09	09	16	1 55	2 25	86	1 05	35	57
1874	13 85	24 25	6 75	10 00	1 10	3 00	07	08	07	25	93	1 35	92	1 03	36	48
1875	18 00	22 75	6 50	8 50	1 15	2 35	07	09	09	28	92	1 37	93	1 19	38	48
1876	15 70	22 37	5 00	7 50	1 15	2 50	07	10	07	19	84	1 27	1 04	1 10	25	43
1877	11 75	17 37	5 00	7 00	1 10	2 50	07	10	07	16	1 06	1 85	1 04	1 09	32	43

Take the above list for 1825, 1860, 1877, selecting three years of peace as far apart as the list will permit. In 1825: Pork, mess, from $12 to $14.75 per barrel; rice, from $2 to $4 per 100 pounds; salt, from $2.67 to $3 per sack; sugar, from 6 to 11 cents per pound; raw tobacco, from 3 to 9 cents per pound (leaf); wheat, from 75 cents to $1.05 per bushel; whisky, from 25 to 31 cents per gallon; wool, from 30 to 38 cents. In 1860: Pork, mess, from $16.12 to $19.75 per barrel; rice, $3 to $4.62 per 100 pounds; salt, from 68 cents to $1.15 per sack; sugar, from 6 to 8 cents per pound; raw tobacco, from 3 to 13 cents per pound (leaf); wheat, from $1.35 to $1.70 per bushel; whisky, from 19 to 27 cents per gallon; wool, from 34 to 40 cents per pound. In 1877: Pork, mess, from $11.75 to $17.37 per barrel; rice, from $5 to $7 per 100 pounds; salt, from $1.10 to $2.25 per sack; sugar, from 7 to 10 cents per pound; tobacco, from 7 to 16 cents per pound (leaf); wheat, from $1.06 to $1.85 per bushel; whisky, from $1.04 to $1.09 per gallon; wool, from 33 to 46 cents per pound.

Table showing lowest and highest prices of commodities for fifty-three years—1825–1877.

Year.	Beef, mess, per barrel.		Butter, per pound.		Cheese, per pound.		Coal, anthracite, per ton.		Coffee, Rio, per pound.		Corn, per bushel.		Cotton, upland, per pound.		Flour, West'n, per barrel.		Hams, per pound.	
	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.
1825	$8 00	$10 00	$0 08	$0 22	$0 05	$0 10	$8 00	$11 00	$0 16	$0 19	$0 42	$0 75	$0 13	$0 27	$3 25	$4 25	$0 07	$0 11
1826	8 00	10 00	13	18	06	12	11 00	12 00	14	17	62	83	09	14	4 25	5 75	08	11
1827	8 50	9 75	12	22	06	10	10 50	12 50	14	15	54	75	08	12	4 37	6 50	10	12
1828	8 50	10 00	13	18	04	07	10 00	12 00	12	15	46	62	09	13	4 56	8 00	08	11
1829	8 00	10 50	12	16	04	08	10 00	12 00	12	13	48	64	08	11	5 00	8 87	09	10
1830	7 62	10 00	12	16	05	08	7 00	12 00	10	12	48	65	08	13	4 75	6 00	09	11
1831	7 00	9 25	12	18	05	08	6 00	9 00	10	13	54	75	07	11	5 00	7 25	09	11
1832	8 37	10 75	12	18	05	07	8 50	16 00	12	14	50	87	07	12	5 60	7 00	09	11
1833	8 50	11 00	14	20	06	09	5 50	10 00	11	14	65	86	09	17	5 50	6 50	08	10
1834	8 50	10 00	12	17	05	09	5 50	6 50	11	12	53	75	10	16	4 81	5 75	08	10

Table showing lowest and highest prices of commodities for fifty-three years—1825–1877—Continued.

Year.	Beef, mess, per barrel.		Butter, per pound.		Cheese, per pound.		Coal, anthracite, per ton.		Coffee, Rio, per pound.		Corn, per bushel.		Cotton, upland, per pound.		Flour, West'n, per barrel.		Hams, per pound.	
	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.
1825	$8 75	$13 50	$0 13	$0 22	$0 06	$0 09	$5 50	$9 00	$0 11	$0 13	$0 70	$1 12	$0 15	$0 20	$5 37	$7 87	$0 08	$0 12
1826	9 25	13 50	10	26	07	12	7 00	11 00	11	13	83	1 12	12	20	6 87	10 25	09	17
1827	11 00	15 00	12	24	07	12	8 50	11 00	09	12	1 00	1 15	07	17	7 00	11 62	09	15
1828	14 00	16 00	17	27	06	10	7 00	9 50	09	12	76	1 00	09	12	7 00	9 00	10	15
1829	12 50	16 00	12	25	08	10	6 50	9 00	09	12	75	98	11	16	5 75	9 12	10	14
1840	9 75	14 75	12	21	05	09	6 00	8 50	09	12	46	63	08	10	4 62	6 50	04	10
1841	7 00	10 25	08	15	03	07	6 50	9 00	09	11	47	81	09	11	4 68	7 50	04	09
1842	6 25	8 25	09	15	05	09	5 00	9 00	06	10	54	68	07	09	4 25	6 37	04	09
1843	6 00	8 37	06	11	04	06	4 50	6 00	06	09	48	60	05	08	4 43	5 62	03	09
1844	5 00	6 75	08	14	03	07	4 25	6 00	06	07	43	54	05	09	4 25	5 00	03	09
1845	5 50	9 75	09	17	06	08	4 50	6 00	05	08	45	85	04	09	4 31	7 00	05	10
1846	6 25	8 50	10	17	06	08	5 00	7 00	06	08	55	80	06	09	4 00	6 00	05	11
1847	8 25	13 75	13	22	06	08	5 00	7 00	06	08	64	1 10	07	12	5 50	8 25	06	13
1848	7 75	13 00	13	20	05	08	4 50	6 00	05	08	52	78	05	08	5 25	6 62	05	11
1849	8 75	14 00	10	18	05	07	5 00	6 00	05	10	57	70	06	11	4 93	6 12	06	11
1850	8 00	9 75	12	18	04	08	5 00	7 00	07	14	55	72	11	14	4 93	6 25	06	11
1851	7 50	9 75	10	18	04	08	4 25	7 00	07	11	53	68	08	14	4 00	5 12	07	11
1852	8 25	17 00	15	29	06	09	5 00	7 00	07	10	62	78	08	10	4 25	6 00	08	10
1853	7 00	11 25	13	24	08	10	5 00	7 00	08	12	64	82	10	11	4 87	7 50	08	10
1854	8 00	13 00	15	24	06	12	6 00	7 50	08	12	76	98	08	10	7 25	10 75	07	11
1855	8 25	14 00	17	28	06	12	5 50	7 50	08	12	93	1 15	07	11	7 50	10 18	08	11
1856	8 00	12 00	13	28	06	11	5 50	6 50	09	12	48	94	09	12	5 20	8 31	09	11
1857	9 50	15 00	16	28	05	14	6 00	7 00	10	12	71	98	13	15	4 25	6 70	06	10
1858	9 00	12 00	13	25	03	10	5 00	6 00	09	12	58	1 03	09	13	3 75	5 25	09	13
1859	5 00	9 75	14	27	02	11	5 25	5 50	10	13	76	1 05	11	12	4 00	6 50	09	12
1860	4 50	5 50	10	21	09	12	5 50	6 00	11	15	64	95	10	11	4 25	5 50	10	13
1861	5 00	6 25	08	22	02	10	4 20	6 00	11	17	48	74	11	28	3 90	5 65	07	11
1862	5 00	10 75	10	26	04	13	4 25	8 50	10	33	50	75	20	68	4 20	5 85	05	09
1863	5 00	9 00	14	30	08	16	7 00	11 00	26	33	68	1 23	54	88	5 10	8 00	05	08
1864	5 00	16 00	21	48	12	27	9 00	15 00	33	52	1 25	1 97	72	1 90	7 15	11 75	11	17
1865	9 00	14 00	20	38	10	16	8 50	13 50	21	22	70	97	33	1 22	5 00	8 80	11	23
1866	11 00	21 50	25	60	05	23	8 50	13 00	18	21	80	1 32	32	52	5 25	11 70	11	22
1867	12 00	28 00	15	48	07	20	6 50	8 50	17	19	1 00	1 40	15	36	6 25	11 30	10	16
1868	11 00	24 75	28	60	07	19	6 50	11 50	16	17	1 01	1 41	16	33	5 50	9 75	11	18
1869	5 00	16 50	16	55	11	23	6 50	10 50	11	13	75	1 16	25	35	4 95	6 40	17	24
1870	5 00	16 00	18	46	08	18	4 50	8 50	11	13	76	1 15	15	26	4 50	6 05	09	14
1871	8 00	18 00	12	42	05	16	5 00	13 00	12	17	65	90	15	25	4 60	7 00	06	13
1872	4 00	12 00	20	39	10	19	3 75	6 25	16	19	61	80	18	25	5 25	6 80	06	09
1873	8 00	12 00	18	50	08	16	5 00	6 50	19	23	50	77	13	21	4 62	7 25	05	10
1874	8 25	11 50	18	39	12	17	4 55	5 55	16	28	53	84	15	19	4 25	7 00	08	11
1875	8 00	10 00	17	28	09	16	4 40	5 55	17	21	49	76	13	17	4 00	6 50	09	11
1876	8 50	11 00	15	33	08	13	3 75	5 55	16	20	38	49	11	13	4 00	6 00	07	13
1877	9 50	11 25	13	24	08	16	3 25	3 75	15	21	41	58	11	13	4 75	8 00	10	14

So take the above list for the years 1825, 1860, and 1877—the extent of the list in three years of peace—and we have, for the year 1825: Beef, mess, from $8 to $10 per barrel; butter, from 8 cents to 22 cents per pound; cheese, from 5 cents to 10 cents per pound; coal from $8 to $11 per ton; coffee, Rio, from 16 cents to 19 cents per pound; corn, from 42 cents to 75 cents per bushel; cotton, from 13 cents to 27 cents per pound; flour, from $3.80 to $4.25 per barrel; Western hams, from 7 cents to 10 cents. In 1860: Beef, mess, from $4.50 to $5.50 per barrel; butter, from 10 cents to 22 cents per pound; cheese, from 9 cents to 12 cents per pound; coal from $5.50 to $6 per ton; coffee, Rio, from 11 cents to 15 cents per pound; corn, from 64 cents to 95 cents per bushel; cotton, from 10 cents to 11 cents per pound; flour, from $4.25 to $5.25 per barrel; Western hams, from 10 cents to 13 cents per pound. In 1877: Beef, mess, from $9.50 to $11.25 per barrel; butter, from 13 cents to 14 cents per pound; cheese, from 8 cents to 16 cents per pound; coal, from $3.25 to $3.75 per ton; coffee, Rio, from 15 cents to 21 cents per pound; corn, from 41 cents to 58 cents per bushel; cotton, from 11 cents to 13 cents per pound; flour, from $4.75 to $8 per barrel; Western hams, from 10 cents to 14 cents per pound. Then for a period of fifty-two years the above list shows in time of peace the difference in the price of mess beef, Rio coffee, cotton, corn, and hams has not varied much. The greater difference seems to have been in butter, cheese, and coal, notwithstanding the great increase of machinery and immense facilities for transportation. Of course the markets above referred to are Liverpool and New York as the standards. The tables referred to shew clearly labor and the fruits thereof have been kept at the lowest prices and the market at all times controlled against the interest of the toiling millions.

PLATFORMS AND PRINCIPLES.

The great leading principle embodied and taught in all the Democratic platforms since the late war is retrenchment and reform. When the war is over, peace restored, cannon muzzled, musketry stacked, sword sheathed, battle-ax laid down, and pipe smoked, soothe the harrowed nerves with the balm of Gilead, plant the olive-branch at every door, cultivate brotherly love, and cement peace with kind words and deeds; recede from war debts, warfare, war prices, war punishments, war laws, war taxes, war salaries, and war offices; restore the writ of habeas corpus, and make military law subordinate to civil; put the pruning-knife to the tree of Government, trim from all its branches the five years' spurious growth, that it may again bring forth choice fruit. Let retrenchment and reform be by deed as well as word, and not as the tinkling cymbals and sounding brass. The maxim is, a free and intelligent people should be governed as little as possible, or, in other words, that they should govern themselves as much as possible. Equal and exact justice to all, special favors to none; freedom of religious worship, free air, free water, freedom at the ballot-box, and an honest count; equal protection to agriculture, manufacturing, capital, and labor; conflicts between none.

The old ship of state has been and still is floating upon troubled waters swiftly to breakers. The shadow of Republican death is now visible to the natural eye, and unless stayed by healthy and honest legislation, reform and retrenchment, the time is not far distant when this Government, the colossus of the world, head and shoulders above all others, must crumble and fall upon its own ruin. Let all lovers of liberty flock to the rescue and stay the uplifted hand now ready to send the dagger to our national heart.

The war has devastated the South; labor is demoralized; tramps swarm; fields lie idle. All has been but a picture of gloom and despair, when surveyed by the proud heart seeing the gloomy clouds cover the present and future generations and no hope for a brighter sky. With a suicidal dagger their own bosom is pierced, leaving to mourn the loss a wearied wife and helpless family, and thus the commingled cries of starving millions ascend to Heaven for bread to satiate hunger.

Quick changes, great innovations, and a flood of new laws in governments are but repeated volcanic eruptions, darkening the political heavens and shaking the government from center to circumference. History proves governments are oftener wrecked by many than few laws. When once a government has good and wholesome laws they should never be invaded for light and trivial causes. Our common-law system, founded upon the customs, usages, and habits of the people, has been tested by long and tried experience. The philosophy of human action has been too often changed by unwise legislation.

The principles hereinabove enunciated have been clearly illustrated in our Constitution. At first we had only eleven States and soon thereafter thirteen, sparsely settled—people living almost in a wilderness, little machinery, small commerce, and only paths and dirt roads to travel. And now, after this Government has rolled in its orb for near a century, we have thirty-eight States, covering an area of over 4,000,000 square miles of land, some 6,000 miles of seacoast, 115,000 miles of railroad, three billion dollars' worth of machinery, over 50,000,000 of inhabitants, and unparalleled civilization and education. And yet the same Constitution, with ten amendments made soon after its adoption and two soon thereafter, remained unaltered for about sixty-five years, and only three amendments since that time to the present.

The same Constitution that spread its genial protecting wings near a century ago over 3,000,000 of people, thirteen States, and 350,000 square miles of territory, now expands them over 50,000,000 of people, thirty-eight States, and 4,000,000 square miles in the most approved state of cultivation. Neither breadth nor time weakens it. Like the vaulted heavens it may mantle billions and extend thousands of years. To be maintained it needs but to be obeyed. There is nothing written superior to it save the Ten Commandments. It is the great reservoir of our lives, our liberties, our property, and pursuit of happiness. It embodies the principles under which we live; we inhale them at every breath and imbibe them at every pore. We wind around it as the vine does around the sturdy oak, moving onward and upward to a higher and better clime, purer and better land. It is our companion in sickness and in health, in darkness and in light, alone and in company, on land and at sea, in storm and in calm, in war and in peace, in prosperity and in adversity. We meet with it when we awake and when we lie down to sleep. It stands as a sentinel at the door of every chamber at night and in daylight. It is our companion when we travel and when we stay at home. It protects us in birth, shields in manhood, and guards us in death.

Retirement of the Trade-Dollar and the Continuance of Silver Coinage.

Gold and silver, the two great recognized species that represent the lasting conventional credit of mankind.—*Burke.*

SPEECH

OF

HON. A. J. WARNER,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 1, 1884.

The House having under consideration the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar—

Mr. WARNER, of Ohio, said:

Mr. SPEAKER: While the bill under consideration proposes merely the retirement of the trade-dollar, the whole silver question seems to have been imported into the discussion. I shall therefore not confine myself entirely to the question of retiring the trade-dollar, but shall attempt to reply to some of the arguments that have been presented, and to show that conclusions drawn by some gentlemen respecting silver in this country are erroneous.

I am in favor of this bill. The trade-dollar is an anomalous coin. Its adoption in the first instance was a blunder. It was issued on the erroneous theory that if we coined silver into larger pieces the silver would bring more per ounce abroad. Now the silver in one hundred and fourteen trade-dollars will make almost exactly one hundred and sixteen standard dollars, and there never was a time in any country when one hundred and sixteen standard dollars would not exchange for just as many commodities as one hundred and fourteen trade-dollars.

The bad reasons put forward for coining this dollar have given rise to the charge that it was covertly connected in its origin with the scheme to demonetize silver and drop the standard dollar from our currency. At any rate, it was an ill-advised coin, which has plagued its originators, plagued the Government, and plagued the people, and should be taken out of circulation. It would have been better had this been done before, when more of these coins were in the hands of the people and fewer in the hands of brokers. A bill to take up this coin did pass the House, in the Forty-sixth Congress, but failed in the Senate. But the idea that a government like ours may issue a coin and make it a legal tender, and afterward repudiate it or change its value, as princes were wont to do in the Middle Ages, is utterly indefensible, and is repulsive to a just sense of the obligations of a government on which rests the responsibility of establishing weights and measures and coining money.

Besides, it could be shown, I think, that there is no other way to get these coins out of circulation but by redeeming them at their original legal-tender value. There is, therefore, nothing left to do but to pass this bill, even though undeserved profit may go to some holders who have bought these coins at a discount. The trade-dollar is still a lawful coin of the United States, and can not justly be ignored by the Government that issued it.

As to the fourth section of this bill, I shall vote to strike it out; but the main object being to retire the trade-dollar, I shall unhesitatingly vote for the bill with that section left in. I do not agree with some of my friends that it is of so much importance that these trade-dollars, six, seven, or eight millions of them, when they have been taken up by the Government and have become bullion, should be coined into other dollars in addition to the $2,000,000 of bullion per month required by law to be coined into standard dollars. Still I would prefer that this should be done. These coins are already in quasi-circulation, and their recoinage simply changes their form into that of the standard dollar, at a saving to the Government of 7½ grains on each piece, which will more than cover the cost of recoinage.

This leaves the coinage of the standard dollar, under the act of February 28, 1878, to stand by itself, as I think it should. The recoinage of the trade-dollar would then be a mere change of the form and weight of an existing coin, and the coinage of the standard dollar would go on, as now, without disturbance. The effect, however, on the currency of the country either way will be very slight, because with a total currency of from twelve to fourteen hundred millions in actual circulation, the addition of six, seven, or eight millions more is not of so much consequence. However, to make the trade-dollar when redeemed a part of the bullion required, under existing law, to be coined each month, by lessening by so much the demand for silver bullion, will tend to lower the price of bullion. Nevertheless, I repeat I shall vote for the bill with the fourth section in it, because the main object I have in view is to retire the trade-dollar.

With regard to the amendment proposed by the gentleman from Texas [Mr. MILLS], I agree with him that it would be better to have a greater number of half-dollar pieces coined, but before doing that, I think we should increase the weight of the half-dollar to two hundred and six and one-quarter grains, making it contain just half the quantity of silver the dollar piece contains.

Mr. CHACE. That is what the gentleman proposes to do.

Mr. WARNER, of Ohio. That being done, I see no reason why the half-dollar should not be made a legal tender equally with the standard dollar. The half-dollar piece is a more convenient coin for small transactions than the dollar piece, and would largely take its place if made full tender and abundantly coined. But I think certificates should be issued only on full dollars. But the reason I do not think it advisable to include such a provision in this bill is, that it is a matter which should go to the Committee on Coinage and be considered there in connection with a further revision of our coins. I think the dollar gold piece, the 3-cent nickel piece, and perhaps some other pieces ought to be dropped. At any rate, when such a change is made in the half-dollar piece as is proposed by the amendment offered, provision should at the same time be made for recoining all outstanding half-dollar pieces, so as not to have two coins of the same nominal value, but of different weights, in circulation at the same time.

On the general question I can only touch on a few of the more important points raised in this discussion. While I do not at this time advocate the free coinage of silver without international concurrence on some agreed ratio, I do agree with the gentleman from Missouri [Mr. BLAND] that it is only by unrestricted coinage that natural regulation of a currency is possible. Then the mines regulate its volume and not legislation. But passing from this point, I wish first to answer the gentleman from New York [Mr. HEWITT] and the gentleman from Michigan [Mr. LACEY] on the point they have made, that under free coinage in this country all the coined silver of France and other European countries would come here; come, as the gentleman from New York says, "As quick as steamships could bring it."

It is the more important to show the fallacy of this notion because it seems to be so commonly entertained. But it is a fallacy, nevertheless, as I will show you. Suppose a banker in Paris, seeing the mints in Philadelphia and San Francisco open to free coinage, and entertaining the same notion as the gentleman from New York that there would be 15 per cent. profit in changing silver francs into dollars, should send a million dollars in silver franc pieces, or say five million silver francs, to the mint at Philadelphia, what could he get in return for them? The ratio between coined silver and gold in France is 15½ to 1. Ours is 16 to 1.

A million dollars in silver francs—that is, what in France is equivalent to a million dollars and what it would cost a million dollars in gold to get—weigh 67,825 troy pounds. But a million dollars on our ratio of 16 to 1 weigh 72,000 pounds, or over two tons more than a million dollars in silver francs. The French banker, then, would get just as many dollars as his 67,825 pounds of silver would coin into, or $969,700, leaving off fractions, and no more. In other words, in changing his silver from francs to dollars he has lost 12.6 grains on every dollar. By this time our banker has probably taken a second thought and asked himself how he is going to get back the difference between the dollars he now holds and the francs he has parted with. Suppose the most favorable conditions possible to exist—conditions that would almost certainly not exist; suppose that, having got his silver coined into new dollar pieces, he could exchange them without leaving the mint for $969,700 in gold—and certainly he could not get any more—how is he to get back the $30,300 which he has lost? You say he would take it back to Paris. What! and repeat the operation? Not many times, surely.

Let us see. Suppose he does return to Paris with his $969,700 in gold and tries to buy silver francs with it. How many can he buy? Why, $969,700 in francs and not a franc more; or at 5 francs to the dollar he would get 4,848,500 francs for the 5,000,000 francs he started out with. Now, that is just what that operation would come to. He would have lost 151,500 francs, or $30,300, besides the cost of sending the silver here

and taking the gold back. If instead of exchanging his silver dollars for gold he had bought commodities, flour for instance, he could have done no better. He could buy no more flour for his new silver coins than for gold. No, you can not figure out a profit in any such operation. And if the gentleman from New York and the gentleman from Michigan, acting under the belief they have expressed here, should try such a speculation they would not try it more than once. They would find that with a million in gold dollars they could get but a million in silver francs, or 5,000,000 francs, and we have seen what they could do with them.

Therefore, Mr. Speaker, under free coinage not a lira, not a rupee, not a silver florin, not a coined shilling, would come to the United States to be recoined. Gresham's law is as true now as when first announced, and gold and not overrated silver leaves and would continue to leave European countries in settlement of adverse balances. And here is where our friends go astray; they do not distinguish between silver in the form of coin, upheld by legal tender and limited coinage, and silver bullion. Coined silver in France is more than bullion; it is money. My friend from Michigan before me [Mr. HORR] will say, I know, that that has nothing to do with the value. But what is the fact? The stamp of a government can not create value, it is said. But the stamp of the government, with legal tender behind it, may give to or extend, the use of a metal, and to the extent the stamp and legal tender give use to silver to that extent they give it value. To the extent these conditions add to its use, I say, to that extent they add to its value; and in this way the value of either metal may be, and often is, very greatly increased.

Why, the fact is that the great mass of silver now in use as money—all the coined silver in Europe—is kept at a parity with gold perforce of limited coinage and legal tender, and not by its bullion value. France has $600,000,000 of silver kept at par with gold in this way. Germany still keeps $220,000,000 of silver—quite as much as we have. Austria and Spain each has $75,000,000; Italy, $60,000,000; and altogether Europe has not less than $1,300,000,000 of coined silver, on the ratio of 15½ to 1, and all kept, as I have said, at par with gold by legal tender and limited coinage. So, after all the fuss that is made about it, you see we put more silver in our dollars than any country in Europe puts into its silver coins. Why does not silver drive gold out of Europe? There is far more silver relatively to gold now in circulation in Europe than in this country. Why the alarm about silver here then?

Mr. CHACE. Suppose a Frenchman should buy merchandise in India, would he not remit silver to India to pay for it?

Mr. WARNER, of Ohio. That would depend upon whether it was more profitable to remit silver or to remit merchandise. He would not, however, remit silver coins. He might buy bullion and ship that. Which would be most profitable for him, silver bullion or merchandise, would depend upon circumstances.

Mr. BRUMM. Even if he should remit silver he would ship bullion and not coined silver.

Mr. WARNER, of Ohio. Yes, he would ship bullion rather than coined silver, notwithstanding the fact that coinage is free in India on the ratio of 15½ to 1, because gold is at a premium in India over rupees, but not at a premium over francs in France. The French merchant, therefore, had better ship silver bullion or merchandise or even gold rather than silver coins. For a thousand francs in gold at Paris will exchange for only fifteen and one-half times their weight in silver. But gold being at a premium in India, a thousand francs in gold, or a thousand ounces of gold, will exchange there for more than fifteen and one-half times their weight in silver bullion, or silver rupees. But the fact I wish to impress upon the House is the all-important one that coined silver on the ratio of 15½ to 1 will never leave the countries where it is legal tender to come here where the ratio is 16 to 1.

Never will the silver coins of countries holding to the ratio of 15½ to 1 come here till such coins are first demonetized in the countries in which they have been coined. This fact I hope I have made clear. But of course if France, for instance, should do as Germany did in 1873 and demonetize her $600,000,000 of coined silver, then the case would be different. Hence the importance of international agreement on this question so vital to the whole world; for we see how the action of one country may affect the currency of another, or of all others. Indeed, should France take such a step as I have suggested and demonetize her silver and call for a redistribution of gold, it would not only convulse France but disturb all Europe and prostrate the commerce of the whole world.

The next proposition to which I wish to reply is the claim so persistently made by those who insist on the suspension of silver coinage, or on its abandonment as money altogether, that the change in the relative value of silver to gold is due solely to the increased production of silver in the last few years.

Here again, Mr. Speaker, it is important first to ascertain the facts and then to know that our conclusions are right. What are the elements which determine value in money? What is it that determines the value of gold and silver metal?

A prevalent error, and one which many gentlemen here seem to labor under, is that gold is a metal which possesses in itself a certain fixed or "intrinsic" value, and for that reason is taken as a measure of the value of other things. This is the common idea about gold, but it is a mistaken one. Until very recently 75 per cent. of the gold in the whole world and 75 per cent. of the entire production of the gold mines of the world was devoted to monetary use, and only about 25 per cent. to use in the arts and as ornaments. Now, there is but so much gold in the world, and the mines put out only so much annually—that is, the stock in hand amounts to four or five thousand millions, or by weight about 8,000 tons, with an annual production of $100,000,000.

Here, then, are the elements of the problem: 8,000 tons in the hands of man, and two hundred tons, or a hundred millions, produced annually; 75 per cent. of the demand for this has heretofore, I say, grown out of its use as money, and 25 per cent. from its use in the arts and as ornaments. Hence 75 per cent. of the value of gold has come from its monetary use and but 25 per cent. from its use in the arts. Then, the quantity remaining the same, any conditions that affect the use of this metal, must, and does, affect its value as compared with everything else. Any conditions which alter the ratio between quantity, on the one hand, and use or demand on the other—not use as money alone, nor use in the arts alone, but all uses which give rise to demand—affect value. That is the law of value of everything, and gold is no exception. It is equally a mistake to attribute the value of gold to the cost of producing the annual supply. It is the whole mass we are dealing with, not merely the $100,000,000 produced last year; and only to the extent that cost of production affects the relation of all the gold in existence to the demand for it all does it affect its value.

Then, let us next inquire whether anything has taken place, or is now transpiring, to affect the value of gold.

The Director of the Mint tells us that the use of gold in the arts, in dentistry, and as ornaments is rapidly increasing. We know, also, that some countries which formerly used silver exclusively as money now use gold. We know, in short, that the monetary use of gold has been materially extended in many directions in the last fifteen years. At the same time we know that production has fallen off. What are the consequences flowing from these disturbing causes? Just what must occur—a steady rise in the value of gold. The same rule applies to silver.

The estimate of Humboldt, Jacobs, and others was that about two-thirds of the silver in the world, and in about the same proportion the annual production, went to monetary use, and about one-third into the arts; consequently two-thirds of the value of silver arose out of its use as money, and one-third out of its use in the arts. Any condition that has restricted or now restricts the monetary use of silver, or its use in the arts, must of course affect the value of silver. So, too, of course any conditions which affect the quantity, not the annual supply merely, so as to change the ratio of the whole quantity to the demand for it, whether the demand arises from the arts or for money, must affect its value.

Until the demonetization of silver in Germany and in this country, and the restriction of coinage in Europe generally, a condition existed which equalized the demand for gold and silver for money. That condition was this: In all the principal countries in Europe, except England, and in England down to 1816, it was the right of everybody having money to pay to elect to pay it in either metal. The metals themselves were held as money metals; coinage was unlimited, and anybody could make payment of any sum in either metal. That is the force of legal tender. But if the one to whom money is paid has the right to elect what kind of money he will receive—a right never set up till of late—then there would be no use in having legal tender. The dearest money would always be exacted, and there would soon be but one kind of money, and that the dearest. But by the power of legal tender the two metals were held together for long periods as effectively as if they had been melted together and coined as one metal.

If the value of one tended to fall, it being legal tender, it was taken up and its use extended, and thus the two metals, not as separate standards, but the two constituting one standard, made up the volume of money. The production of each varied relatively to the other, but the production of the two taken together has always been steadier than the production of either one alone.

During the first half of the present century the production of silver relatively to gold was nearly three times that of gold. In 1810 the production of silver relatively to gold was eleven times as great as in 1860, and yet during all these changes in the relative production of the two metals there was no change in their relative values. For two hundred years prior to 1871 there was no variation in the London price of silver, except such slight variations from 60½ pence per ounce as was due to varying mint charges and the course of exchange. Now the silver production is a trifle more than the production of gold, and that fact is seized upon as a sufficient explanation of the depreciation of silver throughout the world. Is there no other sufficient cause? Is there no other cause consistent with the true theory of value? Let us see.

In 1870 and 1871 a great war was waged in Europe. Paper money was issued in large quantities. Gold went from France to other European states, but nevertheless the ratio between gold and silver did not change. Germany compelled the payment by France of the unprecedented sum of $1,000,000,000. Upon this Germany stopped the coinage of silver and began the coinage of gold. In 1873 Germany demonetized a considerable part of her coined silver. France and the states

of the Latin Union, soon after, first restricted and then stopped the coinage of silver. Here, then, was the situation: In 1871 the price of silver in London was 60½ pence per ounce. Germany stopped the coinage of silver, and then began to sell silver and buy gold. Between this time and 1876 Germany put into the market $200,000,000 of silver and bought $350,000,000 of gold—that is, Germany in these few years made a new market for $350,000,000 of gold, and not only shut off a former market for silver but turned into other markets $200,000,000 of silver, the other markets at the same time being restricted by the action of France and the states of the Latin Union in closing mints which had been before open to all the world on the ratio of 15½ to 1. The United States had, in the mean time, demonetized silver. Silver fell from 60½ pence per ounce in 1871 to 47 pence per ounce in 1876; and yet with all these changes in the monetary demand for silver we are told that the fall in silver was due entirely to increased production, while the actual increase in production was only from $60,000,000 in 1871 to $80,000,000 in 1876! Is it possible that the market for silver could be restricted to one-half what it had been, as I have shown, and then $200,000,000 of additional silver be thrown onto the market so restricted, and on the other hand a new demand be made for $350,000,000 of gold, without affecting the relative value of the two metals? Impossible. Here in these very conditions we have the whole cause of the fall of silver. The effect of the slight increase in production has been almost inappreciable.

On this point it is pertinent to quote the opinions of some high authorities. The select committee appointed by Parliament in 1876 to inquire into the cause of the depreciation of silver says:

> And the conclusion seems justified that a review of the relations of metals in times past shows that the fall in the price of silver is not due to any excessive production as compared with gold. The fact is that, as was correctly pointed out by Mr. Giffen in his evidence, the changes have been in the uses of the metals.

Mr. Ernest Seyd, in a very able inquiry on this subject, published in 1879, says:

> In truth, the real cause of the fall of the price in silver is the enforced cessation of the demand resulting from its demonetization by mistaken legislation.

Again, the same author says:

> The greatest variations in the relative production between gold and silver have taken place within the last two centuries without causing any difference in the relative value between the two metals.

Indeed, I think writers on money generally agree in the opinions expressed by the authorities quoted.

The effect of the increase in the production of either of the metals, relatively to the other, on their value has never been in proportion to such increase; and with free coinage as it existed for a long time prior to 1873 it had no effect on their relative value at all; and at any time the annual production of either metal goes into the common mass, and affects the relative value of each only as it affects the relation of the total quantity of each. Laveleye illustrates this very handsomely in this way:

> This immense stock of the precious metals lessens the variations in the value which might result from the variations in the annual supply, just as the level of a great lake is little affected by any changes in the discharge of the rivers which flow into it.

So annual production, at most, affects the relative value of the metals only as it affects the proportion between the whole mass of each in existence, at any given time, and the demand for each. Hence I think it proven that the change in the relative value of silver and gold which has taken place in the last twelve years has been due almost entirely to the restriction of the monetary use of the one, and the increase in the use of the other, both as money and in the arts, and this is due almost exclusively to legislation. Now, what is the remedy?

Mr. HORR. We remonetized silver upon the theory that the remonetization was going to increase the value of the metal. Now will the gentleman explain how it is that silver has been going down ever since we remonetized it?

Mr. WARNER. I will answer the gentleman's question with great pleasure. Silver has not been going down ever since we began coining $2,000,000 per month. Silver was as low as 46¾ pence per ounce in London in 1876. The average London price last year was 51.23 pence, as given by the Director of the Mint. Now, what are the facts of the case? Silver did decline rapidly from 60½ pence per ounce in London in 1871 to 50 pence, and even to 47 pence, in 1876 and 1879, and unquestionably it would have fallen lower but for the market we made for it here when we began coining two million dollars' worth of bullion a month.

This is the problem: a hundred millions of silver are produced annually; our mints take $28,000,000 of it; the rest goes to India or China or South America, or is used in the arts. If we took none the quantity thrown upon other markets would be so much greater, would it not? And of course the price would go down. If, therefore, our coining two million dollars' worth of bullion a month has not had the effect of bringing silver to a par with gold, it certainly has upheld it and kept it from going as low as it otherwise would have gone. For no one would claim that a market for $28,000,000 a year has had no effect on price. What the effect of coining $50,000,000 a year instead of $28,000,000 would be can not be stated exactly. But it is as certain as the multiplication-table that if there is a production of $100,000,000 of silver a year, and $30,000,000 of that is required in the arts, and that India would take $25,000,000 for money at the ratio of her coinage to gold, and China, South America, and other countries would consume for currency $10,000,000 more, and the United States should coin $50,000,000, there would be a scarcity of silver, and that under these influences silver would approximate if not reach the value of gold.

But I am not advocating even an increase of coinage for this country now, for before taking any important step we ought to know that Europe would at least maintain the *status quo* of silver, and that the mints of British India would be kept open; so that in any view of the case international interests are involved. I do not say either that the time will not come when we should reconsider the question of silver coinage here. I can see how such reconsideration might be forced upon us by the action of other countries. If the states of the Latin Union, for instance, should determine to reduce the proportion of silver in their currency by selling off a part, which they are not likely to do, or if England should determine to close the mints of India, under such circumstances it might become necessary for us to change our policy. The Latin Union compact, however, holds till the close of 1885, and there is no occasion now for alarm or for lessening by a dollar the present rate of coinage; on the other hand, there are many reasons why the coinage should be continued.

In the first place, our paper currency is in an unsettled condition. The debt is being paid off and bonds called in. Bank circulation is undergoing diminution. It is possible that the contraction of that part of the paper circulation may be considerable at no distant day. In that event silver and silver certificates would be the only substitute, without which there might be a contraction which would seriously affect the business interests of the country. Stability of value, which is only secured by stability of volume, is what the business interests of the country demand. We want neither contraction nor inflation. Stability is the prime requisite of money.

But I must proceed at once to the great question: Shall the coinage of silver be stopped or be further restricted? In this question the whole country is interested. It concerns not the banker only, but the merchant, the producer, the laborer, everybody, and merits the fullest consideration and the most careful action. It is well known that the large cities, especially the Eastern cities, are pressing for a suspension of silver coinage, and generally, I believe, they are opposed to silver altogether. These cities, I say, are calling on us to stop the coinage of silver. They say its continuance will drive out gold. But at the same time in the other end of the Capitol they are asking that steps be taken to prevent the contraction of the national-bank currency, or business, they tell us, will suffer.

Now, I say to these people—bankers, merchants, or whoever they may be—that they must take one horn or the other of this dilemma. A million dollars in bank notes has the same effect precisely upon the gold currency of the country as a million dollars in silver certificates, and will drive out gold just as effectually. I am not talking now against bank notes or paper currency. But I do say, and challenge refutation, that $200,000,000 in bank notes, or any other form of paper currency, will displace or drive out just as much gold, or keep just as much from coming in, as $200,000,000 in silver or silver certificates. Will anybody deny that? No; it can not be denied. It is too patent to admit of denial.

But let us examine the question a little further. Our currency now consists of $700,000,000 of paper, $165,000,000 of full-tender silver—four times as much paper as silver—and five to six hundred millions of gold; or if we take out permanent reserves, twelve or thirteen hundred million dollars in all, as the effective money volume, or that which operates on prices. This volume is just sufficient, and no more than sufficient, to maintain prices here at the level of prices abroad; that is, on this volume an equilibrium of international prices is maintained. Out of it of course a little gold at one season may shift to one side and at another season shift back to the other—although usually the part that goes out or comes in is taken from reserves and not from circulation. Now, grant that there shall be no increase of the paper currency, and how will $165,000,000 of silver expel $600,000,000 of gold? Or how will the coinage of $2,000,000 a month expel it? It would do so in time if our population were stationary, but it would take many years even then.

But gentlemen forget one important factor in the problem, and that is that our population is not stationary. On the contrary, we are adding to it every year a number almost equal to the entire population of a State like Indiana—nearly 2,000,000 a year. In the year 1900, only sixteen years off, our population will be 83,000,000—more than the population of England and France together; and wealth increases faster than population. The 2,000,000 added annually to our population require as much bread and meat and clothing, and do as much work, on the average, as any other 2,000,000; and will they not call for as much money? Certainly they will. What increase, then, in the money volume will this increase of population and wealth require in order to maintain the present relation of volume to population? And the only way possible to preserve stability of value is to keep this ratio constant. Let it be repeated and emphasized that there is one way and one way only by which the stability of money can be maintained, and

that is by maintaining the stability of volume. No other way is possible.

Now, what will these conditions require? Our population is now over 56,000,000, and if we take the present volume of actual circulation at $1,300,000,000 we have in round numbers $23 per capita. We are coining silver at the rate of about $28,000,000 a year. But this is only $14 per capita for an increase of two millions of population. By the year 1890 an addition of at least $50,000,000 will be required in a single year to meet the demands growing out of increased population and increased wealth. Indeed, the report of the Director of the Mint, which I hold in my hand, shows an actual increase of our currency last year of $40,000,000, which just about satisfied the demand of the added population. Now what is the production of our gold mines? Thirty-two millions a year. Mr. Burchard tells us $12,000,000 of this is consumed in the arts at home, leaving but $20,000,000 to be coined into money. We will require, then, gentlemen—unquestionably we will require, if our prosperity continues—in addition to the coinage of $28,000,000 of silver a year, the coinage of all the gold that our mines produce, save what will be consumed at home in the arts.

So, Mr. Speaker, instead of driving out gold, the coinage of only $28,000,000 a year will not supply the demand growing out of the increase of population and wealth, and more currency of some kind will be required to keep up the ratio of money to population and wealth. And if the paper part be not increased then the gold part will increase naturally itself. And is not this just what has taken place since 1878? Was it not said in 1878 that the coinage of silver would drive out gold, or keep it out? But what are the facts? The volume of gold has increased from less than $250,000,000, all told, in 1878, to $600,000,000, according to the Director of the Mint, and that under the continued coinage of silver.

But this question is of such importance that I will give another illustration. France has $540,000,000 of full-tender silver, coined on the ratio of 15½ to 1. She has a population of 38,000,000. This gives her $14 per capita in silver. If we go on coining silver at the rate it is now being coined until the year 1900 we will then have about as much coined silver as France now has, or some less than $600,000,000. Our population will then be from eighty-two to eighty-three millions. That will give us about $7 per capita of silver, or half what France now has.

I give this to show that there are no rational grounds for alarm over the continued coinage of silver. On the other hand, should coinage be stopped and at the same time the paper currency be contracted by the withdrawal of national-bank notes, the country may prepare for serious consequences; for there is nothing that so quickly paralyzes the industries of a country as a contraction of volume and a consequent appreciation of the value of money. All your great industries would feel it; your commerce would feel it; labor would feel it; everything would feel it. No greater mischief can be done; no greater wrong can be inflicted by a government upon its people than to alter the value of their money. And whatever contracts or expands unnaturally the volume of money does alter the value of every unit of the volume.

Hence, where two metals are in use as money, or where two or more kinds of money are in use, to take away or abridge one affects the value of what remains. If silver is taken out of the stock of solid money now existing and only gold left, the value of the gold itself will be increased. Nothing can be plainer than this, and hence to abandon silver is to change the standard of money. If that be not so, if to take one metal away does not affect the value of the other, then the addition of a third metal to the stock of money would not affect the value of the two now in use. We often hear it said that the value of money does not depend upon its quantity. If it does not, then why fear the continued coinage of silver, or its unlimited coinage? If to lessen the volume of money does not increase its unit value and bring on lower prices, how would an increase of the volume diminish the value of our money and raise prices?

But such inconsistencies are heard every day. We have been told time and again in this debate that if we continue to absorb silver into our currency we will reduce its value. But what will be the effect of shutting silver out? From the earliest accounts of the use of money through all the course of civilization the mines of both gold and silver have contributed, without limit, to the supply of money, and the world has never suffered from oversupply; but commerce and trade have more than once felt the withering effect of a dearth of money. What can now be the purpose of restricting metallic money to the production of the gold mines alone? Is it an intelligent purpose and that for the world's good? Who asks it? Only those whose interests lie in having money dearer; the holders of the vast debts of the world; only those who have fixed incomes, are asking it. It is not to the interest of any other class. It is not the interest of the producing class, the trading class; it is not the interest of the vast property-holding class. It is the interest of the debt-receiving class alone. But justice to all demands that the measure of debts and property, labor and living, shall be kept as nearly invariable as nature, law, and science combined can make it.

Can any one in his right mind claim that this is all secured in a gold standard? What do they mean by a gold standard? There is not a country on the face of the earth that has a purely gold standard. Our currency now consists of $700,000,000 of paper, $165,000,000 of full-tender silver, and $600,000,000 of gold. What, then, is the standard? It is this money volume of about $1,450,000,000, or whatever the real effective amount may be. The gold is diluted, so to speak, by about $700,000,000 of paper and $200,000,000 of silver, including subsidiary coin. Is not that it? Certainly it is. Take away the paper and the silver, and then we would have a pure gold valuation. Then the real measure of value would be gold. But as the total volume would be not much more than one-third the present volume, $1 would represent, or stand for, three times as much property as now. Would anybody claim that a dollar or unit in a volume of $600,000,000 in the same country, with the same population and wealth, would have no more value than a dollar in a volume of $1,500,000,000? Nobody in his right mind could claim such a thing.

In England gold is diluted with $100,000,000 of silver, $225,000,000 of paper; in France by $550,000,000 of silver and $600,000,000 of paper; in Germany by $225,000,000 of paper and $220,000,000 of silver. If the paper and the silver in all these countries were removed, then you would have a purely gold standard for these countries. Would the value of gold remain what it now is? Of paper and silver together there is one-half more than there is of gold, more than half as much silver alone as gold, and more paper than either gold or silver. Only by removing the paper and the silver is it possible to have an unmodified gold standard. Liquor four parts water is not pure alcohol. Money two parts paper and silver is not pure gold. Is it not plain enough that the money of these countries consists of constituent parts, and that an augmentation or reduction of any of the constituent parts must affect the whole? And the fact that to take away or restrict one metal increases the value of the other can not be too strongly emphasized. To give up silver is to increase the value of gold; that is the purpose, so be not blinded. To abandon silver in one country, moreover, affects gold not only in that country, but the world over.

To illustrate this, take the currency of the United States, England and France as just given, together. The several volumes of the different countries are each what is required, under the conditions that exist in each of the countries named, to maintain the equilibrium of international prices. While that condition exists suppose France under the stress of war should issue $500,000,000 of paper and make it legal tender. This would expel $500,000,000 of gold, less France's proportion of this new accession of money. Where would this gold go? It would go to other gold currency countries to augment the volume of each, and the effect on the stock of money would be the same as the effect of a production of so much new gold. The fact that the action of one country may affect the money of another emphasizes the importance of a consensus of nations in the matter of money. For since one country can not change its own money, if it be comprised in whole or in part of money that enters into international circulation, without affecting the others, it becomes at once a question of international concern.

My friend from Pennsylvania [Mr. KELLEY] says he wants to restrict the coinage of silver in the interest of bimetallism. He wants "to force arrogant England" to join in a conference to save her silver in India. But England has another remedy; she can close the mints of India and uphold the value of the rupee in the same way that the silver money in Europe is upheld. And the holders of $7,000,000,000 of interest-bearing capital in England will force England to adopt that remedy and stop the coinage of rupees and maintain their value as France maintains the value of francs, and as silver dollars are maintained in this country—by the restriction of coinage.

I say the interest that controls money legislation in England, and has controlled it for a hundred years, is the moneyed interest. The home debt of England, all held at home, is $3,782,000,000, the annual interest on which is $150,000,000. Besides this, Englishmen hold colonial debts of $3,100,000,000, yielding an annual interest of $153,000,000. The debts of other countries are also held there, making a total of more than $7,000,000,000, and yielding an income of more than $300,000,000 annually. The receivers of this income make the laws. They understand perfectly well what conditions tend to increase the worth of money. They understand, too, how to guard India against cheap silver and uphold the value of the rupee. If I could believe with the gentleman from Pennsylvania that to discontinue the coinage of silver here would have the effect upon England which he thinks it would have, I would be with him; because I recognize here a practical question. We must deal with it as statesmen. International concurrence is essential to a full solution of the silver question. But believing, as I do, that the result would be to move England to close the mints of Bombay and Calcutta, in order to maintain the value of the rupee, as silver coins in Europe and in this country are upheld, and that in that case silver would fall not to 48 pence, as in 1873, or 47 in 1876, but possibly to 40, 35, or 30 pence, I must dissent from his views. Why, I ask again, this demand to shut off the silver mines and limit the supply of metallic money to the gold mines alone? Is it not a fact that the supply of gold is diminishing from year to year? Is it not certain to diminish from century to century? Geologists are in perfect accord on this. The supply of gold is certain to be a waning supply. What, on the other hand, are the conditions as to its use? Population and wealth increasing, more extended commerce demanding more money, and a larger use of gold in the arts.

Mr. Burchard, the Director of the Mint, tells us that not 25 per cent.,

as formerly, but 50 if not 75 per cent. of the gold production of the world to-day goes into use in the arts and as ornaments. Fifty millions of gold a year, at most, left for monetary supply, and to make up for abrasion and loss; fifty millions of gold for abrasion and supply, and that diminishing from year to year, and half the world crazy to shut off silver entirely! Why, at the rate of increase in the use of gold in the arts that has been going on for the last decade it will not be ten years more till every dollar of the world's production of gold will be used in the arts and for dentistry, leaving not an ounce for new coins. An allowance of 6 cents for each inhabitant of the globe for filling teeth would take every ounce of gold now produced for dentistry alone. In the face, then, of a diminishing supply, and the rapidly increasing demand for gold in the arts, for dentistry, &c., is it not astounding that such a clamor should be raised to shut out silver?

What fools these mortals be!

If it were not for the world's vast indebtedness would such a demand be made? Can the motive, then, to reduce the solid money of the world to one metal be a righteous one? To do it, remember, is to change the relation of debt to property throughout the world and to increase the debt burden of every people on whom debts rest. It is to lay on labor greater toil for lesser rewards. I think I have shown that to keep our volume of money stable from forty to fifty millions must be added each year to meet the demands of increased population and wealth, and I have shown that twenty-eight millions of silver or silver certificates will not alone be sufficient. Gold or paper must be added or the volume relatively to our population will shrink. There is no probability that the paper part of the volume will be increased immediately. On the other hand, the question of the national-bank currency remains unsettled, and some contraction from this side is almost certain.

In view of these facts, how absurd to say that the coinage of $28,000,000 of silver or the issue of $28,000,000 of silver certificates will drive out gold without an increase of paper! But silver, we are told, will not go into circulation. In Heaven's name, then, how will it drive out gold? One currency can drive out another only by taking its place in circulation and filling to overflowing the channels of trade. Yet silver will not go into circulation, but will drive out gold, is paradoxically asserted in the same breath. But why will not silver, or its representative certificates, go into circulation? Is Gresham's law suspended in this country? Silver is legal tender, and that is enough to insure its place in our money system.

Another strange delusion has taken possession of the country in connection with the idea that silver was about to expel all of our gold. Just how $165,000,000 of silver was going to expel $600,000,000 of gold, nobody has told us, but if one believed the admonitions of Wall street and the press, gold nevertheless was on the eve of taking wings and departing forever. At least gold was going to a premium immediately. Now, a half per cent. premium would undoubtedly take gold out of circulation at once; let us see how that would affect things. It takes now $700,000,000 of paper, $165,000,000 of full-tender silver, and $600,000,000 of gold, or, leaving out reserves, say $650,000,000 of paper, $150,000,000 of silver, and $400,000,000 of gold—$1,200,000,000 in all of effective currency—to maintain prices in this country at a level of prices in other countries. Now, imagine the $400,000,000 of gold taken suddenly out of this volume by a premium, what would be the result? The active money volume would then stand at $800,000,000 instead of $1,200,000,000. Under such conditions prices would collapse, and gold would come in to restore the equilibrium. No; it is impossible for $150,000,000 of silver to drive out $400,000,000 of gold—if that be the amount in circulation—and it is equally impossible for gold to stand at a premium as long as any remains in circulation.

The gold can all be expelled only by adding at once $400,000,000—or an amount equal to the gold in circulation—more silver or paper to our present currency, and not till all the gold, or substantially all of it, is driven from circulation can gold stand at a premium. I do not, however, wish to be understood as advocating the enforced circulation of the coin itself. There is in my opinion nothing gained in that. If people prefer paper representatives in the form of certificates, why should they not have them? There is no good reason for compelling those who use money in large amounts to carry or handle the metal itself. Let every one choose for himself between coined dollars and paper representatives, and for one I am opposed to retiring the small notes. They are convenient, and the people are accustomed to them, and there is nothing in the world gained by compelling all payments of small sums to be made in coined money. Paper saves abrasion of the coin and is light and convenient.

It is a shallow view of the money question, it seems to me, to compel the handling of the metal itself when people prefer something else. Let that be a matter of choice. The great question is to maintain the stability of the whole mass. By doing that you secure the stability of the value of each unit. How the whole shall be subdivided and how it shall be represented is of minor importance and should be left entirely to the choice of those who use it. For this reason I should be quite willing to let certificates issue on the bullion, at the same ratio and in the same way and in the same amount only, as now issued on coined silver, and let the silver be actually coined only when called for. For it makes not the least difference whether the metal circulates by certificates or the metal itself is actually handled, only it be so that when the certificates are out the metal is in, and when the certificates are in the metal is out.

And it is an entire misapprehension of the true situation to suppose that because silver is locked up in the Treasury vaults it is no part of the money of the country, for to the extent that certificates are out silver is doing money's work the same as if the coin itself were circulating, and it gives a sense of security to know that solid money is behind this form of paper. It is very different from the credit currency of private issuers. Certificates representing the metals not only have a solid basis, but they are titles to the metal and limited by the metal itself, and in that lies their greater stability; and I repeat that what bimetallists plead for is stability in the value of money, and that can only be secured by stability of volume.

Tax Reform—Pledges to the People Must be Redeemed.

SPEECH

OF

HON. SAMUEL W. MOULTON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. MOULTON said:

Mr. SPEAKER: If the Democratic party fail to make a reasonable reduction in the customs duties, and leave the protected industries of the country where they now are, and no reform should be attempted in the interest of the whole country, then I can see no special reason, so far as the interests of the people are concerned, why the Democratic party should be in power rather than the Republican. If it had been understood by the people at the last election that the Democratic party were not then in favor of immediate reform and a reduction of the revenue to the real necessities of the Government, the large majority we have here would have been relegated to private life. And I will add that if no attempt in good faith is to be made to reduce the outrageous war tariff that now oppresses the whole country, other men will fill the places of the majority on this floor.

It is surprising to find men here, elected as Democrats, claiming that no reform or reduction in the tariff is necessary, and if it was this is not the time to attempt it. They say that any agitation of the tariff question will frighten and disturb the business interests of the country, and that financial disaster and panic among the protected industries would be the result; that notwithstanding millions of money is unjustly taken from the pockets of the people and accumulated in the Treasury, no remedy for the great wrong is to be applied, and this vicious system is to go on without day and without hinderance. This has been the argument and fraudulent pretense of the Republican party and protected classes for the past twenty years. It would seem that the Democrats favoring protection have gone over entirely on this question to the protectionists, and they are making common cause with them to defeat any reduction in customs duties. Although the revenues of the country give the Government nearly $100,000,000 yearly more than is required for the ordinary expenditures of the Government, yet the protectionist Democrats and Republicans say this is not the time to reform and reduce the tariff; and, what is remarkable, no time is mentioned by these protectionists when this important question of a reduction of taxes is to be considered. Nothing can be clearer than that the protectionists upon this floor and in the lobbies of this House intend by every possible means to defeat any action tending to reduce the tariff. The clamor of the protected classes is to be respected against the cry of the great mass of the people for relief from burdensome and unnecessary taxation.

The Democratic doctrine upon the subject of the tariff is that no more revenue should be collected from the people than is necessary for the expenditures of the Government economically administered; or, in other words, customs duties should be for revenue only. This doctrine has been announced in the conventions of the party and substantially adhered to from the beginning of the Government to the present time. If there is any principle that can be said to be Democratic doctrine and running through all the years of the Government, it is that a tariff should be for revenue only. I know that incidental protection is sometimes talked about, but protection for the sake of protection and without reference to revenue has always been repudiated by the Democratic party as a pernicious doctrine and without sanction in the Constitution. I maintain that the tariff is a party question, and always has been so considered and acted upon by the Democratic party.

As showing the doctrine of the Democratic party upon the question

of the tariff and revenue, I will read some of the resolutions adopted by the party, beginning with the year 1800:

The first Democratic platform was adopted by the party, then called the "Republican," as distinguished from the Federalist party, in a Congressional caucus at Philadelphia in 1800, the year in which Jefferson was first elected to the Presidency. It demands:

6. Free commerce with all nations, political connection with none, and little or no diplomatic establishments.

The next Democratic platform, known as the "Locofoco" platform of 1836, was adopted by the first national convention for nominating candidates for the Presidency. It proclaims:

Hostility to any and all monopolies by legislation, because they are violations of the equal rights of the people.

The true foundation of republican government is the equal rights of every citizen in his person and property and in its management.

The next Democratic platform was that of 1840, adopted by the Presidential convention at Baltimore, which contains these resolutions:

Resolved, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interest of one portion to the injury of another portion of our common country.

5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

The Democratic convention of 1844 reaffirmed the fourth and fifth resolutions of the convention of 1840.

The Democratic national convention of 1848—

Resolved, That it is the duty of every branch of Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government, and for the gradual but certain extinction of the debt created by the prosecution of a just and necessary war; and, that the results of Democratic legislation in this and all other financial measures, upon which issues have been made between the two political parties of the country, have demonstrated to the careful and practical men of all parties their soundness, safety, and utility in all business results.

Resolved, That the fruits of the great political triumph of 1844 have filled the hopes of the Democracy of the Union in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842, and the creation of the more equal, honest, and productive tariff of 1846, and that in our opinion it would be a fatal error to weaken the bands of a political organization by which these great reforms have been achieved, and risk them in the hands of their own adversaries with whatever delusive appeals they may solict our surrender of that vigilance which is the only safeguard of liberty.

The Democratic convention of 1852—

Resolved, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt.

Resolved, That in view of the condition of popular institutions in the Old World, a high and sacred duty is devolved with increased responsibility upon the Democracy of this country, as the party of the people, to uphold and maintain the rights of every State, and thereby the union of States, and to sustain and advance among them constitutional liberty by discontinuing legislation for the benefit of the few at the expense of the many.

In 1856 the Democratic national convention—

Resolved, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interest of one portion of our common country.

It also repeated *verbatim* the first resolution quoted above of the convention of 1852, and then it—

Resolved finally, That there are questions connected with the foreign policy of this country which are inferior to no domestic questions whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, and, by solemn manifestations, to place their moral influence at the side of their successful example.

In 1860 both the Douglas and Breckinridge platforms reaffirmed the resolutions of 1856, quoted above.

In the year 1864 the continuation of the civil war, which made imprudently high duties necessary to raise sufficient revenue, precluded the necessity of discussing the extraordinary and willingly endured burdens imposed by it on the people of the Northern States, and nothing was said about the tariff.

The Democratic convention of 1868 demanded:

3. Payment of all the public debt of the United States as rapidly as practicable—all money drawn from the people by taxation, except so much as is required for the necessities of the Government, economically administered, being honestly applied to such payment. * * *

6. * * * A tariff for revenue upon foreign imports and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufacturers, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country.

In 1872 the Democratic convention (so called) held at Baltimore, which was in fact a Greeley and not a Democratic convention, did not adopt any Democratic resolutions, but indorsed the platform of the "Liberal Republican" convention held at Cincinnati, which contained the following curious declaration, making the tariff "a local issue:"

We remit the discussion of the subject [protection and free trade] to the people in their Congressional districts and the discussion of Congress thereon, wholly free from executive interference or dictation.

This is the only hiatus in the chain of assertions by the Democratic party of the doctrine of a tariff for revenue only. It resulted in the shameful defeat of a candidate supported by the party in defiance alike of principle and policy.

In 1876 the Democratic convention spoke with no uncertain voice:

We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling, not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture—an industry followed by half of our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

In the Democratic platform of 1880 the old doctrine was tersely reproclaimed:

Home rule; honest money, consisting of gold, silver, and paper convertible on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only.

The doctrine that the citizen should be left free to buy where he can purchase the cheapest and sell where he can command the best price seems to me to be axiomatic. No argument can add to the common sense of the proposition. This doctrine universally obtains among the citizens in their intercourse with each other, and it is the rule in interstate commerce and to the great advantage and benefit of all. Not a man in the whole country would for a moment submit to any limitation of this right of free trade among ourselves and the States.

But the protectionists say that this free-trade doctrine operates well within the limits of a nation, but the moment you extend this doctrine to free trade with other nations then the principle is reversed and it becomes dangerous and ruinous to the nation adopting it. It seems to me that what is economic and prudent in the conduct of every private family can scarce be folly and ruinous in that of a nation. If a foreign country can supply us with a commodity cheaper than we ourselves can make it, we had better buy it of them with some part of the produce of our own industry.

Dr. Adam Smith, in his "Wealth of Nations," illustrates this principle in this way:

The natural advantages which one country has over another in producing particular commodities are sometimes so great that it is acknowledged by all the world to be in vain to struggle with them.

By means of glasses, hot beds, and hot walls, very good grapes can be raised in Scotland and very good wine, too, can be made from them at about thirty times the expense for what at least equally good wine can be brought from foreign countries. Would it be a reasonable law to prohibit all foreign wines merely to protect and encourage the making of claret and burgundy in Scotland?

This example of Adam Smith may be extended to hundreds of cases in our country where high protective taxes are given at the expense of the whole people to maintain certain industries that could not live without this bounty or subsidy. This is an unnatural condition of any industry so protected, and ought not to exist.

It is a remarkable fact that most of these protected industries tend directly to enhance the cost of all the necessaries of life, and I will give some examples illustrating this.

WOOLEN BLANKETS.

Blankets are one of the great necessaries of life, and the people ought to have them at the lowest price, but by the operation of the present tariff the cost is greatly enhanced. Good blankets can be bought in Europe for 30 cents per pound; our tariff on such blankets is 20 cents per pound and 25 per cent. ad valorem. This amounts to near 100 per cent. and this makes the tariff nearly prohibitory. Now, $25,000,000 worth of blankets are purchased and used yearly in this country, and by reason of the tariff the people are forced to buy from the protected manufacturer here and compelled to pay double the price for which they could obtain them but for the tariff. This enhanced price goes into the pockets of the manufacturers, as we are compelled to buy of them.

Take the price of men's clothing in New York and London. For instance, a broadcloth dress suit which costs $50 in New York costs only $22 in London. A heavy business suit which costs $30 in New York costs but $13 in London. A spring serge overcoat which costs $20 in New York costs but $8.50 in London. A winter beaver overcoat which costs $35 in New York costs but $14.50 in London. A silk hat which costs $5 in New York costs but $3 in London. These articles altogether cost in New York $140. In London they cost but $61. The man who buys these clothes, therefore, in New York pays $79 more for them than he could buy them for in London.

Flannels, worn in some form by nearly all of every age, sex, and condition, pay a duty ranging from 88 to 100 per cent., which is prohibitory. So of woolen hats, that are in general use—the tax on them is so high as to prevent their importation; but, as in all such cases, the duty is added to the price of the article, and goes into the coffers of the manufacturer. Odious and cruel, the present tariff is leveled with unerring precision at labor and poverty, and seeks to favor luxury and wealth. Thus the duty on hats is 64 per cent., while the duty on silks is but 60 per cent. Salt, that article of first necessity to man and beast, is taxed 70 per cent., and diamonds only 10 per cent. Trace-chains are taxed 56 per cent., while treble ingrain carpets pay but 50 per cent. Brussels carpets are taxed 68 per cent., and coarse blankets 104 per cent. Fine woolen rugs for the lady's parlor and covers to keep the dust and moisture from the piano are taxed 45 per cent., while flannels to keep the body warm, to protect the shivering invalid, the workingman and his wife, and the aged people alike from the freezing blasts of winter, are taxed 100 per cent. Plain unbleached cotton cloth for shirts and other garments worn by the laboring masses of both sexes is taxed 49 per cent.,

and the window-glass in their houses 67 per cent. Fine porcelain ware for the rich man's table is taxed only 45 per cent., and the artificial flowers and feathers for the adornment of his wife and daughters pay only 50 per cent. And such instances could be multiplied into hundreds.

The same may be said of copper, tin, steel in various forms, and various other necessaries of life. The prices are all increased by the tariff from 50 to 100 per cent.

SPECIFIC DUTY REDUCED TO AD VALOREM.

The table below is for the purpose of showing the ad valorem duty where the specific duty is 4½ cents per square yard on colored cotton goods counting less than 100 threads to the square inch, counting warp and filling. These figures should show to all who are in favor of an equitable tariff the injustice of the present one to a class of goods constantly needed and chiefly used by the poorer classes. Allow us to ask if goods measuring from 32 to 36 inches wide, and costing in Glasgow from 1⅞ pence to 2¾ pence, and goods measuring 50 inches wide, costing from 2 pence to 4½ pence, should pay an average duty of over 100 per cent., when it is well known that the labor value of these goods does not exceed 25 per cent.? It should also be borne in mind that the labor value of these goods in Scotland is about 15 per cent., and to this must be added freight from Glasgow and other charges amounting to about 10 per cent. on these classes of goods. From these figures it will be seen that the percentage of duty on these goods is the percentage of profit secured to the American manufacturer. We may add that these classes of goods are all made from American cotton:

BLACK CRINOLINE LINING.

Quality numbers.	Cost per yard in Glasgow.	Width.	Custom-house valuation here.	Amount of duty per running yard.	Equal to an ad valorem duty of—
	Pence.	*Inches.*	*Cents.*	*Cents.*	*Per cent.*
1	1¾	32	2.80	4.00	143
2	1⅞	32	3.04	4.00	131
3	1¾	32	3.55	4.00	112
4	1⅞	32	3.79	4.00	106
5	2	32	4.06	4.00	98
6	2¼	32	4.30	4.00	93
7	2¼	32	4.56	4.00	87
8	2½	32	5.58	4.00	71
9	1½	36	3.04	4.50	148
10	1¾	36	3.55	4.50	127
11	1⅞	36	3.79	4.50	118
12	2¼	36	4.56	4.50	98
Average duty					111

6-4 TARLATANS.

1	2	50	4.06	6.25	153
2	2¼	50	4.56	6.25	137
3	2½	50	5.07	6.25	123
4	2¾	50	5.58	6.25	112
5	3	50	6.09	6.25	102
6	3¼	50	6.60	6.25	94
7	3½	50	7.10	6.25	88
8	3¾	50	7.61	6.25	82
9	4	50	8.12	6.25	77
10	4½	50	9.13	6.25	68
Average duty					103

The Republican Congress of 1882, by the almost universal condemnation of the war tariff then in force, found it necessary to pretend to do something that seemed to favor a reduction. To this end, and in order to deceive the people and still maintain the tariff in the interest of protectionists and monopolists, they created the tariff commission scheme. This was a shameless desertion of their duty and a scheme to postpone tariff reform at the expense of a tax-burdened people. This commission, after perambulating the whole country and listening mostly to those whose interest it was to preserve the tariff as it was, reported that the tariff ought to be reduced 25 per cent.

Now, upon this report what did this Republican Congress do? Instead of reducing the tariff 25 per cent., as recommended by the commission, and which ought to have been done, it appears now from the figures from the Treasury and the report of the Committee of Ways and Means of this Congress, and not disputed by any one, the Republicans of the Forty-seventh Congress reduced the tariff only 1.74 per cent. That is to say, the importation of goods valued at $100 is $1.74 less under the new Republican tariff than the old law. Thus it will be seen that the people have been deceived and that the tariff remains to-day substantially at war rates. This is a disgrace to our civilization and a fraud upon the people. It is in the interest of the few and against the rights of the many.

But the protectionists say in answer to all this that if we are not protected in our industries we can not live; that unless the whole people, by means of a tariff, are compelled to help us and enable us to charge double what our products can be purchased for elsewhere we will have to close our business. This is the argument in defense of the present war tariff. There are no principles more clearly laid down by political economists and demonstrated by the experience and observation of the business world than these: That a trade or business which is protected and forced by means of high duties and monopolies is disadvantageous and ruinous to the country in whose favor it is meant to be established; but that trade which without force or constraint is naturally and regularly carried on between individuals or any two places or nations is always advantageous; that no commercial nation was ever ruined, impoverished, or even injured by opening the ports to trade with its commercial neighbors; that every country, on the contrary, in proportion as it has opened its ports to all nations, instead of being ruined by this free trade, as the principles of the protective system would lead us to expect, has been enriched by it. These principles have been illustrated at different periods of our own country. The less restraint upon trade and the freer a people are the more prosperous and happy they are.

There is free trade between the States and to the advan tage of the whole country.

What is of the most importance to us now is free trade with the commercial nations of the whole world, so that we may have a market for our overproduction caused by the unnatural stimulant of a high protective and prohibitory tariff. The home market is wholly inadequate for the consumption of our productions under existing circumstances. Our factories and warehouses are overflowing with goods, with no buyers, and thousands of workmen out of employ; and yet the protectionists insist that there shall be no change in the tariff laws, and that the present deplorable condition shall remain unchanged. The position of the Republican party is well expressed by one of the leading protectionists, Hon. WILLIAM P. FRYE, in the Senate of the United States, February 10, 1882, in these words:

If there were no public debt, no interest to pay, no pension-list, no Army and Navy to support, I should still oppose tariff for revenue only, and favor protective duties.

To-day we are reaping the fruits of their astounding folly and monstrous heresy. To enable this country to compete in the markets of the world with other nations our tariff should be reduced to a revenue standard, and all raw materials that enter into the composition of manufactured articles should be admitted duty-free. A tax on raw materials to the extent of the tax adds to the cost of the manufactured articles of which the raw material is a part. Most nations admit raw materials free. That gives the manufacturer in those countries an immense advantage over the American manufacturer. The tariff on the raw material, increasing its cost, prevents American competition and we are shut out of the foreign market. Many of the manufacturers of the country are beginning to appreciate the effect of a high tariff on raw materials and now are boldly advocating the repeal of all taxes on raw materials in order that they may compete with foreign nations in the markets of the world. Protection of industries and taxes on raw materials cannot exist for any length of time. Taxes on raw materials invariably lead to the decay of manufacturing industries. No country presents better examples of this than our own—strikes, stoppage, half-time, reduction of workmen's wages, bankruptcy, and ruin. If our industries are to lead an active, healthy life, then every tax must be taken off of raw materials. This reform will work wonders. Our manufacturers will then demonstrate that they can compete with Europe in the neutral markets of the world.

WOOL.

The high tariff on wool is wholly indefensible. It absolutely prevents us exporting manufactured articles of wool.

Wool can be grown as cheaply here as in any country in the world. The extent and variety of our climate invite to it. We have all the advantages of Australia and South America. Why should the people of all the States pay toll to the farmer of Ohio or Pennsylvania if his land has become too valuable for sheep-raising. Sheep-raising has naturally gone West upon cheaper lands. This is the natural law of that industry. Let the Ohio people use their lands for other purposes more profitable. High tariff upon wool has been a disadvantage to wool-growers in this country. As a rule the higher the tariff on wool the lower has been the price. In 1879, under the war tariff, wools were taxed 10 cents per pound and 11 cents ad valorem; the price of wool that year was lower than it had been for many years, running down to 12 cents per pound. The high tariff excluded the foreign wools. These wools were wanted for mixture with the native wools in manufacturing, and without the foreign wools there is less demand for native wools and consequently lower price. This has been the history of tariff on wools.

Mr. James Leach, the oldest importer and dealer in wools in the United States, and a recognized authority in all matters pertaining to the trade, was asked the other day what had caused the recent disasters in the woolen trade. "In two words," replied Mr. Lynch, "overproduction and overcompetition." Continuing, he said:

The excessive protection and overfostering of the business for a period of sixteen years has caused an excessive supply of raw material and of all the articles made from wool. Now, in the present condition of things it is quite clear that we have more wool and woolen goods of all descriptions than we are able to consume, and we have no market beyond the United States, the tariff on the raw material preventing us from competing with older countries where no duties

are imposed. This excessive protection of the raw wool is more than our manufacturers can overcome. They can't send their goods out of the country for a market; hence the plethoric supplies and the overloading of commission merchants in woolen goods, clothing merchants, and so on. Wool has been protected to death.

The same reasoning will apply to most of the other manufacturing interests of the country where the raw materials used are highly taxed. And the ruinous effect of this policy is felt by the consumers in the increased cost of most of the necessaries they use.

SUGAR.

The demand for free sugar is almost universal. It comes up from almost every part of the country. The reduction in the tariff on sugar was expected to be opposed by the sugar-planters in Louisiana. We find persons representing this interest have been here, and according to their own statements attempted to pool their interest with Pennsylvania in regard to iron and coal, and Ohio in relation to wool, and combine whatever other interest they could against a reduction of the tariff. The average consumption of sugar per capita in this country is forty-five pounds. The poorest find it a necessity. In 1883 the Government collected about $48,000,000 in duties on sugar. The tariff was over 60 per cent. The same class of sugar for which we have to pay 9 and 10 cents per pound the people of England obtain for 6 to 6½ cents per pound.

The tariff is equal to $9 or $10 on a barrel of sugar. This the consumer has to pay for the benefit of the few sugar-planters in Louisiana. The protectionists, rather than reduce the tariff on sugar to benefit the poor consumer, propose to reduce the surplus revenue by taking the tax off of whisky and tobacco. The people of this country consume annually 1,000,000 tons of sugar.

Now, the Louisiana planters who are demanding this high tariff only produce about 8 per cent. of the sugar consumed in the country. The annual average value of the sugar crop in Louisiana is only about 26 per cent. of the tariff the people pay on the imports of sugar.

During the last fiscal year the value of sugar imported was $93,525,732, upon which duties to the amount of $47,977,000 were collected. The history of sugar-planting in Louisiana shows that a high tariff has little or no influence in stimulating the production of sugar. The largest crops have been raised when the tariff has been the lowest. The sugar-planters of Louisiana need no protection, as the following facts will show.

The following extract is from a prize essay read before the Planters' Association of Louisiana in 1883. If its statements are true, and we have no reason to doubt them, they prove that domestic sugar-growers are receiving greater returns from their crops than is obtained by any other class of agriculturists:

RESOURCES OF THE SUGAR REGION.

No agricultural product in any part of the world gives a return equal to a well-conducted sugar plantation. Hitherto it has required large capital to embark in this business, but since the establishment of central factories in our State every cultivator has within his reach the means to become a sugar farmer and the certainty of obtaining a good price for his cane. Poor men in no other country have such opportunities as are here offered, for by proper cultivation they are certain of securing from $80 to $100 per acre for their cane crop, and one man can cultivate from ten to fifteen acres in cane, besides raising corn and other supplies sufficient for his family, all on land which to-day can be purchased at from $5 to $20 per acre. This new feature in the sugar industry is destined to more than double our sugar product in five years, and under favorable legislative protection this industry in the near future will assume grand proportions, for not one-half of the territory adapted to cane is as yet cultivated in this plant. It has been found that cane does remarkably well on the high lands, as proven in East Baton Rouge by sugar farmers who are growing wealthy with small mills; and cane pays well even in the sandy soil of the other Florida parishes, where nourished by fertilizers. Recent important improvements in machinery have greatly increased the sugar yield per ton of cane, and the refuse or bagasse, which a few years ago was a great burden to sugar-planters, has recently been utilized for fuel; but a better use for it will soon be found, for it makes the best paper-stock, and will in a year or two be extensively employed for that purpose. In fact, paper barrels for sugar and molasses will soon take the place of the ancient wasteful and cumbersome cypress hogsheads and barrels.

An average duty of over 60 per cent. is maintained on sugar and kept at that excessive rate in obedience to the demands of the domestic sugar industry.

It is claimed in the above paper that with proper cultivation $80 to $100 per acre is obtained from sugar. The tobacco crop of 1882 paid $64.32 per acre; hay, $11.44; potatoes, $43.89; corn, $11.94; wheat, $11.99; rye, $8.28; oats, $9.89; barley, $13.54; buckwheat, $9.49. These figures show conclusively that there is no necessity for a high tariff on sugar, and that as a crop it yields the producer six to eight times the return obtained from cereals. And yet the average rate of wages in the grain-growing States of the West and Northwest is from six to eight dollars per month greater than in Louisiana. Free sugar would still enable producers to get superb returns from their land as compared with grain-growers and give to consumers a gift of $40,000,000.

The people of this country could better afford to pay the Louisiana sugar-planter the value of his annual crop than to pay duties on the importation of foreign sugar amounting to $48,000,000. Even then the people would save over $30,000,000 per annum.

The sugar tax is an enormous fraud upon the people, and it ought to be removed. There is not as much reason for protecting the sugar-planter as there is for protecting our Western farmers against taxes upon almost everything that is used by them. Foreign nations do not give us cloths, silks, wools, or sugar; but they are to be paid for in our agricultural products; there is no other way. All the specie in the country could not pay for one year's imports—for 1883, $700,130,688. Not a yard of cloth comes into the country but what encourages American labor, because some one has raised cotton, wheat, corn, pork, beef, and other products to pay for it. Under a high tariff agricultural products will fall in price, and rise under a low tariff. This was true under the compromise tariff of Mr. Clay, from 1839 to 1842. As the duties came off agricultural products rose in price, and we increased our exports. Under the high tariff of 1843 our agricultural exports fell off and the price went down again. In 1846, under what is known as the Walker tariff, which was simply a revenue tariff, and the duties were ad valorem, the price of agricultural products rose and our exports largely increased. The same result followed under the low tariff from 1856 to 1861.

This illustrates the simple rule that when we buy of others they will buy of us. The more we import the more we export. The dutiable imports for 1883 were in value nearly $500,000,000. The following table shows some of the principal articles of import and their value:

Live animals	$3,513,329
Barley	6,288,341
Buttons and button materials	3,599,323
Crude opium	3,931,278
Watches and watch materials	2,221,703
Coal, bituminous	2,240,260
Cotton cloth	2,538,871
Cotton knit goods	7,941,381
Clothing and other cotton goods	23,808,930
Earthen, stone, and china ware	6,969,923
Fancy articles, perfumeries, &c	7,402,856
Hemps and substitutes for	4,576,324
Jute and sisal grass	5,720,995
Manufactures of flax, jute, &c	24,133,992
Fruits and nuts	17,407,607
Furs, dressed, on skins	5,325,133
Pig-iron	5,745,999
Tin-plate or taggers tin	18,075,814
Various manufactures of tin	13,875,693
Precious stones	8,550,818
Leather	7,228,409
Gloves, kid and leather	3,589,653
Silk, dress and piece goods	16,821,441
Silk, clothing, laces, ribbons, &c	18,280,474
Brandy, &c	2,246,526
Molasses	6,980,219
Sugar, Dutch standard in color	87,774,898
Leaf-tobacco	8,312,913
Cigars, cigarettes, and cheroots	3,055,770
Wine, in casks	3,012,977
Wine, in bottles	5,207,345
Lumber	7,433,989
Wool, unmanufactured	11,843,625
Woolen cloth	12,922,521
Women's and children's woolen goods	17,095,269
Woolen goods, unspecified	8,430,558
Total	396,150,721

These thirty-six headings embrace more than three-fourths of the dutiable commodities brought into this country. It will be observed that by far the greater portion are articles of prime necessity. Sugar, cotton goods, and cotton clothing, woolen goods and woolen clothing, manufactures of flax, tin, and manufactures of tin, iron, and manufactures of iron make up much the larger part of the goods upon which duties are imposed. These are articles indispensable in every household in the land. These enter into the life of every human creature. The duty on these articles is from 40 to 50 per cent. It is not stating the case too strongly to say that on the six articles we have just named the laboring classes pay annually over $100,000,000 tax to the Government, or $2 to each person, and $10 to each average family. This, of course, takes no account of the amount they pay to protect home industries which does not go into the Treasury. This amount is indefinite, but is variously estimated to reach three times the sum, or more than is paid to the Government (more nearly five times, or $50 per family); that is to say, $6 to each person, and $30 to each family in the United States. If this tax were levied direct on the people the present tariff would not stand a month. It falls on them none the less surely and is much less equitably distributed than are direct taxes, but so disguised as to excite no general protest. It is only by discussion that the truth can be brought home to the people who bear the burdens.

Under the Morrison bill wood, sawed lumber, coal, and salt are added to the free-list, and to these, in my judgment, there ought to be added wool, sugar, and many other articles of prime necessity. The effect of the present bill will be to reduce the present tariff about 15.74 per cent., as estimated by the Ways and Means Committee, making about $31,000,000 reduction. This is something to be sure, and perhaps as much as can be obtained at this time under the circumstances.

The bill under consideration does not propose to reduce the tariff in any material respect below that of the Morrill tariff of 1861. At that time that was the highest tariff known to our laws.

Twenty-three years have elapsed since the adoption of that high protective tariff. At that time it was thought necessary to make some excuse to the people for so exorbitant a tariff. It was urged by the protected class that their business was in its infancy and required protection to keep it alive. Yet many of these infant establishments had been in existence and flourishing and yielding large dividends for more

than forty years. Now nearly a generation of protection has been added, and if there is any virtue in it certainly the infant ought to be of age now and no longer has the right to demand a subsidy or gratuity at the expense of the whole people. If the Morrison bill becomes a law, the average tariff on the dutiable articles will be over 30 per cent. This certainly ought to be sufficient to satisfy all reasonable men. It gives the manufacturer 30 per cent. the advantage over the great mass of the citizens, but this protected and rapacious class still plead infancy and more protection.

It is urged by the protectionist that the internal-revenue tax should be abolished. This is principally on whisky, beer, and tobacco, and yields a large amount of revenue, nearly $132,000,000 annually. If this revenue is taken off it would give the protectionist increased advantage for insisting that there shall be no reduction of the tariff, but rather an increase. Of course protectionists are in favor of abolishing the internal-revenue system.

I am opposed to the abolition of the internal-revenue system as applied to whisky and tobacco. These articles are not necessaries. Whatever of this tax is paid is voluntary. No one need pay a dollar of this tax unless he chooses; and the abstinence from the use of these articles, and therefore from the payment of this tax, would always be to the advantage of the individual.

It is estimated that our tariff and revenue laws will give $100,000,000 more than is wanted and can be used by the Government under the law. What reason can be given for taking this large sum from the hard earnings of the people? The Democratic party have given their pledge to the people to reform the abuses in our tariff system, and, for one, I am for faithfully redeeming these pledges.

The Bonded Extension Bill.

SPEECH

OF

HON. JOHN A. KASSON,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. KASSON said:

Mr. SPEAKER: At the suggestion of various members of the House, and in response to sundry arguments on the general question of free trade which have recently appeared in the CONGRESSIONAL RECORD, I submit herewith as part of my remarks the views which I have recently expressed elsewhere on that subject. The speech referred to was reported and printed as follows:

FREE TRADE NOT THE INTERNATIONAL LAW OF THE ALMIGHTY.

[Congressman JOHN A. KASSON, of Iowa, delivered an address before the Brooklyn Revenue Reform Club, in the hall of the Long Island Historical Society, on the evening of February 6. The address was entitled "Free trade not the international law of the Almighty." Mr. KASSON was listened to with the closest attention, and was frequently applauded, especially where he showed that from England, a country "blessed with free trade," the annual immigration to this country has largely increased since the introduction of the system which was denounced by its opponents as one of "robbery and injustice."]

Mr. KASSON prefaced his remarks by referring to the famous declaration of Cobden that free trade is the international law of the Almighty, and said that he had chosen for the title of his address "Free trade not the international law of the Almighty," as indicating the distinct issue between the two principles of free trade and protection. Whatever most promotes the welfare of the people, he said, must be regarded as being in obedience to the laws of Divine Providence. The rule may be just between two barbarous tribes who exchange the shells of the seashore for an elephant's tusk from the interior; but as soon as civilization and the skill of labor intervene and money becomes an element of exchange for materials regulations are made in the interest of self-protection and for the promotion of wealth. The truth or falsity of the maxim must depend upon the condition of each country. One form of it may be true of one nation and the converse of it true of another. Its application must depend upon the particular conditions of each country, and the object of this address is to show that so far as the United States are concerned Mr. Cobden was wrong, without disputing that he may have been right in applying his maxim to the people of England.

As I understand the principles of this club, its favorite reasoning is from theories to laws. That is to say, you find laid down in the books certain principles on which society ought to be founded, assuming that no wars will exist, that communications are always open, that the people of all nations seek the same conditions of existence, and will be animated by the motive of mutual equity, without seeking advantage one over the other. But history proves these assumptions to be false. Wars do arise. Communications are obstructed and barred. Different nations seek different results from social organization. Some seek wealth and power alone for a privileged class, a hereditary aristocracy, and accept as necessary the debasement of labor. Others seek the elevation of all classes, the comfort and security of all, and would give dignity to all useful occupations. These and other differences necessarily result in different processes of legislation. One country has great and diversified resources, another has few and perhaps none to provoke enterprise. Thus when your theories are carried into laws you often find them wholly inapplicable to the conditions of the country you would subject to their jurisdiction.

For myself I favor a reasoning which will lead from facts to law. The laws which govern mental philosophy can not possibly be applied to the practical affairs of men. These are so variable that a system which is excellent for one quarter of a century would be utterly opposed to a system adapted to the next quarter. The reading of works on political economy, like those of Adam Smith, Say, Ricardo, McCulloch, Bastiat, and a host of others, will show that the effort of each succeeding writer is to correct the errors into which his predecessor has fallen. There is no theory of political economy in its application to the changeable affairs and interests of man which can be said to be permanent in its application. As in the case of political institutions one kind of government is best adapted to one people, and another to another people with different traditions and different education, so one theory of taxation may be well adapted to a nation in Europe and at the same time be ruinous to the development of a nation in America.

APPEALING TO HISTORY.

But I too have a favorite book of authority in which to find the principles of my political economy. That book is the history of my country for the century of its existence. It is a history of experiences and trials under both systems. I read there that my country at the beginning was substantially without manufactures and largely dependent on a nation 3,000 miles away. As soon as our forefathers consolidated the States under national authority, in the first Congress assembled they laid duties "for the encouragement and protection of manufactures." The laws of 1789, 1816, 1824, and 1828 were all protective in their character and adopted in part by the same men and under the influence of the authors of the Constitution.

The right to impose duties with reference to the protection of American industries was completely established. During this period the rate of duties was steadily advanced, not for revenue only, but for protection also, from about 6 and 8 to nearly 50 per cent. ad valorem. Each successive rate promoted the industries of the country while it enriched the Treasury. The revenue became too great for the wants of the Government, and the sliding scale of 1833 was adopted as an experiment, under the belief that the revenue could be reduced without the destruction of the industries which had grown up under the uniform fostering care of Congress. The revenues were reduced far beyond the wishes of the authors of the scheme, and ruin of our domestic industry and of the public credit followed as its legitimate result, and one of the greatest and most distressing panics the country has ever known became a reality in 1837.

This experience led logically to the restoration of a higher and protective tariff in 1842, under the influence of which industries revived, prosperity returned, and the Treasury was again amply supplied. But the economic views of the opponents of protection again prevailed, and again the tariff was assailed by successive Congresses, beginning in 1846. Then again, in 1857, came bankruptcy of manufactures, of trade, and of the Federal Treasury. Once more the policy of protection came to the front, in 1861, and from that time on this policy has been perpetuated in the legislation of the country. It has now been continually tested for a period of twenty-two years.

You will observe that after each disaster which followed the free-trade periods there was no recovery of either public credit or public prosperity until a change of law and system from free trade to protection; and then prosperity did return. I beg you also to observe that during this period of twenty-two years a financial convulsion befell both Europe and America. Our revenue system was not changed, while our monetary system was; and the United States was the first of all nations to recover its prosperous tide, which has continued to this day and has become the admiration of all nations.

INCREASE OF IMMIGRATION AND POPULATION.

Under these circumstances, as I understand the theory of your association, I ought not to consult the facts of history to ascertain whether free trade or protection is the system most advantageous to my country, but I should go to the books and writings of McCulloch, of Ricardo, of Wells, and of Sumner, and learn from them whether it is possible that a country should become prosperous under protection, or whether it is a system of "robbery and plunder and disaster to the people." I must decline to ascertain from books written in the past whether my country can be prosperous under one system or the other. My appeal for information on that subject is to history, and not to the theoretical writings of philosophers. I look upon the condition of the United States as I found it under the beams of the rising sun this morning. Churches, schoolhouses, dwellings in town and country, savings in bank, the public treasury, mills, factories, farms, barns, storehouses, railroads, mines, herds and flocks, clothing of the people, popular contentment, love of country—I look at all this, and ask myself: "Is all this evidence of suffering under a long-continued system of 'robbery and plunder of the people?'"

Take, for example, your declaration that a protective tariff is necessarily robbing the many for the benefit of the few; is an unjust and burdensome taxation, oppressive to the people, and especially to the poor. If that is true you will admit that it ought to discourage immigration, retard the increase of population, and embarrass the material development of the country. You must further admit that the laboring classes certainly should not leave a country blessed with free trade and go to a country oppressed by this system of robbery and injustice. When I appeal to the facts of history I find that instead of retarding immigration and embarrassing the growth of population there came from the free-trade country whose policy you ask us to follow only 78,000 in 1860; after our system of "robbery and injustice" was adopted, twice the number, or 151,000, came in 1870 from the same country, and 164,000 in 1880; and while there was under free trade in 1860 a total immigration of only 150,000, it rose in 1870 to 356,000, and in 1880 to 593,000. Were all these immigrants incapable of judging for themselves whether there was more profit to the laboring classes in a free-trade country or in a protective country? Did they not know whether, on the whole, the comforts of life and means of gain were greater in the country which they left or in the country to which they came? Shall I go to the writings of the free-trade economists to find this fact, or am I justified in learning it from the men who had experienced both the blessings and the wrongs under both systems? When each 100,000 of immigrants wrote back to persuade another 100,000 to come, did they do it blindly and wickedly, or did they do it because of the greater blessings, the superior comforts, the better chances of life which they here enjoyed?

And how was it with the population? Instead of the slow growth of European nations we find that at the close of our free-trade period the entire population of the United States was 31,000,000. It rose to 38,000,000 in 1870, and to 51,000,000 in 1880. Does this indicate increased difficulty in the means of subsistence, increased embarrassment in the acquisition of wealth, or does it show that the country has become more and more capable of sustaining a large population in comfort and wealth?

GROWTH OF AGRICULTURE AND MANUFACTURES.

Has this system which you so violently condemn impeded the development of the country? If I look in your books on political economy I perhaps should answer "Yes." I prefer to look into my own book, which is the history of the United States as disclosed by the census taken under the law. I inquire, first, as to its effects upon that class of population with which I have been identified, and which you say suffers most of the burdens and injustice. I find that the value of the farms of the country in 1860 was $3,200,000,000, rising to $7,000,000,000 in 1870, and in 1880 to $10,197,000,000. The gross value of their products in 1860 was not returned, but is estimated at $1,400,000,000; in 1870 it was $1,800,000,000, and in 1880, $2,200,000,000. And just here let me re-enforce my statement respecting the growth of agriculture in this country by an extract from the British Agricultural Commission's report in 1882, in which this sentence occurs: "It is safe to say that for the last two years the agriculture of America has been at the very flood-tide of its prosperity." So even the census of 1880 has not fully told

the magnificent story of our agricultural development under this system of "robbing" the farmers, our foreign rivals being the witnesses.

But what is the condition of the same agriculture under free trade in England, where the farmers, instead of being "robbed" by protection, have the blessings of free trade? Let the great free-trade organ of England, the London Times, tell the story in its issue of April 19, 1882. Its four-column article is under the title "Agricultural Decline in England," and is a review covering thirteen years. It declares that England now has about $40,000,000 less value of live-stock, and a further loss of $20,000,000 in grain crops, irrespective of the falling off in yield per acre planted. That paper says sadly, in summing up: "We present the above statements illustrating the decline in agricultural wealth and production, leaving to farm occupiers and their landlords to consider how far the facts constitute an indictment against their craft, or only a record of its misfortunes."

Now, put in contrast with this what is said by the British Agricultural Commission of our agriculture in its report of the same year, 1882: "It is safe to say that for the last two years the agriculture of America has been at the very floodtide of its prosperity."

Which system has "robbed the farmer" or plundered the poor? Which has proved most beneficial to the farmer?

On that other equally important branch of national industry—the product of manufactures—I find that the values have risen in the three decennial years from $1,885,000,000 in 1860 to $3,385,000,000 in 1870, and to $5,369,000,000 in 1880. These aggregates of two branches of American industry have required vastly improved facilities for transportation to market. Consequently our railroad mileage has increased from a few thousand miles in 1860 to a greater mileage at this time than is furnished by the entire system of Europe. The iron ore mined in the United States in 1880 reached the enormous aggregate of nearly 8,000,000 tons. The results of coal mining are still more remarkable, having risen from 14,000,000 tons in 1860 to 71,000,000 tons in 1880.

IMPORTANCE OF THE COAL INDUSTRY.

Mr. KASSON here paused in his argument to illustrate the importance of the coal fields of the country and their development as perhaps the best indication of the development and growth of the great industries of the nation, as the creator of the force required for handling the vast agricultural and manufactured products of the country, as well as the source of supply for fuel for the increased population. He referred to it not only as an original source of wealth, but as an instrument for the creation of wealth in nearly every department of human enterprise, claiming that no more significant proof of the enormous prosperity of the country during the last twenty years can be furnished than an exhibit of the rapid increase in the production of this mineral, more valuable than gold and silver. In concluding his proof of the unparalleled development of national prosperity he gave the census figures for the total wealth of the United States as $16,000,000,000 in 1860, $30,000,000,000 in 1870, and $43,000,000,000 in 1880.

The free-trade economist, Mulhall, estimates the annual accumulation of wealth in the—

United States at	$825,000,000
France	375,000,000
Great Britain	325,000,000
Germany	200,000,000

He says of us: "Every day that the sun rises upon the American people it sees an addition of two and a half million dollars to the accumulated wealth of the Republic, which is equal to one-third of the daily accumulations of mankind!" Does this look like "robbery" in America, as compared with Great Britain?

THE BALANCE OF TRADE.

After citing some additional facts, he proceeded: I perceive also that those who base their statesmanship upon the writings of the scholar at his desk and the professor in his college endeavor to convince us that the balance of trade has little to do with the prosperity of the country. In answer to this, looking again into my book of our national history, I find that the change in our balance of trade with foreign countries, which was effected eight or ten years ago and has since continued, has caused a change of ownership in the great mass of United States bonds, has caused a cessation in the payment of interest to foreign countries, has swollen the contents of our savings banks and the credit balances of our depositors, has enabled us to resume specie payments, has filled the country with gold and silver, and added hundreds of millions to the circulating medium of the United States, has reduced interest to the lowest point ever known in the history of the country, both for governments and individuals, has raised the public credit to the foremost rank among the nations of the world, and has so magnified the capital of the country that borrowers have ceased to seek lenders, and lenders are seeking everywhere in beneficent enterprises places for the investment of their wealth. You may say that this can not be, because all the books say it is inconsistent with a system of taxation which is "robbery and injustice." My only answer is that it is so. If your theories and our facts come into collision the theories must retire, in good order if possible, or the facts will trample them under foot and soil the fair paper on which they are written. If we bring in fifty millions of sound money each year from the rest of the world in payment of the favorable balance of our trade, we must in twenty years have a thousand millions more to work with in our own interest. If money is not itself wealth it is an enormously powerful instrument in the production of true wealth. Nations seek to acquire it for the same reasons that individuals do, and both find it to their advantage to possess it. You can hardly convince them of the contrary.

COST TO THE CONSUMER.

But you have a further and a very favorite argument, which sounds and resounds from the Atlantic to the Pacific, and which reverberates in the center of the continent. This argument declares that the tariff enhances by the amount of the duty the price of every article on which it is imposed. You further say that it not only adds so much to the expense of the consumer but it also enhances the domestic prices by the same amount on all the like articles produced at home. Where shall I go to test this argument? Shall I go to your books, which only tell me what ought to be as a logical deduction from logical propositions? Again I make my appeal to our favorite book, the history of facts. As you know, our duties on nearly all importations were increased more than once after 1860. I take the list of principal articles where the American competitive industry has been protected, and I find in a great majority of cases (I believe in all) that prices are lower than they were before the imposition of increased duties. It would require more than one address to go over the list of articles in respect to which this is found to be true. I will mention some by way of illustration. We have always had a high duty upon silks, regarding them as luxuries. It has been so high as to be also a protective duty.

Enterprising Americans resolved to avail themselves of it and introduced that industry into the United States. It has been developing for about twenty years, and has now extended into several States. The result is certified by Mr. Wyckoff, who prepared the census report on that subject, in a letter to me. The general reduction in prices since 1860 averages about 25 per cent., and in some instances over 30 per cent., while about one-half the entire consumption is the product of American labor. In steel rails before the imposition of duties we paid England over $100 per ton. Since American manufactories have grown up we have purchased them as low as $35 per ton. Similar results have attended the duties on cutlery and other hardware. The same is true of cottons and of woolens. Common clothing is to-day sold in the United States to the consumer as cheaply as in Great Britain, as we learn from consular reports and personal investigation. I must warn you, gentlemen, against deceptive comparisons of prices. It is only just when the comparison is grade for grade. Many of our goods of the same name are vastly superior to those of England. A toy pistol must not be compared with a navy revolver because both are called pistols. On this subject the London Times admits that "the Americans succeed in supplanting us by novelty of construction and excellency of work. They do not attempt to undersell us in the mere matter of price. Our goods may still be the cheapest, but they are no longer the best."

You say, if I understand you correctly, that we can not export products of domestic manufacture because our protective duties so enhance the price. This may be true of some articles. But I have before me a certified statement from the Bureau of Statistics showing an increase of exports of domestic manufactures under the protective system as follows:

In the free-trade year:	
1860	$45,639,730
In protective years:	
1870	47,871,027
1880	79,457,325
1883	111,890,001

Mr. Kasson gave further illustrations in support of his argument, and declared that it was the result of the law which the advocates of free trade choose to ignore—the law that home competition is the greatest factor in the reduction of prices. He then read an extract from the report of the French Centennial Commission in 1878, as follows: "A veritable economical revolution has taken place in the United States. Under the shelter of a prohibition system * * * they have organized a powerful industry which rivals England in cheapness."

This he supplemented by a remark of the president of the German commission to the Philadelphia centennial in the following language: "The present condition of American manufactures shows the fallacy of the free-trade doctrine that the productions of a country are raised in price by protective duties."

And again, from the London Engineer, a periodical devoted to British manufacturing interests, he read as follows: "As far as the American consumer of iron is concerned, he is better off for protection." And the English consul-general at New York, Mr. Archibald, officially reported that the prices of carpets in the United States were 12 per cent. cheaper in 1879 than in 1860, while prices of dress goods had fallen about 25 per cent. Surely all these are unquestionably competent witnesses, and entitled to belief rather than your logical deductions from books.

Continuing, he said: Although American exports of manufactures as well as of raw products have largely increased, they would be much larger if Congress would open lines of transportation under American control, which should give us access to the markets which legitimately belong to our geographical situation and to the enterprise of our people.

HOW THE LABORING CLASSES SHOULD BE TREATED.

The speaker then appealed from the question of money to the questions of patriotism and humanity. He affirmed it to be the duty of every citizen to support all legislation which makes the United States independent of foreign countries, in war as well as in peace. It was, he contended, a higher duty to sustain the integrity and honor of the country and its absolute independence of foreign control, commercial as well as political, than it was to provide for a temporary increase of wealth, if that were possible, by a sacrifice of the elements of safety. The object of the statesmen of the United States, an Englishman has said, is not to secure the largest amount of wealth for the country generally as much as to keep up by different means the standard of comfort among the laboring classes. He proceeded to show the importance of giving these classes the means of educating their children, of opening all avenues of advancement to them, of making them feel themselves an integral part of the nation, enjoying its blessings as well as its liberties. He denounced all modifications of legislation the effect of which should be either to rob them of employment by the destruction of industries, or by crippling the industries to rob them of wages necessary to their comfort and reduce them to the grade of living of workmen abroad.

He concluded by portraying that condition of labor which is aimed at by the policy of protection, which involves equal advancement of all classes in society. He claimed that there should be a soul put into political economy, which should recognize the rights of humanity as well as the right to a market for goods. This protective system, so much assailed, has meant and still means wages for the laborer, bread and clothing and education for his children, and hope for the future. It means that employment of capital which distributes its earnings among the largest number. It means diversity of national industry, which defends us against privations in war and secures our independence in peace. It means national enrichment, by buying at home instead of spending abroad. It means accumulation of national wealth, which in turn flows back in a thousand channels to fertilize new enterprises and develop new sources of wealth. It means the beneficence of boundless charity and the endowment of schools and colleges and churches. It means the progress, the prosperity, the comfort, and the happiness of a people already great, and with a yet greater destiny in the future.

[At the conclusion of his address Mr. KASSON was given a vote of thanks, accompanied by loud applause.]

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. LUMAN H. WELLER,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 1, 1884,

On the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. WELLER said:

Mr. SPEAKER: In the discussion of the bill under consideration, that my remarks may be better understood and, as I trust, more highly appreciated, I desire to present to the attention of this House some of the main cardinal principles of my political creed touching national affairs and the needs of this day for the general welfare.

I will now present those views, formulated as follows:

First. We, the people, are the Government; and therefore all legis-

lation, both national and State, should represent the majority will and best interests of the people—the Government—constitutionally expressed.

Second. All special legislation tending to and resulting in the building up and fostering of consolidated corporate monopolies not only is destructive to our form and character of government—of, by, and for the people—but positively aids in creating a government of vicious, speculating, usury-sucking, prosperity-destroying, crime-breeding, tramp-creating aristocracies; a government of outrageous inequalities among the people; a government of money as king and labor as slave.

Third. The spirit of the age demands progress in all ways possible; therefore, leave the past with its sanctified good and strike boldly for the grand possibilities to humanity coiled up in the present and future.

I here present statements as a proper basis for philosophic, philanthropic, and statesmanlike action in legislating for a goverment of, by, and for the people.

STATEMENTS FOR ACTION.

First. To establish the unlimited coinage of gold and silver, present standard of weight and fineness.

Second. To substitute a permanent Government legal-tender paper money for bank issues of currency without contraction or inflation thereby.

Third. To promptly pay the bonded debt.

Fourth. To reduce the taxes and expenditures to the people by substituting a system of equitable taxation and just reduction of official salaries.

Fifth. To destroy sectional strife.

Sixth. To overthrow corruption at the polls and in representative bodies, and that the people be insured a free ballot and fair count.

Seventh. To justly control by law and bring into subjection to the interests of the people all corporations and monopolies which have corrupted the public service, and by combination and extortion have established absolute dominion over money, over transportation, over invention, and over land and labor.

Eighth. A revision of the tariff in the interest of labor, but not in the interest of rich corporations and monopolies.

Ninth. No sumptuary enactments inimical to the letter and spirit of the United States Constitution.

But I return to argue more specifically the terms of the bill under consideration. It may be that the bill was unconsciously framed in the interest of the money-lenders, persons of fixed incomes, and dominating corporations. Whether intentional or not, it in my opinion is so framed.

The first section reads that the trade-dollars shall be received at their face value in payment of all dues to the United States. The second section reads that the holder of trade-dollars may, on presentation at the proper Treasury department, receive in exchange standard silver dollars therefor.

These two sections, standing alone, should they be enacted into a law, would practically remonetize the trade-dollar, and would increase the volume of money to the extent that such silver coin would be exchanged for standard dollars now locked up in the Treasury.

Section 3 requires that all trade-dollars received by, paid to, or deposited with the Treasurer, or any assistant treasurer or national depositary shall not be paid out again, but shall be transmitted to the coinage mints at the expense of the Government and recoined into standard dollars.

These three sections, standing by themselves alone in this act, and if made into a law, would result in an increase of the volume of money to the extent of such receipts, recoinage, and exchange, provided it be true as stated by gentlemen that these trade-dollars are not now in circulation and thus serving the purposes of money.

But if, as I now allege, these dollars are now largely in the hands of speculators, who bought them up out of the hands of the people at 70, 75, 80, and 85 cents on the dollar-piece, and thus have them stored away from circulation, then for the Government to receive them in exchange for standard dollars will liberate from the Treasury an equal number of dollars now hoarded there, as useless as if they were in the bowels of the earth, whence the material of which they are composed was originally taken. But the shrewd manipulators prompting this action have inspired the fourth section, which reads as follows:

SEC. 4. That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

This fourth section is capable of but one single, direct interpretation, although it is shrewdly worded. The first statement is, "That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion." How does the Treasury Department now treat silver bullion?

It can under existing law coin of it into standard silver dollars not less than two nor more than four millions per month. If the purposes of this section were not clear from the language quoted, most certainly the remainder of the section would place the meaning and intent beyond dispute. It reads: that at their bullion value they shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878. Now, suppose there be under this bill as framed 1,000,000 trade-dollars in bullion value turned into the Treasury or coinage mint for coinage purposes during any month, the Secretary of the Treasury would be compelled to deduct that sum from the sum of his purchases under existing law, so that, the existing law being complied with, not less than two nor more than four millions per month in all could be coined.

Thus, it being true that under the terms of this fourth section the officials being obliged to take all trade-dollars offered, and when taken to recoin them under the terms of existing law as to coinage, there could be no more dollars coined than as though this bill had never existed, and it would be a positive bar to the purchase of other silver bullion, and therefore to its coinage, and thus diminish the volume of silver dollars to that extent. As I view this bill, it has but three general purposes: First, to play into the hands of speculators that swindled the people at every turn out of 10, 15, or 20 cents on every piece, and, now that the speculators have the great bulk of these dollars, to permit them to exchange, piece for piece, at the expense of the Government into (lighter) standard dollars, that, strange to say, are worth as a debt-paying agent from 10 to 20 or 25 per cent. more than the big, heavy Sherman and Blaine dollars. Yes, this and more as a purchasing agent also.

Second. To diminish the volume of money in circulation, and thus make it more difficult for the debtor class to meet their obligations of whatever kind solvable in money.

Third. To bring about a condition of things that will prompt or force a discontinuation of the coinage of silver.

If I am correct, and I aver that I am, and have laid bare the stimulating motive, the sum of this proposed unwise legislation is to decrease the volume of money in general circulation, and thus enable the creditor class to close his securities when the thus diminished value of such securities will enable him to rake in the property of his debtor at many per cent. less of value, measured in legal dollars, than was its market value when the loan was made.

I notice that eminent gentlemen on this floor make great stress of what will be the acts of other nations, especially the Latin Union, whether they adopt the monometallic standard of gold or a bimetallic standard of gold and silver. I shall be surprised if some of these gentlemen do not in the near future advocate that the Constitution of these United States should be so revised as to accord in letter and spirit with the characteristics of a monarchical form of government. Every effort to secure an international standard of coin money has so far failed, and must continue to fail for the very obvious reason that all such governments are inimical to republican forms of governments, and therefore those financial and other conditions essential to a monarchical form of government would be inimical to a people's government. Therefore any condition of measures or national policies that would prove of great value in building up a peculiar government such as ours would in all their tendencies prove destructive to any monarchical form and character of government.

Thus it is that the British Government, as well the German Empire and others, have been seeking to destroy us, not by shot and shell, the sword and bayonet, but by the subtle and more potential way of fastening on our people a financial system that would in its practical operations reduce the masses of the people to the ranks of tenantry, then deprive certain classes of the ballot for the alleged reason that such are not qualified by intelligence or property ownership to properly exercise that right according to their ideas of propriety, and then establish a strong government, with life-tenure in office, the few dominating the many, the few living in luxury and idleness from the productions of the toiling masses. This can be accomplished in a large degree by the demonetization of that metal money most abundant in order to thus diminish the volume by creating it only of that metal least abundant.

This remarkable language is found in the first volume of the report of the silver commission, made in 1876:

DECREASING VOLUME—ITS EFFECTS.

At the Christian era the metallic money of the Roman Empire amounted to $1,800,000,000.

By the end of the fifteenth century it had shrunk to less than $200,000,000.

During this period a most extraordinary and baleful change took place in the condition of the world. Population dwindled, and commerce, arts, wealth, and freedom all disappeared. The people were reduced by poverty and misery to the most degraded conditions of serfdom and slavery. The disintegration of society was almost complete. The conditions of life were so hard that individual selfishness was the only thing consistent with the instinct of self-preservation. All public spirit, all generous emotions, all the noble aspirations of man shriveled and disappeared as the volume of money shrunk and prices fell.

History records no such disastrous transition as that from the Roman Empire to the Dark Ages. Various explanations have been given of this entire breaking down of the framework of society, but it was certainly coincident with a shrinkage in the volume of money which was also without historical parallel.

The crumbling of institutions kept even step and pace with the shrinkage in the stock of money and the falling of prices. All other attendant circumstances than these last have occurred in other historical periods unaccompanied and unfollowed by any such mighty disaster.

It is a suggestive coincidence that the first glimmer of light only came with the invention of bills of exchange and paper substitutes, through which the scanty stock of the precious metals was increased in efficiency.

STEADINESS OF INCREASING VOLUME—ITS EFFECTS.

On page 51, same book, we read as follows:

It is in a volume of money keeping even pace with advancing population and commerce, and in the resulting steadiness of prices, that the wholesome nutriment of a healthy vitality is to be found. The highest moral, intellectual, and material development of nations is promoted by the use of money unchanging in its value.

That kind of money, instead of being the oppressor, is one of the great instrumentalities of commerce and industries.

Page 52:

Steadiness in prices insures labor to all and exacts labor from all.

It gives security to credit and stability and prosperity to business.

It encourages large enterprises, requiring time for their development, and crowns with success well-matured and carefully executed plans.

It discourages purely speculative ventures, and especially those based upon disaster.

It encourages actual transactions rather than gambling on future prices.

It metes out justice to both debtor and creditor, and secures credit to those who deserve it.

It prevents capital from oppressing labor and labor from oppressing capital, and secures to each its just share of the fruits of industry and enterprise.

It secures a reasonable interest for its use to the lenders of money, and a just share in the profits of production to the borrower.

It keeps up the distinction between a mortgage and a deed.

It insures a moderate competence to the many, rather than colossal fortunes to the few at the expense of the many.

EFFECTS OF A DECREASING VOLUME OF MONEY.

On page 53, same book, we read:

While the volume of money is decreasing, even although very slowly, the value of each unit of money is increasing in corresponding ratio, and property is falling in price.

Those who have contracted to pay money find that it is constantly becoming more difficult to meet their engagements. The margins of securities melt rapidly away, and the confiscation by the creditor of the property on which they are based becomes only a question of time.

All productive enterprises are discouraged and stagnate because the cost of producing commodities to-day will not be covered by the prices obtainable for them to-morrow. Exchanges become sluggish, because those who have money will not part with it for either property or services, beyond the requirements of actual current necessities, for the obvious reason that money alone is increasing in value, while everything else is declining in price.

This results in the withdrawal of money from the channels of circulation and its deposit in great hoards where it can exert no influence on prices. This hoarding of money from the nature of things must continue and increase not only until the shrinking of its volume has actually ceased but until capitalists are entirely satisfied that money lying idle on special deposit will no longer afford them revenue, and that the lowest level of prices has been reached.

It is this hoarding of money when its volume shrinks which causes a fall in prices greater than would be caused by the direct effect of a decrease in the stock of money.

Money in shrinking volume becomes the paramount object of commerce instead of its beneficent instrument.

Instead of mobilizing industry it poisons and dries up its life-currents. It is the fruitful source of political and social disturbance.

It foments strife between labor and other forms of capital, while itself, hidden away in security, gorges on both.

It rewards close-fisted lenders and filches from and bankrupts enterprising borrowers.

It circulates freely in the stock exchange, but avoids the labor exchange.

It has in all ages been the worst enemy with which society has had to contend.

On pages 53 and 54, we read (this was in August, 1876, and reviewed the continuing results of the panic of 1873):

The great and still continuing fall in the prices in the United States has proved most disastrous to nearly every industrial enterprise.

The bitter experience of the last few years has been an expensive but most thorough teacher.

It has taught capitalists neither to invest in nor loan money on such enterprises, and just as thoroughly has it taught business men not to borrow for the purpose of inaugurating or prosecuting them.

Of the few business enterprises now being successfully prosecuted the larger part are based on a monopoly secured either by patents or exceptional conditions.

The business man has discovered that the less active and enterprising he is the better he is off.

The manufacturer avoids loss by damping down furnace fires and slowing down machinery. * * *

The miners ascend from the dark and gloomy depths of the mine with a scanty pittance called wages to find in a famishing household a gloom that is more profound.

They await with heroic fortitude and a sometimes impatient hope the advent of another Sir Humphrey Davy with a lamp capable of shedding light on the cause of existing evils, and of protecting them and all others who depend on their labor for their daily bread against a lingering misery more to be dreaded than the deathly danger that lurks in the treacherous fire-damp.

Securities have already become so impaired through falling prices that loanable capital has fled affrighted from the newer and more sparsely settled sections of the country, and accumulated in large amounts in the great financial centers, where securities are more ample.

The personal and property securities of individuals have generally ceased to be available, except at the highest rates of interest or at ruinously low valuations.

Money can be borrowed readily only upon securities as bonds which are based on the unlimited tax-levying power of the Government, or upon the bonds and stocks of first-class trunk lines of railroad corporations, whose freight and fare rates are practically a tax upon the entire population and resources of the regions which they traverse and supply.

The competition among capitalists to loan money on these more ample securities has become very keen, and such securities command money at unprecedentedly low rates.

These low and lowering rates of interest, instead of denoting financial strength and industrial prosperity, are a gauge of increasing prostration.

The foregoing solemn statements of eminent men accord with the voice of history and of experience as well, that when one-half of the money of a people or nation is destroyed or taken out of circulation the remaining part must be in greatly increased demand and correspondingly dear. In 1857 Germany demonetized gold, and the "hard-pan" advocates issued a formidable propaganda on the discovering of gold in California and Australia, claiming that the productions of this precious metal would soon become so abundant as to nearly lose its value for purposes of money.

I am unable to discover how one piece of silver coined containing 412½ grains of silver nine-tenths fine can be a dollar in very truth and fact unless two pieces of equal weight and fineness equal $2. If the truth is that two pieces of equal weight and fineness are, and only are, of twice the value as money to one such piece, what possible objection can there be to permitting the free coinage of silver as of gold, each party bringing his bullion to the Mint, paying the expense of coinage, and then be compelled to take away the product at his own expense and dispose of them as best he can, unless there be much in the statement that the volume of dollars in circulation determines in a large degree the commercial value or purchasing power of each of said dollars, and thus affects the producing class on the one hand and the monopolies on the other?

It can not be successfully denied that the result of this measure as it came from the hands of the committee would be to restrict the volume of silver money within the jurisdiction of our Government. I would oppose unlimited inflation if it were a possibility, but demand that the volume shall be so adequate to the business demands of the people that they shall not be dependent on the whim of the money-lender or national banker.

But this bill, unless the fourth section be stricken out, gives peculiar advantage to the holders of silver bullion in the shape and character of trade-dollars—and they are but stamped bullion—over the holder of other stamped bullion in the shape and character of silver bricks or bars, the law (passed February 12, 1873, chapter 131, volume 17, page 424, section 21) being that the holders of silver bullion may deposit the same at any mint and have the same formed into bars for his benefit, and thus permits the holder of one class of silver bullion to get it coined into standard dollars, but debarring all holders of another class of silver bullion of equal fineness from such a benefit.

Will any one attempt to deny that such a measure enacted into law would be special-class legislation and therefore undemocratic?

The amendment which I have proposed I will read as a part of my remarks, and seek to show that it, incorporated in this bill, will at least obviate the special-class legislative feature of the bill. It is as follows:

Amend section 4 as follows:

"*Provided, however*, That the Secretary of the Treasury and all officials of the Government shall in all cases receive other silver bullion suitable for coinage purposes in the stead of trade-dollars to the extent of all requirements under existing law when offered at less price than said trade-dollars are."

It needs no argument to show that the effect of this amendment, if adopted, would compel the Secretary of the Treasury to purchase other silver bullion for coinage purpose under existing law, if offered at a less price than trade-dollar bullion. I am heartily in favor of wiping out the trade-dollar swindle, and trust that no future legislation in the matter of coinage of metal money will be had that will permit the perpetuation of such a fraud on the workingmen of the country.

The legislation that I would propose in the matter of all silver bullion is that the Secretary of the Treasury be authorized to receive all silver of suitable fineness for metal-dollar coinage purposes at the rate of its present general market value, measured in legal standard dollars, and pay therefor in standard silver dollars at face value, the same to be coined into such standard dollars and the profits to be set apart as a special fund to be applied to payments of the national debt. I would increase the price to be so paid for such silver bullion at the end of four months 1 per cent., and at that price continue for the next four months; at the end of which time increase the price 1 per cent. more, and thus continue until the price of silver bullion should equal the legal value of the standard dollar less the actual cost of coinage.

I regard it as worse than mere folly, I regard it as criminal, to assume for a moment to the understanding of the intelligence of this the nineteenth century of the Christian civilization that silver of sixteen parts to one of gold would ever be less than par with gold if the coinage of silver was made as free as gold, and the silver dollar thus coined had given to it the same legal functions as money as given to gold within the jurisdiction of our Government.

I state further, and defy successful honest showing to the contrary, that neither gold nor silver United States money coin is money outside of the jurisdiction of our governmental authority.

Outside it is only a commodity of a certain stamped weight and fineness. It is there used and dealt with as a commodity. It has no legal functions as money. It can not, outside the jurisdiction of the Government making and ordaining it to be money—dollars—be tendered as lawful money in cancellation of an evidence of indebtedness solvable in the money, with legal authority to any court therein to order in due form such cancellation in case such tender is not received but refused.

I trust that the time is not far distant when the intelligence, wisdom, and patriotism of the whole people shall see to it that laws shall be enacted in the premises of the money question that shall directly and specifically thereby promote the general welfare of the whole peo-

ple, in promoting the arts of peace and elevating the masses to conditions of general prosperity such as will make them the owners of homes of their own, instead of a mass of tenantry under a landlord system approaching the abominations of that now cursing liberty-loving Ireland.

Should the previous question be moved and ordered, and my proposed amendment be shut out under the rules by such action, I shall hope that the sober, good sense of members on this floor will see to it that the entire fourth section be stricken from the bill. With that section eleminated, I will vote for the bill as being the best that can be accomplished at this time, although it would not then be such a bill on the silver question as I would present for consideration.

Tariff on Wool.

SPEECH

OF

HON. BERIAH WILKINS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 7, 1884.

The House having under consideration the bill (H. R. 1218) to restore the rates of duty on imported wool—

Mr. WILKINS said:

Mr. SPEAKER: In the brief time given me by my distinguished colleague [Mr. CONVERSE] it will be impossible for me to give many of the reasons why I shall vote for this measure, or why it should receive the favorable consideration of every member of this body. I would be recreant to the trust reposed in me by the people who have by their suffrage sent me here to represent them and their interests upon this floor, did I not by my voice and by my vote endeavor to secure the passage of this resolution—a measure which to them means much, and to the wool-grower in Ohio means everything. To that end have I worked earnestly, zealously, diligently, with what result is not yet determined; but, sir, however that result may be, I am satisfied in having done my duty and that my course receives the commendation of the people I am honored in representing on this floor.

Sir, I am not a believer in the doctrine that the many ought to be taxed for the benefit of the few, or that any private enterprise ought by legislation to be built up into monopolies at the expense of the people. Neither have I climbed to that pinnacle of sublime statesmanship as would make me unmindful of, or forget, or even be indifferent to the great interests which so directly concern the constituency I represent, or these matters so important to the people of my State. It is seldom Congress has questions of such magnitude presented for their consideration, and not often do the farmers come to these halls asking legislation in their own interests at the hands of their legislators; but, sir, when they do come, as they have in this instance, asking that so long as they pay their fair share of the taxes necessary to conduct the affairs of this Government they may receive their fair share of its protection—I say when they do come they and their cause should have free, fair, and honest consideration.

Now, sir, why is this bill before us; and what are the circumstances that have brought about this state of affairs requiring legislation upon this subject? Unjust and discriminating legislation, hastily enacted into law during the closing hours of the Forty-seventh Congress, sacrificed one of the great industrial interests of the country; a law which reduced the rates of duty on imported wools from 9 to 36 per cent., paralyzing the business, and to-day is proving disastrous to the industry of wool-growing to an alarming extent. This result was then prophesied upon this floor. This, sir, is one of the reasons why this bill is before us. Another and more potent reason why the wool-grower comes to this House for relief is found in the fact that the legislation which brought about these results was enacted by a Republican majority in a Republican Congress, made possible by an outrageous rule sustained by a Republican Speaker. Where, may I ask, would the farmer go to have his wrongs righted, to have justice done him, if not to a Democratic Congress, to the representatives of that party that has from its birth declared always in the interest of the people. Declarations of State conventions by planks in their platform denouncing the action of the then majority in this House, promises made on the stump and through the press, are other reasons why the wool-grower comes to this Congress for justice.

It has been said to me since the agitation of this question was begun, "We have no right to make any such promises." What, sir! No right to promise that a wrong so transparent that even the party who committed the wrong are to-day regretting their act, and are willing to join hands with us to correct their acknowledged error; have we no right to promise the substitution of right for wrong? Had we no right to promise that a Democratic Congress would follow the same line, the same policy, inaugurated by Jefferson, which has come down to us advocated by Madison, Jackson, Pierce, Polk, and Buchanan, "a fair and just protection to all the great interests of the whole Union?"

In the light of the history of the Democratic party, its position in the past, its assurances for the future, I submit we had the right to promise relief to this industry at the hands of this Congress. The circumstances which have brought about this state of affairs are briefly these, and they are familiar perhaps to every member on this floor: The appointment of a tariff commission who traveled the country over, taking the testimony and the statements of persons interested in all the great industrial pursuits, collecting and compiling information, having in view a full and exhaustive report of their investigations to Congress, and, sir, in all that great mass of testimony taken before that commission, throughout the sixteen hundred or more pages of evidence printed for the information of Congress and the people, not one man, not one intelligent American citizen engaged in the business of wool-growing, examined by this commission on this subject, but what then insisted that a reduction of the duties on imported wool would strike a vital blow to their interests. All they asked then and all they ask now in this measure is a just tax and fair protection to their industry. They ask no more; they will not be satisfied with less.

Yet, sir, notwithstanding these protests, in the face of and contrary to all the evidence adduced before this commission, they reported favoring the reduction of the tariff duty on wool, which was in this particular adopted by the Forty-seventh Congress and made a law in its closing hours with less than three hours' debate. The duty on wool was reduced an average of 18 per cent., leaving out of account the reclassification. These are the estimates of the present presiding officer of this body, then a member of the conference committee on the part of the House which considered the disagreeing votes between the two Houses on this tariff bill. The acts, suggestions, and report of this Tariff Commission, together with the unjust and unequal law growing out of and suggested by that unfair and prejudiced report, are reasons why this matter is agitated to-day.

The importance of this industry to the prosperity of the nation was early recognized; if I am not mistaken the first tariff was laid on imported wool in 1824, and from that time until the present it has been a dutiable article, and is found in every tariff law enacted from that time until the present. The necessity of the fostering care of the Government in extending its protecting hand with discriminating justice to this industry was discovered in the early days of this Republic, and has continued the policy of the Government ever since. Sir, James Buchanan took occasion to say, in the course of the debate on the tariff question in 1824, that "if this bill [then under discussion] would compel the agricultural interests to bow down before the manufacturing interests, I should consider myself a traitor to my country in giving it my support." Later on, when Mr. Buchanan was elected by the Democrats to the Presidency in 1856, in his messages to Congress in 1858 and 1859 he recommended an increase of duties, and a bill embodying his views was presented to Congress and passed the House but never reached a final vote in the Senate; but in 1861, after the Senators from the South had left the floor of the Senate, the bill passed that body and became a law, and is now known as the Morrill tariff bill.

The history of the tariff duties on wool and the steady growth and almost unexampled prosperity of this great industry consequent to those duties are well worth the time and study of any member of this House. I ask the indulgence of the House for a moment only while I give very briefly the history of the different tariff laws, in so far as they relate to the duties on wool, together with the amount of those duties. As I said, the first tariff law embodying raw (?) wool was passed in 1824; the duties were: not exceeding 10 cents per pound in value, 15 per cent. ad valorem; exceeding 10 cents per pound, 20, 25, and 30 per cent. ad valorem. In 1828 the duty was made 4 cents per pound and 40 per cent. ad valorem, until June 30, 1829; after that date 5 per cent. to be added annually until the ad valorem duty should amount to 50 per cent. In 1832, under 8 cents per pound in value was placed on the free-list; exceeding 8 cents in value, 4 cents per pound and 40 per cent. ad valorem. In 1836, under 8 cents in value, free; exceeding 8 cents in value, 4 cents per pound and 38 per cent. ad valorem. In 1841, under the value of 8 cents per pound, free; 8 cents and exceeding that sum, 4 cents per pound and 32 per cent. ad valorem. In 1842, under the value of 8 cents per pound, free; 8 cents in value or exceeding that sum, 4 cents per pound and 26 per cent. ad valorem.

By the act of 1842 all wools were dutiable. "The free-list was suspended." All wools of the value of 7 cents or under, 5 per cent. ad valorem; exceeding 7 cents per pound in value, the duty was fixed at 3 cents per pound and 30 per cent. ad valorem.

In 1846 all wools of whatever class were subject to a 30 per cent. ad valorem duty. In 1857 wools of the value of 20 cents or less per pound were put upon the free-list; upon those exceeding 20 cents per pound in value an ad valorem duty of 24 per cent. was laid.

The tariff acts of 1861 laid the duty on all wool worth under 18 cents per pound at 5 per cent. ad valorem; on all wools of the value of 18 cents per pound up to and including 24 cents per pound in value, at 3 cents per pound; exceeding 24 cents per pound in value, the duty w. fixed at 9 cents per pound; and I want to call your attention to this law particularly. This law of 1861 is what is known as the Morrill tariff

law, for it is to this law, to the rate fixed by this law, that the so-called Morrison tariff bill seeks to reduce the present rate of duty on wool—under the classification as fixed by the law of 1867.

In the event of the failure to secure the passage of the bill under consideration to-day, the figures and rates in the law of 1861 (the Morrill bill) will have new significance to the wool-grower, for under a provision in this Morrison tariff 20 per cent. horizontal-reduction bill the duties shall be decreased 20 per cent. below present rates, provided the 20 per cent. reduction on any article does not fall below the rate fixed by the Morrill law of 1861. If the rate does fall below, then the duty shall be that of the Morrill bill. Our friends will at once perceive this means a further reduction of 1 cent per pound. On the class of wool we in Ohio are most concerned about the reduction would be 2 cents per pound but for this saving clause should this Morrison bill, which is now on the Calendar of this House, and may under the rules be called up any day, become a law.

But, sir, to resume: the duties on unmanufactured wool by the law of 1864 not exceeding 12 cents per pound in value, 3 cents per pound; exceeding 12 cents per pound in value to 24 cents per pound in value, 6 cents per pound; 24 cents to 32 cents per pound in value, 10 cents per pound and 10 per cent. ad valorem; exceeding 32 cents per pound in value, 12 cents per pound and 10 per cent. ad valorem. We now have arrived at the law of 1867; to its rates do we by this bill desire to restore the tariff duty.

The act of March 2, 1867, made a new classification, which I submit with your consent, that they may be printed as part of my remarks, together with the law pertaining to the same:

[United States Revised Statutes at Large, volume 14, page 559.]

An act to provide increased revenue from imported wools, and for other purposes.

SECTION 1. From and after the passage of this act, in lieu of duties now imposed by law on the articles mentioned and embraced within this section, there shall be levied, collected, and paid on all unmanufactured wool, hair of the alpaca, goat, and other like animals, imported from foreign countries, the duties hereinafter provided. All wools, hair of the alpaca, goat, and other like animals, as aforesaid, shall be divided, for the purpose of fixing the duties to be charged thereon, into three classes, to wit:

CLASS 1.—CLOTHING-WOOL.

That is to say, merino, mestiza, or metis wools, or other wools of merino blood, immediate or remote; down clothing-wools, and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes 2 and 3.

CLASS 2.—COMBING-WOOLS.

That is to say, Leicester, Cotswold, Lincolnshire, down combing-wools, Canada long wools, or other like combing-wools of English blood, and usually known by the terms herein used; and also all hair of the alpaca, goat, and other like animals.

CLASS 3.—CARPET WOOLS AND OTHER SIMILAR WOOLS.

Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere.

* * * * * * *

And upon wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents or less per pound, the duty shall be 10 cents per pound, and in addition thereto, 11 per cent. ad valorem; upon wools of the same class the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound, the duty shall be 12 cents per pound, and, in addition thereto, 10 per cent. ad valorem; upon wools of the second class, and upon all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents or less per pound, the duty shall be 10 cents per pound, and, in addition thereto, 11 per cent. ad valorem; upon wools of the same class, the value whereof at the last port or place whence exported to the United States, exceluding charges in such port, shall exceed 32 cents per pound, the duty shall be 12 cents per pound, and, in addition thereto, 10 per cent. ad valorem.

Upon wools of the third class the value, &c., shall be 12 cents or less per pound, the duty shall be 3 cents per pound. Upon wools of the same class the value, &c., shall exceed 12 cents per pound, the duty shall be 6 cents per pound, &c.

Mr. Speaker, I need not enumerate the tariff laws enacted since 1867; this House and the people are familiar with them, the last one being but a year old; hence its working successfully or otherwise, except as to this interest, has not yet been determined.

Wool-growing was stimulated by the demands of the war, by the then recognized necessity of governmental care and the fair protection extended the industry in 1861; and by the more reasonable, just, and equitable law of 1867 it has grown to the immense proportions we find it to-day. It cannot be denied that the law of 1867 gave cheer to the wool-grower and encouraged many to engage in the business. Whether or not it was these tariff laws that gave him confidence to embark in the business, whether or not he believed that the only tariff which has given any consideration whatever to the agricultural interests in America would be interfered or tinkered with to his injury, I will not determine, but, sir, it is a significant fact that from that time until the passage of the law in 1883, reducing the rates of duty, sheep-husbandry has continued to prosper in this country.

Few men, unless they have made a study of the subject, comprehend the magnitude of its growth. According to statistics at my hand there were 22,471,275 sheep in the United States in 1867. In 1870 the number had increased to 28,477,951, and in 1880 to 35,192,074, their product growing from 60,000,000 pounds in 1860 to 155,000,000 pounds of wool in 1880. Twenty-five millions of this amount, or a fraction over 16 per cent., was raised in the State of Ohio alone, of which the district I represent furnished in 1880 728,000 sheep and 3,745,000 pounds of wool. I will not indulge in estimates for the four years that have elapsed since the statistical reports of 1880, but will quote from the address of the National Wool-Growers' Association. In that address Mr. Markham, the secretary, says (and this authority is unquestioned):

There are 50,000,000 of sheep in the United States, with an annual product of wool of over 300,000,000 pounds, besides supplying annually over 12,000,000 carcasses of mutton. The annual value of the wool product is over $85,000,000; of the mutton product, $40,000,000. The capital invested in sheep alone is over $200,000,000, while the capital invested in the land necessary for their subsistence is estimated at not less than $1,000,000,000, giving employment to more than 1,000,000 persons.

These figures and estimates are given that we may form an intelligent idea as to the magnitude to which this industry has grown under the fostering care of wise and judicious protection, and the losses the country may sustain by this Congress refusing to listen to the petitions of thousands upon thousands of American citizens, praying this wrong may be righted by restoring the tariff duties as contemplated in this bill.

My colleague from Ohio [Mr. CONVERSE] is the recognized champion of this industry upon this floor. He recognizes, as do I, the equality and justice of this measure. He reminded the last Congress, as I remind this, that the agitation then begun will be kept up until we shall have obtained the relief which our industries demand.

The passage of this bill is a necessity to us in Ohio. The Legislature of the State have unanimously passed resolutions asking the passage of this bill. They are near the people; they know their wants, their necessities. We would be untrue to them, we would be untrue to the people they and we represent, did we, the Representatives from that great State, not heed their instructions and vote for this measure. Now, Mr. Speaker, a word or two more and I have done.

Can this industry stand the unequal competition of England and her Australian colonies, of South America, Asia, and Africa, without the guardianship of a sufficient and judicious tariff? The fact that we produce but a small percentage of the world's product is to my mind sufficient answer that it can not long survive.

The total wool product of the world is estimated at 2,500,000,000 of pounds taken from a thousand million sheep; and it seems a plain proposition that the farmer of my State can not successfully compete in the free markets of the world with his product grown upon lands worth from twenty to one hundred dollars, or even more, per acre, with the product grown in New Zealand and Australia where the lands are of little value and the expense of growing the product comparatively small.

As I said in the beginning, Mr. Speaker, it is seldom the farmers come to Congress asking legislation. They never come asking special favors or special privileges, but always, as in this instance, asking simple justice; and so long as I have a voice or a vote on this floor they will not ask of me in vain. I hope this bill will pass.

Bureau of Labor Statistics.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. SUMNER, of California, said:

Mr. CHAIRMAN: The bill before us is in compliance with a special demand which is every way entitled to such consideration and respect, as the recommendation accompanying this measure imports. But it is also a bill of general importance that ought to have received legislative sanction years ago, without waiting for any direct appeal from any considerable portion of our fellow-citizens. From many points of view it will stand justified and justifying the wisdom of those who shall enact it into law.

It is stated that this will interfere with or trench upon the regulations or the rights and duties of the separate States. Interfere? One can not be sure as to what is meant by such terms in such relation. On the contrary, it "interferes" not at all with any bureau or department that any of the States have established or may choose to create. There may be under it concurrent action; there will be no conflict. And as to the question of principle involved, the alleged infringement of the doctrine of State rights, it requires a stretch of the ordinary imagination that reaches into the domain of the morbid to suppose that the labor of collecting the statistics here called for will overstep the boundaries that should mark the line of national authority and commonwealth sovereignty. The nervous dread exhibited in this particular is a curious exhibition of the extreme sensitiveness engendered by a con-

stant reference of every measure of widespread consequences to a single standard of observation and judgment.

Viewed in a strictly practical light, the bill has strong recommendation and impetus both from the action and the non-action of States. Some States have during many years past gathered statistics in part of the kind and character of those designed to be obtained and published under the terms of this bill, and have confessedly derived great benefits from the work. The records provided by States that have gathered such items as are here contemplated with anything like approximate perfection of detail have indeed been held in high esteem, and made great use of, not only by writers on political economy, but by thinking citizens of every class who are interested in the subject of the rights of labor and the improvement of society.

But the work has been done very imperfectly except in two or three States. In a majority of the States, including Commonwealths where perhaps such search and a report were most needed, there has been no systematic inquiry whatever, or only such voluntary investigation and partial returns as were calculated to subserve the interests of those not friendly to schemes for promoting the welfare of the laboring men and women of the land. Indeed, the question might be submitted whether there has not been on the whole a real and large injury to the cause of labor by the isolated, sectional, and fragmentary examinations into the condition of the laborer and his surroundings that have been made in some of our communities and summarized in print.

It is objected that if these statistics are collected by national authority some Congressional action will be based upon them, and that we shall then necessarily or unwittingly drift into vicious legislation on this account, in violation of the spirit if not in disobedience of the letter of the Constitution and in flagrant contravention of the traditional policy of the Democratic party. Doubtless much legislation will result from the publication of the volumes that are here proposed; it would be strange if that did not prove to be the case; but this product will be found in the shaping of statutes on subjects that have always been matters of Congressional notice and control rather than in the direction of absolutely new enactments upon propositions with which this national body has not been accustomed to deal.

How often do we pause and vacillate and desist altogether from action with respect to bills legitimately brought before us from the lack of that very information which is to be supplied if this measure becomes a law. Why, even now, Mr. Chairman, some of our committees hesitate because, among other reasons, they have not that exact knowledge about the cost of labor, or, what is quite as material and important, about the actual amount paid for the construction or the maintenance of public works, or the real labor value of and in the property of certain private corporations. To-day some of us are confronting representatives of huge and greedy and grasping monopolists, who brazenly misrepresent and magnify the amounts that they have paid and are paying as wages for labor upon their lines of traffic, concealing the truth in this relation where they can, avoiding statements if possible, but halting not in deceitful and lying speech when that alone will serve a desperate cause.

The people of California are especially concerned in one clause of this bill—that contained in the nineteenth line of the second page, "Chinese labor." Let us know all about that. Let all the people of this country by authenticated publications know all about that. Let the inquiry be made there with great particularity, and, for the first time, with entire impartiality. The report will be a revelation to thousands and millions of our people—that volume which shall bring the facts and figures forth in orderly and precise and indisputable columns. We have suffered grievously and have been long-forbearing under our burden for the want of just such a record as this bill should, and as it is to be reasonably believed this bill will, bring forth in regard to the habits, haunts, and habitations of the Chinese on the Pacific coast.

Eight years ago a partial and what we regarded as a somewhat unfriendly investigation—unfriendly to our people—did indeed disclose some main facts in the premises that ought to have had a publication reaching every voter in the land; but the inquiry was every way inadequate, and the little of the painful truth that to a limited extent was made known was largely covered up by partisan opinions, printed in the same book with the evidence, that prevented the reading of the testimony or warped the judgment of the reader who had had no personal observation to aid him in arriving at a just estimate of the sworn statements and a righteous verdict thereon.

Pass this bill and give us a correct enumeration and a faithful description under it, and the people of this country with almost one voice will join us in demanding that the ports of this Union be closed forever against the intrusion of a single member of the Chinese race purposing to come and settle in our midst.

But it is said by way of objection, by gentlemen for whom we have the greatest personal respect, that "political thought" will control any action had by authority and instruction under this bill. To a certain extent the action here and hereunder must be formal and, as has been suggested, mechanical. And the fruits of this inquiry up to that point of seeing and telling will be considerable and unquestionably beneficent. If beyond that, if in matters that are not to be exclusively expressed in figures—in days and hours, in dollars and dimes, and the like—partisanship appears in the first returns, surely we can discern it and expose it, and provide special and sufficient remedy and guard. But we must or should distinguish between a committee of this Congress appointed under auspices such as existed here, in a dominant majority in 1875, and a commissioner of the nation receiving his credentials and his commands under the language of the section that lies before us.

It is true, "and pity 'tis 'tis true," that figures have been known to lie even in a census report, as was once notably shown by a publication circulated throughout this country as an appendix to a work of fiction. But the exigency that called for that kind of misrepresentation has passed away forever. And if there be anything like similar temptation or inducement we shall, as indicated a moment ago, become speedily apprised of it, and by the greatest publicity that is possible in this nation, from this floor and from yonder Chamber, we shall enlighten the people with respect to it and provide against its repetition. The sinister motive, the partisan publication, will only quickly serve to bring the truth in the premises into marked prominence and glaring light.

But this is probably considering a fear that is or will prove to be without foundation. The commissioner, whoever he may be, will not be apt to subject himself to the criticism, to the contempt and the disgrace which would follow the printing of false statements from his pen or the utterance by him of a series of wholly unwarranted deductions and suggestions. Taking the bill all in all, reflecting upon the duties imposed, the continued employment and the increasing honor for the servants under it if zealous and scrupulously honest in their bureau, it is safe to predict that there will be no such open or slyly inwrought "political thought" as some gentlemen who oppose this measure seem to apprehend and unnecessarily deprecate.

Judicial Proceedings in the Territories.

SPEECH
OF
HON. GRANVILLE H. OURY,
OF ARIZONA,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 8, 1884,

On the bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories.

Mr. OURY said:

Mr. SPEAKER: The Territories have too long been an unconsidered quantity in this Government's economy, except in so far as they offered locations in which to plant men who were notorious for nothing but being failures at home, but who happened to be the pets of politicians, Senators, and Congressmen of the dominant party to whom they had been useful. Governors, secretaries, Indian agents, and judges have all come from the ranks of what are known as political henchmen. In the early days of a Territory, when men have no political status, when there is no social organization, when order has not yet been eliminated from chaos, when civilization is struggling to plant its standard on the ruins of barbarism, then could be offered some excuse for the practice of such a policy; but when society is organized, when recklessness has given place to reason, when social ethics find an apostle in the roughest man, when homes cover the land and patriotism is one of the deities worshiped at each family altar, such a system should be relegated to the days that are dead and gone.

The sentiment of the people of the Territories has been fittingly and eloquently expressed on this floor, when the House had been told that the thirteen colonies had greater political privileges at the time of the Revolution than we of the Territories have to-day. It is true. Why, sir, a man can live on the west bank of the Colorado River of the West, in California, and be a citizen of the State, armed with all the privileges which such status gives him—a partner in the political sense upon even terms with the best man in the land; but if he lives on the eastern bank, in Arizona, his citizenship falls from him; his rights, coming down to him perhaps from ancestors who died to achieve this country's independence, are abrogated; he becomes a political pariah disfranchised by the Government of the country, while he breathes the same air, feels the same free emotions stirring within him, and lives under and glories in the same flag. All through the legislation (or scarcity of legislation, for you do but little for us) of this Government the same unjust system prevails in regard to the Territories. Do you stop to think what is embraced within the scope of those words? Nearly half the United States in area, a population climbing into the millions, and wealth which is increasing at a rate that no old State of the Union and no new country in the world has ever equaled.

In my own Territory, Arizona, the census of 1880 gave 41,580 people, the census of 1882 gives 82,976, a clean increase of 100 per cent. in two years. Cattle increased in two years 300 per cent. Land has increased in favored localities from $10 to $100 per acre.

In 1880 there was only $4,472,471 worth of gold and silver taken out of the Territory, in 1882 there were $9,298,267. In 1880 only 2,000,000 pounds of copper was our product. In 1882 we shipped 15,000,000, and in 1883, 20,000,000 pounds. In every direction has our material wealth increased in the same ratio as our population. Do you not see, Mr. Speaker and gentlemen, in these figures a reason why we are entitled to legislation that will help us in the work of development, and a most convincing argument in favor of this bill?

With our increase in population and wealth comes, as a consequence, an increase in our legal business. We have three men who must sit in judgment in exceptionally difficult cases arising at all points of this country, which covers more than 113,000 square miles. They must hold courts in the different counties at stated times, and no inclemency of weather, no difficulty of travel, no distance, no weight of years, excuses their non-attendance. That is argument in favor of an additional judge; but the best reason why the number should be increased is that then no man need sit in review of matters already adjudicated and determined by him. Judges are but men after all, and many of them become wedded to their opinions as well as men of meaner mold. There have been many cases of the reversal of decisions of lower courts by the supreme court of our Territory, but universally without the assent of the judge who tried the case at nisi prius.

I am in favor of this bill, as it goes far toward remedying the evils attendant upon our judicial system, though I would rather have it comprehensive enough to make it necessary that the men appointed to the bench should be residents of the Territories. If that was the law the man who sits in judgment would be better equipped for his duties from his knowledge of the class of litigation which is most common in our courts, and his decisions would command greater respect.

Mr. Speaker, Arizona has been fortunate in few of the judges who have been sent to preside over the courts of the country, few who by their honesty, fairness, and legal attainments have endeared themselves to the people of the Territory, a fact in my judgment attributable solely to the bad system of their appointment. I have no personal complaints to make here, but I do condemn the principle of making the judicial ermine a covering for political adventurers. No man stands in closer relationship to the rights and privileges of the people than he who sits in judgment upon their differences, and no man should be placed in that position whose life and attainments do not dignify the position.

The bill under consideration, Mr. Speaker, in my judgment will go far toward remedying the evils of our present judicial system, and will, I believe, prove satisfactory to the people of the Territories; its passage will be a simple act of justice to the Territories, and I hope it will pass without a dissenting vote.

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. JOHN B. STORM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 1, 1884,

On the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. STORM said:

Mr. SPEAKER: The question of the retirement of the trade-dollar would be a very simple one if members could abandon pet theories and discarded heresies long enough to let the voice of reason and common sense be heard. In the discussion of the question before the House members have turned aside to discuss theories of finance that have no practical bearing on the subject.

When we reflect that the precious metals have been employed as a medium of exchange and a standard of value from the first traces of human society on the earth, it is not flattering to our advanced state of civilization that we should be at odds on a question so elementary and simple. I am inclined to think that Abraham, more than four thousand years ago, in the plain of Mamre, when he weighed "four hundred shekels of silver, current money, with the merchant," to Ephron as the price for the cave in Machpelah, had a clearer conception of the real functions of money than our modern statesman and economist.

What is the proposition involved in the bill under consideration? Simply to retire the "trade-dollar" from circulation by issuing to the holders a standard silver dollar for each trade-dollar so retired; to recoin such trade-dollar so retired; and the coin so received shall be treated as silver bullion at its bullion value, and shall be deducted from the bullion required to be purchased and coined by the act of February 28, 1878. The trade-dollar was called into being under the act of February 12, 1873. The section reads as follows:

SEC. 15. That the silver coins of the United States shall be a trade-dollar, a half-dollar or 50-cent piece, a quarter-dollar or 25-cent piece, a dime or 10-cent piece; and the weight of the trade-dollar shall be 420 grains troy; the weight of the half-dollar shall be twelve grams (grammes) and one-half of a gram (gramme); the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

It was made a legal tender and stamped with the insignia of sovereign power.

There is nothing in the statutes nor in the devices and inscription stamped upon the trade-dollar to show that its circulation was intended solely for China or Japan, as has been so frequently asserted in this debate. To the common man it had all the appearance of the "coin current of the realm." It is true that in 1876, after $16,000,000 of these dollars had been issued, the legal-tender quality was withdrawn by an act of Congress. Yet after the act of 1878, providing for the coinage of the standard silver dollar, who believed that the Government of the United States would refuse to receive the trade-dollar at its face value when it had 7½ grains more of silver in it than the so-called "Bland dollar?" Therefore, on the resumption of specie payments the trade-dollar was the first to greet us, and to lead us to hope that the long reign of depreciated, irredeemable paper money was at an end.

But, Mr. Speaker, in the course of time the silver current became a torrent! The compulsory provisions in the act of 1878 which directed the Secretary of the Treasury to purchase and coin not less than two million dollars' worth of silver bullion monthly soon flooded the country with silver dollars. The people soon began to prefer the greenbacks for whose redemption in coin the Government had provided; the counters of brokers and bankers soon began to be loaded down with silver dollars. And then happened just what might have been expected—the trade-dollar was rejected. The standard dollar was a legal tender and we were forced to receive it. The trade-dollar shorn of this honor had to disappear; and thus we saw a dollar containing 420 grains troy drop from 100 cents to 87 cents, and a dollar containing only 412½ grains still continued in circulation retaining its par value of 100 cents.

Could anything better illustrate our ignorance of monetary laws than this portion of our financial history? The trade-dollar is already "retired" by virtue of a "higher law" than this Congress can enact, a law as irresistible as fate. Take from the standard silver dollar the adventitious circumstance of its legal-tender property, and in obedience to that higher law that rules in the domain of the financial world it will drop to 85 cents, its true and actual bullion value.

What is this law that governs the matter of coinage? It is this: When you overvalue any precious metal in your coinage law by putting into the standard of value too little of the metal, you only increase the price of the commodity to be exchanged to the amount the standard of value is overvalued; or if you deprive it of its legal-tender property it drops down to the value of bullion plus the trifle its coinage costs; or, if it comes into the great money markets of the world, its bullion value only is regarded.

Silver, when coined into money containing a less number of grains than will keep it in circulation equally with gold, is simply fiat money in every other nation to the extent of its deficiency in weight. Gold in point of fact has become the recognized standard of value throughout the commercial world. Germany and the Scandinavian nations have entirely demonetized silver, and all the nations of the Latin Union have restricted and limited its coinage. Gold is the standard of value in Great Britain. These nations, in fact, constitute Europe, and everywhere on the continent do we see the tendency to monometallism, and that metal gold. An act of Congress can not fix the price of silver any longer. That is fixed in New York, London, and Paris. According to the New York newspapers the standard silver dollar on the 1st of March was quoted at 84.87 in the list of foreign exchanges.

Issue your fiat money, whether in the form of a short-weight silver dollar or an irredeemable paper promise to pay; make it a legal-tender; let the Supreme Court of the nation set to it its seal of approval; but then you are done. When once it is issued all the powers of earth can not prevent such money from the operation of the law of depreciation due to short-weight coinage or an inflated circulation. We saw such money in our Revolutionary struggle become utterly worthless. In our later financial experience we saw our Treasury notes depreciate until they were worth only 35 cents on the dollar.

But why, Mr. Speaker, pursue this subject further? There is only one member of this House, my colleague from the Schuylkill district [Mr. BRUMM], who still adheres to the fallacy of fiat money, and he has been so long joined to his idol that I despair of his conversion.

What are some of the objections urged against this bill?

One is that the bankers and brokers have bought the trade-dollar at a large discount, and that they will make a large profit out of the transaction unless they are redeemed at their bullion value—about 87 cents. In the first place the statement is not true. Most of the members who have spoken for this bill have stated here as a matter of personal experience that most of these trade-dollars are held by poor people and by people in moderate circumstances. Such is my own experience. Many banks took them at 100 cents, when the cry was first raised against them, to accommodate their depositors, believing that movement would soon end and that they would again pass into circulation. In the next place, if it were true that a considerable amount of these outstanding trade-dollars is in the hands of speculators it is no valid reason why they

should not be redeemed at par. It is now impossible to separate the good from the bad. And the repeal of all bad laws must of necessity work hardships in some cases.

Another objection comes from the gentleman from Missouri [Mr. BLAND]. It is that the passage of this bill will make silver cheap. The gentleman is the author of the act of 1878, which provides for the coinage of our present standard silver dollar; he has justly earned the historic distinction of being the father of "the dollar of our daddies." And this distinction will stick to him as long as "Old Bullion" stuck to Mr. Benton. By that act the gentleman from Missouri made silver bullion a commodity; by it he made the Government a purchaser, and a very large one too, of this silver commodity. The Government has to buy monthly, whether the market is favorable or not; and he ought to be the last person to complain that the Government can "bear" the silver market. His law has made the Government a "bear" from necessity, and the bullion kings of Nevada and Colorado "bulls" from choice. Our concern ought to be, as the representatives of the people whose money pays for the bullion consumed in our monthly coinage, to protect them from these silver kings and bulls. The interests of this latter class will be properly looked after here by their champion on this floor, the irrepressible and radiant member from Colorado [Mr. BELFORD], who ends all his speeches with, "The surplus must be abolished;" "*Delenda est Carthago.*"

The last and most serious objection is, however, made by the gentleman from Missouri to the fourth section of the bill, which provides—

That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

He argues that unless we strike out this section we will decrease the silver coinage to the amount of the outstanding trade-dollars, which he fixes at $10,000,000, as against the statement by Mr. Burchard, the Director of the Mint, that the amount is about $7,200,000.

The question, properly stated, would be this: If you pass the bill with the fourth section in as the Committee on Coinage has reported it, you leave the amount of coinage as it is; if you strike it out, you increase the coinage about $10,000,000.

But will any gentleman here at all disposed to be fair say that there is any necessity for increasing our silver coinage beyond what is provided for by the act of 1878? We have now in the vaults of the Treasury $126,822,399 of standard silver dollars; a large outlay will soon be required to provide for safe places of deposit for them. You can not force it into circulation. The people will not have it for the reason they do not want it. Abuse of the Secretary of the Treasury is unjust as well as unnecessary. He may lead the national horse to the silver stream, but he can not make him drink.

Congress in the exercise of its constitutional prerogative may coin money and declare it a legal tender, but it is powerless to make it circulate against the will of the people, and especially when there is no demand for it. Our national banking notes and our United States Treasury notes under our present law furnish such a safe and convenient circulating medium that the people prefer them to the cumbersome silver dollar. And the law of the survival of the fittest finds its best illustration in our unnatural, unscientific monetary system.

Let us rid ourselves now of one of our most disgraceful anomalies in our currency laws: two standards of value, unequal in their intrinsic and exchangeable values, the best the poorest and the poorest the best, and neither honest.

A sound currency is an indispensable requisite in every well-ordered government. As the natural body can not be in a healthy condition unless pure blood circulates through all its parts, neither can the body-politic exist in a healthy condition when it is pervaded by a vitiated currency. When the currency of a nation is not based upon sound and correct principles of finance, prosperity in commerce, trade, and manufactures is impossible. A bad currency robs the laborer of his wages, the capitalist of his profits, and the land-owner of his return from the soil. Social and economic laws may be harder to discover and understand than natural laws, but they exist nevertheless, and are just as immutable as the laws of nature. We may act with them and thus to a certain extent direct them, or we may act directly against them and be crushed. The miller may make the force of the wind or the momentum of the water turn his wheel and grind his corn, but when he attempts to make his wheel turn against the force of wind or water he fails.

A nation in order to its own well-being must live and act in harmony with its environments; it can not segregate itself from the other nations of the world; in trade, commerce, and exchange it is constantly coming in contact with them. To reap our full share of the blessings of commerce with other nations our laws must be so framed as to recognize this great truth.

We can not much longer close our eyes to the tendency of the great commercial nations of Europe to demonetize silver or to recognize it only as a subsidiary coin. I shall vote for the bill as it is. Should the fourth section be stricken out, then a choice of evils will be presented to us, and for myself I will accept the smaller one and vote for the bill with that important section out.

Payment of Pensions.

SPEECH
OF
HON. COURTLAND C. MATSON,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, April 17, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885—

Mr. MATSON said:

Mr. CHAIRMAN: That branch of the public service on account of which more money is paid than on account of any other is certainly one that, as stated by the gentleman from West Virginia [Mr. GOFF], ought to engage the serious consideration of Congress. And so far as concerns every sentiment expressed by that gentleman in relation to prompt and effectual legislation in the interest of soldiers he will find in me, and I am sure, too, in the Committee on Invalid Pensions, at all times those who are ready to favor any proposition that will lead to it. I desire to say here also that I trust the Committee on Appropriations in the consideration of this bill will be liberal in regard to the matter of raising points of order against any proposed amendments, so that we may if possible accomplish some of the things which, as my friend from West Virginia has said, everybody concedes ought to be accomplished.

I am in favor of his amendment with one or two qualifications which will suggest themselves if he will read the bill and the report submitted on the subject by the Committee on Invalid Pensions. That gentleman proposes by his amendment that the rule shall be adopted, without any qualification whatever, that all who served in the Army shall be presumed to have been sound at the time of enlistment.

I suggest to that gentleman that certainly those disabilities ought to be excepted from the operation of the rule which were prescribed by an order of the Secretary of War to be such disabilities as would not prevent the enlistment of a man. That is one of the exceptions which he certainly will agree to.

Then there is another which I think is necessary. In case the Government can show that any man enlisted knowing the fact that at the time of enlistment he was unsound, the Government ought not to be estopped from showing his fraud and deception in procuring the enlistment. It is a matter of public history that near the close of the war one of the regiments which were raised near Baltimore, Md., was composed very largely of that class of men who had been refused enlistment in other organizations. The gentleman certainly will not say that that class of men ought not to be excepted from the application of the rule which he proposes.

With those modifications I think his amendment should be adopted; and I am not only ready and willing to see it adopted to-day, but I shall urge its adoption as a part of this appropriation bill.

I have obtained the leave of the Committee on Appropriations to speak in the time of those who favor this bill. But I wish to say before I proceed that I obtained that leave after explaining to the gentleman in charge of the bill [Mr. HANCOCK] that I would be compelled to take issue with the committee upon some minor points.

As to the sum of the appropriation and the manner in which it is made I have but little to say; nothing in regard to the sum except that it is admitted upon all hands that the amount hereby appropriated will be amply sufficient to meet all the expected demands of the service for the coming fiscal year.

As to the manner of the appropriation there has been some criticism made. One gentleman has ventured to say that it involves within it a political trick; that because the amount of the unexpended balance of appropriation for the Pension Bureau for the present fiscal year is not named in round numbers it is to be assumed that those reporting the bill desire that it shall go to the country as appropriating less money than it really does.

In answer to that, I have only to say that, so far as I can ascertain the facts, the clause in the bill making the appropriation of the unexpended balance is in the usual language employed for that purpose. There certainly is nothing in that criticism. Then the sum appropriated and the manner in which it is appropriated ought not to be criticised.

But some new legislation is proposed by the committee in relation to specific matters outside of the mere matter of appropriation.

Mr. PEELLE, of Indiana. Will my colleague [Mr. MATSON] permit me to ask him a question?

Mr. MATSON. Certainly.

Mr. PEELLE, of Indiana. Can the gentleman state to the House what will be the probable amount of unexpended balance remaining on the 30th of June next?

Mr. MATSON. I understand that the estimated unexpended balance will be $66,000,000. But if the sum of $66,000,000 should be appropriated as the unexpended balance, and there should happen to

be more than that amount remaining unexpended at the close of the fiscal year, of course an unexpended balance would then remain unappropriated. If the sum of $66,000,000 is named as the unexpended balance, and it should turn out to be more than remains unexpended, then there would appear to be more appropriated by the bill than there really is. Therefore I say that the Committee on Appropriations is entirely justified in making the appropriation in the manner in which it has made it, and in fact it could make it in no other way.

Mr. RANDALL. I suggest to the gentleman that in this respect we have followed the example of previous Committees on Appropriations.

Mr. MATSON. As suggested to me by the gentleman from Pennsylvania [Mr. RANDALL], the Appropriations Committee has in this matter followed the example of previous Committees on Appropriations as to unexpended balances not only in pension appropriations but in all others.

Now as to the legislation suggested upon these specific subjects. In the first place, the committee proposes that we shall legislate in reference to the fees to be paid to claim agents or attorneys. This I think was a wise thing for the Committee on Appropriations to do. Very many evils have arisen in the practice before the Pension Department; and they have arisen very largely from the fact that the Secretary of the Interior has not been allowed to prescribe the qualifications of attorneys, and every man and every woman, without reference to his or her ability to prosecute a claim, has been at liberty to act in the capacity of a claim agent. The Committee on Appropriations has not seen fit to propose any legislation in this respect. There, I think, they have made a clear omission; and but for the fact that the Select Committee on Payment of Pensions, Bounty, and Back Pay will propose a substitute for this portion of the bill, I should offer an amendment in this regard taken from a bill introduced by the gentleman from Missouri [Mr. MORGAN], which I think would meet the approval of this House. It simply declares that the Secretary of the Interior shall have the right to prescribe the qualifications of those persons who practice before the Pension Department.

The evils which have grown up in the practice before this Department have resulted not only from that cause, but also from the fact that attorneys were allowed to collect their fees in advance. In this respect the legislation proposed by the Committee on Appropriations meets the evil. They propose to amend the law so that the fee of the attorney shall be collected only upon the allowance of the claim, and shall be contingent wholly upon its successful prosecution. But I think the Committee on Appropriations in this proposed legislation have not met the whole evil. I believe that many soldiers have had just ground of complaint on account of the restrictions which have been put upon their right to contract for the payment of fees. In this way they have been prevented in many cases from contracting for the payment of a fee large enough to enable them to prosecute successfully a claim more than ordinarily difficult. It has thus happened that very many claimants have been unable to prosecute their claims at all, because they were prohibited from contracting for the payment of any fee greater than $10. In my judgment, the law ought to be so amended as to allow the claimant to pay with the approval of the Commissioner of Pensions a fee as great as $25.

I have carefully read the substitute which will be offered for the second section of this bill by the Select Committee on the Payment of Pensions, Bounty, and Back Pay; and I find that this proposition meets these evils in all particulars, and I shall therefore give it my hearty support.

While the Committee on Invalid Pensions has not taken any formal action upon this matter, I feel safe in saying, from what I know of the discussions in the committee on this subject, that they will approve the substitute to which I have referred. That substitute provides that the Secretary of the Interior may prescribe the qualifications of attorneys prosecuting claims in his Department; and it thus meets one of the evils I have pointed out. It provides further that no fee shall be paid by a claimant until the claim has been allowed; and that a fee of $25 may be contracted for, subject to the approval of the Commissioner of Pensions.

The substitute contains other provisions which I need not recite. It also guards the interests of the soldier as to contracts already made and does not permit any demand upon the part of the attorney for any greater fee than the law now allows in cases pending at this time.

Mr. Chairman, I wish to say a word in regard to another subject about which the Committee on Appropriations propose that Congress shall legislate—the compensation to be paid to pension agents. I started out with the belief that the Committee on Appropriations had fixed a proper sum as compensation. It was my opinion that the filling of these vouchers could be contracted for at a less price than 5 cents each; that these pension agents, if allowed 5 cents for the filling of each voucher above one thousand in each quarter, could by a system of subletting have the work done for about 3 cents each. After more mature investigation I think I was not entitled to come to that conclusion, because I started with the belief that all that was necessary to be done was simply to fill the vouchers, mail them to the claimants, and afterward forward them to the proper accounting officers of the Treasury. But upon a careful survey of the whole matter, in conjunction with the Commissioner of Pensions, I have made up my mind that perhaps 10 cents for each voucher would be about right. My judgment is that we ought to make this allowance. I do not like the proposition submitted by the gentleman from Minnesota; I think this preferable. If a sum in gross should be allowed to pay the expense of clerk-hire there might be difficulty in adjusting the particular amount which this or that pension agent should receive.

It would be difficult, therefore, to distribute it equitably; but on the basis of paying to each a sum certain for work done there can be nothing inequitable about it.

Mr. WASHBURN. Let me ask the gentleman from Indiana this question, whether under the operation of this rule of paying so much apiece it operates justly and equitably? For instance, if you fix a certain amount, say 15 cents apiece, for the preparation of vouchers, we will suppose in some office it produces $8,000 more than is actually expended. The result is it gives this agent in the way of perquisites about $4,000; that is, instead of giving him the same salary as the other agents, he gets twice the salary in the way of perquisites. The point I make is that we should so adjust it as to eliminate the element of perquisites. I do not believe in any perquisites under any government. I believe in paying a definite amount, and then the country knows exactly what is paid. It was with that view that I made the suggestion I did.

Mr. MATSON. I have already answered the gentleman's question as far as I can. My belief is if a sum certain is fixed for each voucher the sum paid to the pension agents will be more equal necessarily than it could possibly be under any other system. That is my judgment. There is a matter of judgment between us; the gentleman from Minnesota thinks otherwise. I can not.

Mr. Chairman, in addition to what has been said in relation to the manner in which these pension agents are to be compensated, I wish to suggest that during the last Congress I urged upon the attention of the Committee on Invalid Pensions the substitution of the supernumerary paymasters to fill the office of pension agents. It is well known there is a large number of them, enough and more than enough supernumerary paymasters of the Army to fill the office of pension agents, and I think that it ought to be done. They are men qualified to do it, and these Army officers have never been in any sense political agents. They have a record for financial integrity second to no other class of officers in the Federal Government, or in the government of any of the States. They are well qualified to do it, and I am informed by my distinguished friend from California, General ROSECRANS, who has most thorough information in relation to Army matters, that he will offer an amendment of that kind providing that these supernumerary paymasters shall be detailed for the purpose of filling the office of pension agents. That proposition will meet with my approval and shall have my hearty support.

A good deal, Mr. Chairman, has been said in relation to the matter of special examiners. Some complaint has been made that the claims which are now pending in the Pension Office have been greatly delayed, and some have assumed to say that these delays have occurred because of the fact that the claims have been referred to special examiners who go out to the homes of the claimants and examine into the matters connected therewith. There has been some delay, possibly some unnecessary delay, and the Commissioner of Pensions has asked Congress to give him an additional force in order that he may relieve that complaint as to the special examination of claims.

The Committee on Invalid Pensions have before it a bill introduced by the honorable gentleman from Kansas [Mr. PETERS], and have been considering that matter. That bill asks for one hundred and fifty more special examiners to be selected from those skilled in the law, and to confine the appointment to lawyers to be employed for one year, their term of office to end at that time. The Committee on Invalid Pensions have not regarded that proposition with favor. As we understand the law enacted July 25, 1882, it gives the Commissioner of Pensions the right to detail from among his clerks any number of persons he may see fit to send into the field to act as special examiners.

Mr. PETERS. I desire to ask the gentleman whether it is not the fact that the Commissioner of Pensions can not spare any more force from the Pension Office for that purpose.

Mr. MATSON. Upon the contrary, the Commissioner of Pensions has recommended in his report the reduction of his force to the extent of two hundred and fifty clerks July 1, 1884. That is a reduction of one hundred more than the number provided in the bill of the gentleman from Kansas. But I wish to be fair and just to the Commissioner, and I will say that in addition he insists these men now in the Pension Office, and whom he proposes to discharge at the end of the present fiscal year, are not the best qualified for that purpose.

Mr. PETERS. Let me ask another question. Is it not the duty of the Commissioner to supply that force of special examiners from the men most competent to do efficient service?

Mr. MATSON. I understand that is so, but I can see no reason for having lawyers, and only lawyers, to go out into the field to discharge no other function than merely writing down testimony, not having to decide any case at all, for the cases come to the Pension Office to be decided. I say I can see no good reason why these clerks in the Pension Office would not be more competent to perform that duty, men who have worked about the Pension Office for a long time and are perfectly acquainted with the modes of business. And more than that, the old

soldiers I know would be much better satisfied to have old soldier comrades who have had experience in these pension matters, and who can enter into sympathy with their experiences, to handle their cases than to have the young lawyer, fresh from a law school and with no Army experience, and without any ability to understand or appreciate the statements of those who were familiar with war in its actual facts.

Mr. PETERS. I would like to ask one further question.

Mr. MATSON. Certainly.

Mr. PETERS. Is it not a fact that these special examiners must necessarily weigh evidence and must be conversant with what is competent and what is non-competent testimony?

Mr. MATSON. I think not. Their duties are essentially different. The case is sent to the board of review to be adjudicated, and within my own observation and experience more than one case has been recommended by the examiners in the field which has been rejected by the board of review in the Pension Office. These examiners do not in any sense of the word decide the case. It is the practice of the office to take their recommendations and the matter passes a revision before this board of review. But it is not now and has not been the law that these examiners shall decide the case.

Mr. REED. But let me ask the gentleman, is it not essential that a lawyer shall be employed in order to get at the testimony that is necessary? Is not a knowledge of the law of evidence an absolute essential to the proper discharge of the duties of that position?

Mr. MATSON. I think not. In my judgment and from a very extensive observation in the Pension Office, I can say that there are plenty of clerks who have been employed there for two years who are quite as well prepared to go out into the field and write down the testimony that is submitted ordinarily in pension cases as the lawyer.

Mr. REED. But does not the examiner of the Pension Department have something else to do as well as to write down the testimony in the case? Is it not expected that he shall examine it, cross-examine it, and is he not expected to be competent to hunt up additional testimony as well as to examine the testimony brought before him? It is a duty, it seems to me, which requires the services of a lawyer, and a lawyer alone, and which could not be performed by a person who was not a lawyer. Besides that, it is necessary to have something besides two years' training in the Pension Office for a proper performance of this work outside of it.

Mr. MATSON. My own observation is that there are very many there who are quite as efficient to perform these duties as a lawyer, although they have not studied even the elementary principles of law. A lawyer is certainly not necessary. But I do not care to pay any further attention to that particular subject. I do insist, however, that the remedy is in the hands of the Commissioner of Pensions now, and that he can detail from his office under the general appropriation bill providing for the payment of pensions, passed in 1882, enough men to relieve the Pension Office of this work so far as the clog in the work of special examinations is concerned.

A great deal has been said in relation to the examining surgeons. There have been many complaints made upon that point. Some gentlemen have gone so far as to say that these examining surgeons have not done justice to the soldiers. Possibly there may be some exceptions of that kind; but I must defend the administration of the Pension Office in that particular. I insist that the Pension Office and the Commissioner of Pensions, in the selection of surgeons, has, as far as possible, selected them from among those who served as army surgeons. He has selected therefore those who were soldiers themselves to examine the soldiers, in so far as he could. And what, let me ask, can be suggested to replace the board of examining surgeons? I asked the gentleman from Ohio the same question the other day, as to what he would suggest instead, and after some circumlocution I understood him to say, though I have not been able to see his remarks in print, that he thought a sort of neighborhood court would answer the purpose; a court where the witnesses and the lawyers and the doctors could all meet and upon an investigation of the subject the lawyers, the witnesses, and the doctors could fix upon a rating for the man for his particular disability. That is what I understood him to suggest as the preferable plan, and which would obviate the complaint that one man here in the Pension Office revises the work of all of the examining surgeons. There is one man there for that purpose, and it is absolutely necessary that one man should do the work in order to secure uniformity in the rates. If any other system is resorted to there would be one rate here and another rate there for the same disability; but when one man reviews the work of the pension examining surgeons the effect is an approach at least to uniformity of rating. There may be just complaints in individual cases against some of the examining surgeons; but the complaint against the office of examining surgeon is not well founded and can not be sustained.

In the deficiency bill already passed an appropriation was made for these examining surgeons on account of the expense largely exceeding the estimate for the last fiscal year, and I say that the Government has not spent any money that has made a better return than that which has been spent for these examining surgeons. There is no money that has brought a better return, not to the Government only but to the soldiers; and who will deny that when this matter was left to the examination of one surgeon, either through ill-will, prejudice, or something of the kind, wrong was more likely to be done than through the judgment of a board of three surgeons?

So I say that these appropriations to pay these surgeons ought to be made cheerfully. I think, however, they are paid just $2 where they ought to be paid $1. The office of the examining surgeon has got to be quite a lucrative one. I apprehend if the whole amount appropriated was divided by the number of examining surgeons it would be found the members of the boards of examining surgeons are paid now a salary equal to nearly $1,500 a year; and they have their time, almost all of it besides, to devote to the practice of their profession. I think they are paid too much, and that if the fees were reduced to $1 for each examination we could have just as competent surgeons, and there would scarcely be a resignation in the United States on account of the reduction of fees.

Mr. CANNON. Will the gentleman allow me a single question?

Mr. MATSON. Certainly.

Mr. CANNON. I desire to ask the question because I know my friend from Indiana would not do the Commissioner of Pensions an injustice. I was absent a moment ago when he spoke of the special examiners. My friend is aware of this fact, I take it; if not I would be glad to have it appear in the RECORD: First, that the clerks the Commissioner proposes to dispense with are copyists who do machine work. Second, even if you had clerks competent to do this examining work the appropriation for the per diem and traveling expenses of these people is not sufficient, and they have had to call in the present force. A few days ago a provision was made for a portion of the present force in the urgent deficiency bill. We gave a small additional balance to enable the Commissioner to keep the present force. I speak of this because I know the gentleman from Indiana does not desire to do the Commissioner an injustice.

Mr. MATSON. I am far from wishing to do the Commissioner of Pensions an injustice, for taking it as a whole I approve of his administration, and what I said on that subject I stated very carefully. I stated when the gentleman from Illinois was absent that the Commissioner of Pensions insists that the men he has in his office now whose services he does not need he regards as not qualified for the work.

Mr. CANNON. And there is no appropriation to detail special examiners.

Mr. MATSON. As to that matter the gentleman has more information than I have, as he is a member of the Committee on Appropriation.

Mr. CANNON. Such is the fact.

Mr. MATSON. I have no doubt it is as the gentleman states.

Mr. BRUMM. Does the gentleman from Indiana not know that the Commissioner of Pensions has called in a number of these special agents because of the deficiency in the appropriation?

Mr. MATSON. I am not aware of that.

Mr. BRUMM. I know that is a fact.

Mr. MATSON. Possibly these have been called in to the office because they were found to be not adapted to that work. I know there were recently about two hundred and sixty of them in the field, and I know my friend from California [Mr. ROSECRANS] will propose that the retired Army officers be detailed for the purpose of taking charge of these special examinations. I shall not favor that proposition in so far as it proposes to take away from the work those who have already acquired some skill in it; but I will favor it in so far as it proposes the Commissioner of Pensions shall draw upon them for any additional force that is necessary.

Now, Mr. Chairman, I shall venture to trespass upon the committee with a few observations in relation to general pension legislation, and I am free to say that I do this mainly for the purpose of showing that the Committee on Invalid Pensions has not been negligent of its duties in this Congress, and that it has in every practicable manner undertaken to meet the reasonable demands of the brave men who have served their country in its hours of danger and who deserve the most liberal treatment at the hands of a prosperous people. But before I proceed to point out what has been accomplished, I wish to say that there are differences here among the legislators as to what legislation should be passed, just as there are differences at home among the soldiers themselves as to which of the many meritorious propositions should be preferred. It is not expected or even hoped that all of the many demands for legislation in the interests of ex-soldiers will be accomplished at this Congress, and each particular measure has its champions.

If I was allowed to select from among all the one which I would first pass, upon its right to precedence, it would be a just measure to equalize the bounties of all the soldiers in the late war for the Union. Such a bill was passed in the Forty-third Congress and was allowed to fail to become a law upon the ground that the condition of our finances would not permit the expenditure of the large sum required in that direction. Such an objection could not now obtain, and the justice of the measure, affecting as it would so large a number of the late defenders of the Union, can not be successfully denied. We are able now to do justice to those who at the first signal of danger rallied to the defense of the flag and who were influenced, not by the promise of large bounties as rewards, but solely by a high sense of duty. This legislation should not be postponed a single day, and I trust that the Select Committee on the Payment of Pensions, Bounty, and Back Pay, which has exclu-

sive jurisdiction of this subject, will speedily report a bill of this kind and urge it to its passage.

The Committee on Invalid Pensions, in attempting to bring to the attention of the House such legislation as in its judgment could be formulated into laws, on the 20th day of February reported to this House a bill to prescribe a rule of evidence in pension cases, which I ask the Clerk to read.

The Clerk read as follows:

Mr. MATSON, from the Committee on Invalid Pensions, reported the following bill as a substitute for H. R. 2023, 2276, and 4281:

A bill prescribing a rule of evidence in pension cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the adjudication of claims for pension on account of physical disabilities contracted in the military or naval service of the Government, including those claims already filed, no proof of soundness prior to being mustered into said service shall be required, and the Government is hereby declared to be estopped from making said inquiry by proof of the fact that the soldier or sailor was regularly mustered into the service: *Provided*, That this act shall not apply to such physical injuries or deformities as were at the time held to be no bar to being mustered into said service, nor to cases of enlistment or muster into service through the fraud or deception of the soldier or sailor, the burden of the proof of which shall be upon the Government.

Mr. MATSON. This legislation was suggested by a bill referred to the committee, and introduced by the honorable gentleman from Michigan [Mr. ELDREDGE]. We insist, and shall insist, that it contains in its provisions a statement of a principle of absolute justice to the soldier. The whole matter may be briefly stated as follows: That it is not right for the Government to receive a soldier as sound and free from disability, accept his service as such, and then, after a lapse of years, as a condition precedent to the enforcement of his rights, require that he should prove that fact. We have been informed during the progress of this debate that the Committee on Payment of Pensions, Bounty, and Back Pay will on Monday next move to suspend the rules and pass a bill to give relief in this direction. I have not examined the proposed legislation, but I take it that it has been carefully drawn and will be found to be effective for the removal of the gross wrong so justly complained of by the soldiers of our country.

INCREASE OF WIDOWS' AND DEPENDENT RELATIVES' PENSIONS.

A bill was introduced by me in this House on the 29th day of January last to increase the pensions of all widows and dependent parents from $8 to $12 per month. This was reported favorably to the House on the 1st day of March, and is now upon the Calendar of the Committee of the Whole House on the state of the Union. I expect at the earliest opportunity to move to suspend the rules and pass this bill, and for that reason I am sure that I will be indulged now in pointing out to the House the scope and effect of this legislation.

I know that the first inquiry that will arise will be as to the cost of the proposed measure, and it is a matter of sincere satisfaction to me to be able to say to the House that a calculation has been made, with the aid of those greatly experienced in pension matters, and for many years employed in that branch of the public service, which I do not hesitate to say to the House may be taken as a full estimate of the addition that will be made to the annual value of the pension-roll. Indeed, I am satisfied that in no year will the figures be reached that we have submitted in our report upon this bill.

This rate of $8 per month for widows of soldiers was established in 1816, and although since then every other rate has been increased, they have been neglected. At the time this rate was fixed for them it was the highest rate known to the law paid to any soldier for any disability. Now it is well known many receive as much as $72 per month for certain extreme disabilities, and hundreds of thousands of others now receive more than is allowed to this most worthy and deserving class. The law contemplates that this pension shall supply the means of support that are taken away from them by the death of those upon whom they were entitled to depend. Who will say that the present rate of $8 in these times will be equal to the sheerest necessities of the most humble of them. So that, considered either in its relation to the other or in the abstract, it must be admitted that justice demands of us that we should extend to them some relief.

Another view of this matter I wish to suggest to the House. No pension bill could be suggested that would tend more toward a just and equitable distribution of pension-money to the different sections of the country. It is a well-known fact that the pensions that are paid to those who live in the States lately in rebellion against the Federal authority are paid for the most part to the widows of the wars in which the Government was engaged prior to 1861; and while it is not denied that in all general pension legislation, so far as localities are concerned, the advantage is of necessity with the States who stood by the Government in its greatest war, yet in this legislation our friends from the South must see that the proposed bill will add to the share of their people as much as any bill that could be framed. No opposition has as yet been developed to this most righteous proposition that tends in the direction of caring for those who have suffered most from our wars and are so illy able to care for themselves, and I indulge the hope, and have allowed that hope to grow into a fixed belief, that when the proposition is submitted to the House no voice will be heard to oppose it.

INCREASE OF PENSION TO THOSE WHO HAVE LOST ONE EYE.

This Congress has received many petitions upon the subject of increasing the pensions of those who were then pensioned at $4 per month for the loss of one eye. Upon an investigation of the subject the Committee on Invalid Pensions discovered that this was purely an office rate and not controlled by any law, and that the remedy for what seemed to be a palpable wrong was entirely within the power of the Secretary of the Interior. So that committee at once addressed a letter to that officer, and the result is to be seen in the letters which I now send to the Clerk's desk to be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., March 6, 1884.

SIR: I have the honor to acknowledge the receipt by reference of the letter addressed to you on the 26th February, 1884, by the individual members of the Committee on Invalid Pensions, in which they call your attention to the low rate fixed by the rule of the Department for the disability arising from the loss of one eye. I find upon investigation that it has been for so many years the rule to rate the loss of one eye at one-half of total rate that the original order establishing the same has been lost, and the oldest employé of this bureau can not remember when such has not been the rate. It has, therefore, the sanctity of custom, and may be regarded as an established rule of the bureau. The injustice, or rather I would say the inadequacy of such a rate for such a disability has been apparent to me for a long time. Not the least important factor in such a disability is to be found in the deformity and its conspicuous prominence.

After mature deliberation and consulation with different persons in the office who have had long experience, I am free to say that in my judgment the rating of total according to rank for the loss of one eye, or the sight thereof, where the other eye is not complicated or affected through sympathy, will not be considered an excessive rating. In this connection allow me to call your attention to the rating for partial deafness. The statute, section 4698, provides for total deafness for both ears at the rate of $13 per month. I would suggest as a fair substitute for the existing rule, upon the rating for partial deafness, that the maximum of $13 be considered as 13-18 disability as fixed by section 4696, Revised Statutes, and that inferior degrees be rated at 12-18, 11-18, 10-18, 9-18, 8-18, &c., to comport with the actual degree of disability found from partial deafness.

I have the honor to remain, very respectfully,

W. W. DUDLEY, *Commissioner.*

Hon. H. M. TELLER,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., March 29, 1884.

SIR: Since writing the letter I had the honor to address you on the 6th instant, relative to the proper rating to be fixed for the disability occasioned by the loss of an eye, in which I stated "that in my judgment the rating of total according to rank for the loss of one eye, or the sight thereof, when the other is not complicated from sympathy, will not be considered an excessive rating," my attention has been called to the decision of Mr. Acting Secretary Cowen and Secretary Delano, dated, respectively, the 11th and 25th of June, 1874, in the case certificate No. 75652 of O. H. P. Krise, and your attention is respectfully invited to the same.

In these decisions it will be seen a distinction is drawn between a disability caused by the loss of the sight of one eye and the disability caused by the loss of the eye itself. This distinction, in my opinion, is just and proper, and after having fully considered the matter, I am now of the opinion that the disability occasioned by the loss of the sight of one eye should be rated at total grade of rank, and that the disability caused by the loss of one eye, with the consequent deformity, should be rated at third grade, except in cases where that grade is less than total of rank.

Very respectfully,

W. W. DUDLEY, *Commissioner.*

The honorable SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, April 3, 1884.

SIR: I have the honor to acknowledge the receipt of a communication dated the 26th ultimo, signed by you and other members of the Committee on Invalid Pensions of the House, recommending that in the adjudication of claims for pension by the Pension Office, the rate of pension for disability resulting from the loss of one eye be increased beyond that now fixed by that office for said disability.

In reply I transmit herewith copies of letters dated the 6th and 29th of March from the Commissioner of Pensions, in which he recommends that the practice of his office be modified to allow higher rates of pension as therein specified for the loss of sight of one eye and for the loss of an eye, and also an increase in the allowance of pension for disability for partial deafness.

I have approved these recommendations and have instructed the Commissioner to cause the practice of this office to conform thereto.

Very respectfully,

W. M. TELLER, *Secretary.*

HON. C. C. MATSON,
Chairman Committee on Invalid Pensions, House of Representatives.

Mr. MATSON. Thus it will be seen that something has been accomplished for this worthy class of pensioners to the extent of giving them hereafter double the rate they have heretofore received.

Mr. Chairman, there is another subject to which I wish now to invite the attention of this committee. In the estimation of the great majority of the soldiers, I feel sure it is regarded as necessary to do justice to all. It rests upon the axiomatic proposition that if a soldier is entitled to a pension he is entitled to be paid from the date of his disability or discharge. The statement of this proposition is, as already suggested, the proof of its correctness. It is not right to pay a pension to one soldier from the date of his disability or discharge and to another from a date long after his disability. Some remedy is demanded for this manifest wrong, and I shall be ready to give my support to any measure that can the most certainly and speedily apply a remedy, particularly to those who are now suffering from the injustice. Many objections are made to any further legislation in this direction, because it has been found to be expensive, because it has stimulated the filing of false claims, and because those who now feel aggrieved once neglected an opportunity to get their full rights.

It will not be denied that there is some force in the last two objections. It has also been said that an absolute repeal of the statute of

limitations as to the filing of pension claims would not only stimulate the filing of false claims, but that the cost of such a measure could not be estimated, and that no prudent legislator ought to embark in any measure of legislation without being able to at least approximate the expense thereby entailed upon the people. There is force again in this objection, but I submit that a measure proposing to extend the benefits of the act giving arrears of pension to all these who have filed their claims up to some given day in the recent past would obviate this very strong objection. Such a measure I hope to see soon reported to this House, because I think it can be passed; and while it may not be all that it is desired, nor indeed all that may be rightfully demanded, yet it will almost entirely equalize the rights of those who are now receiving pensions and be an earnest that the great principle of justice to all is the established policy of the Government.

There are other matters of general legislation relating to pensions to which I would be glad to call the attention of this House, but I know that I have now trespassed upon the time of an overtaxed Congress, and I shall soon yield the floor. I can not, however, leave this subject without inviting members of this House to scrutinize the work of the Committee on Invalid Pensions. By day and by night this committee has labored to the end that not only justice shall be done in the way of general pension legislation but that in individual cases equity may be done to the worthy soldiers and their representatives who fail in the prosecution of their claims under the law because of technicalities.

That committee up to this time has had referred to it 2,097 bills and 600 petitions, about one-third of all the bills and petitions introduced in this House. Of these we have reported upon 532, and it is only fair to say that the credit of such a record is due very largely to the industry and ability of individual members of the committee, and conspicuous among us where all are compelled to do much hard work—I am sure it will not be regarded by my brethren upon the committee as making an invidious distinction when I state the fact that one-third of these reports have been made by the gentleman from New York [Mr. BAGLEY], who has shown not only an extraordinary diligence in the business of this session but has at all times brought to the consideration of these individual claims the most just discrimination, indefatigable industry, and kindly disposition toward the soldiers of the Union who offered themselves to their country in the hour when it most needed to be upheld by strong arms and brave hearts. Others of this committee are entitled to honorable mention, but the work of the gentleman from New York [Mr. BAGLEY] has been so conspicuously successful that I should fail to respond to the most generous impulses of my heart if I did not review it briefly here.

One word, Mr. Chairman, and I have done. I know that much is expected from this House in the way of legislation in the interest of the ex-Union soldier. In fact I am not prepared to say whether too much has not been expected, and whether there has not been encouragement given to this expectation in the hope that the soldiers would find themselves disappointed. I can only say now that I feel sure that when the sum of all the legislation by this House is added that is had at even the present session the soldiers will have no reason to complain when they compare it with that accomplished at any long session of any Republican House. The Democratic party will continue, as it has been in the past, the friend of the soldiers of this country, and it will be, as I am sure it should be, guided by this motto: Just and reasonable legislation in behalf of the soldier, so that the pensions paid by the Government may continue to be popular with the people.

Bureau of Labor Statistics.

"The laborer is worthy of his hire."

SPEECH

OF

HON. JOHN J. KLEINER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. KLEINER said:

Mr. CHAIRMAN: I see greater interest manifested here to-day upon this question than I have ever seen before upon any subject brought to the attention of the House. I am moreover convinced that if this Congress did less talking and more voting much valuable time would be saved, and the bill under consideration would become a law at once, and the cause of labor substantially advanced.

The two things, Mr. Chairman, that puzzle me most are the damnable rules of the House and the "talking cranks." These two are with us always. The latter are exposing their long ears, if nothing else, at all times and upon every occasion. The vast amount of information obtainable from them upon every conceivable subject is the only excuse for their toleration. One would suspect that the gentlemen whose lily-white hands had performed every kind of manual labor, from childhood up to the day they broke into this Congress, ought to exempt them from exerting themselves during the remainder of their natural lives, especially with their mouths. From this latter affliction may the good Lord deliver us hereafter, for the toiling millions will gather neither relief nor information sought under this bill through their efforts.

I have no use for pretenders either in or out of Congress, and as this bill has been carefully considered by the committee and unanimously reported to this House with a favorable recommendation, I trust it will pass speedily. The information to be derived can not fail to be of benefit to the workman as well as the capitalist. It will, in my opinion, set at rest the conflicting opinions now held by the people of this country respecting that vexed question, capital and labor, and its seemingly many divergent interests. Judging from the way in which this debate has been conducted, I believe that the remarks of many gentlemen are misdirected. To my mind the greatest curse that has afflicted and depressed the condition of the laboring man has been the present war tariff.

Inasmuch as all taxes and burdens must be raised from the hand of the laborer, whether in the workshop or on the farm, it is clear to my mind why he should be poor to-day while his employer should roll in wealth long after the conditions that made the war tax necessary have passed by. Workmen in this country can not be led to believe in the equality of all men before the law while they are ground down into peonage and servitude. They can not be made to respect the Constitution of a country that divides the people into a peasantry and a moneyed aristocracy. While one part of the people, and a small part at that, roll in wealth, erect palaces and costly homes, drive through the streets in costly turn-outs, with crests and heraldic insignia emblazoned on them, is it not a marvel that there is not more unrest among the masses who produce all this by their skill and labor?

You must remove this infamous tariff and stop paying tribute to a select few if you would solve the labor question. This country possesses all the diversities of soil and climate to enable its people to compete with any other in the world. Why should we with 60,000,000 people daily parade our poverty and fear of England with 20,000,000? Are we still so helpless and feeble that we must ask alms from infinitely weaker nations? Shame on such cowardly conduct. What a commentary we are, anyway, on the heroes of the Revolution and our patriotic ancestors of 1812. Why, Mr. Chairman, this country has the dry rot like the dug-outs we call our Navy; strangled with infernal class legislation and dying from internal corruption; "dying as Rome died by its vices as it had formerly flourished by its virtues; dying because her wealth and her lands were legislated into the hands of the few, as ours were, converting a race of freemen into a herd of serfs;" and here we stand watching for the forging of the chains that are to bind us. "Life, liberty, and the pursuit of happiness" was first proclaimed as the cardinal doctrine of our national faith.

By that doctrine true manhood was held paramount to the claims of mere wealth. Yet to-day our whole land is honey-combed with monopolies fostered by national legislation. Our money and our lands are thrown into their capacious coffers, our lives, our franchises, and our liberties are all being rapidly transferred to their keeping. I tell you the land that will not be warned from the disasters and ruin of the Roman Empire, and the rise and fall of nations since the dawn of time, will speedily drop into decay. Stop the iniquity of giving the nation's bounty to the rich while the poor among us are begging bread, and you will have solved the problem of this country's greatness.

The manufacturer of this country is shut out from the markets of the world, hence he must depend upon the home consumption. High tariff has induced overproduction, and consequent stagnation. According to the census returns, our factories could produce twice as much as they now do; yet they are idle now nearly half the time. Give our industries a chance at competition with the world, and with our cheap raw materials at our doors we could soon drive from active competition with us every nation on the earth.

The protectionists keep telling us that they want a monopoly of the trade of America to insure good wages to the laborer. This has been the plea of the protectionists and the only one; yet they know that they have established agencies among the pauper-labor countries in order to supply this country with the same class of men they so much decry.

The intelligent workmen of this land are beginning to wake up to the impositions practiced upon them, for they often rise up in the morning and find themselves face to face with a ship-load of heathen mongrels ready to displace them, or car-loads of convicts from our own penitentiaries. The protectionist asks that the workman's product be protected against competition, but he scours the earth to find labor degraded enough to compete with his own workmen. Thus, in order to continue in employ he too must submit to a reduction in keeping with that of the convict and criminal as well as the imported hireling from the jungles of Asia and slums of other lands.

I do not propose to overdraw this picture, for it is a well-known fact that in spite of their enormous profits and ability to pay fair wages, the

protected manufacturers have uniformly paid the lowest wages, and to enable them to still more depress the wage-worker they have established agencies in foreign countries through which they can supply their factories with cheap workmen. I shall confine myself to the record and shall quote from Mr. Henry Sterne, United States consul in Hungary. Mr. Sterne, in his report to the State Department, under date of 1882, submitted the following:

I have information that agents are managing the business a good deal in the manner of the cooly trade, and that these immigrants are shipped to the United States about like so many cattle.

Here are the words of our consul officially submitted for the information of Congress. Here we discover the agent of the philanthropic protectionist employer recruiting among the serfs of Hungary for pauper labor with which to supply his factories, and this the gentleman from New Jersey [Mr. PHELPS] no doubt considers as one of the chief beauties of the protective system for New Jersey. For in the town of Malaga, N. J., the American workmen had to leave their homes in midwinter by order of the manager of a factory in order to make room for a cargo of pauper laborers fresh from the bogs of Belgium who were brought in to take their places. Yes, shipped here "like so many cattle."

It has been observed that in some of the largest factories of this country there were found, instead of intelligent American citizens, ignorant and indifferent foreigners, who do not speak any language recognized in this country, and hence can not become informed as to the economic conditions that exist here. These men were all under contract for a term of years at a rate less than standard wages. The management discourage the introduction of any general information, as in their ignorance they were more tractable and obedient—would more readily submit to impositions such as would arouse the free American citizen into mutiny and open rebellion.

But, Mr. Chairman, there are still other sources of information on this "slave-trade" carried on by the protectionists in the interests of American industry.

Count Esterhazy, the Austrian consul to New York, established a bureau for the protection of Hungarian immigrants. In one of his reports he says:

There is no doubt that a contract system is being carried on, and I believe it has reached large proportions. Certain it is that great numbers of emigrants are landed on these shores who are owned by capitalists.

"Owned by capitalists"—by the men who hang around the halls of Congress and prate about their devotion to American labor. These are the words of the Count.

What think the friends of the protectionist in this House who in the interest of their cause buy and sell men, women, and children twenty years after the abolition of slavery in this country? Greed and avarice combined have made our country a prey to the cupidity of man, and he has succeeded well in disgracing us in the eyes of all civilized nations. There can be but one object in this traffic, and that is to degrade our American workmen and supplant them with cheap labor hired under contract abroad.

The object of the protectionist is clear, and his profits are certain while home consumption is equal to his ability to supply. Since the supply is greater than the demand he desires to sell his wares abroad. But we have no ships and no commerce, and healthy competition is out of the question. So long as the protectionist can force his home customer to buy his wares at the high-tariff prices he is content. The foreigner, however, will buy where he can obtain his goods in open competition; hence to sell the American must sell below the tariff, while to the American farmer and laborer he sells above the tariff rates regardless of the fact that imported pauper labor made the goods sold.

Under the war-tariff system the workman can not fail to grow poorer day by day as long as the labor market of the world holds out, and some pretext or another will be found to bring it here just as long as a premium is held out for it by our national policy. We might as well try and build a Chinese wall about this country and expect it to prosper as to shut out our commodities from the markets of the world and expect to get rich by swapping pennies among ourselves. This peanut policy must stop or we will soon smother and stifle all individual effort. Our Government will be made a paternal one. Wealth will accumulate and men will decay. Strong armies will become a necessity to prevent outbreaks in every part of the country. Here is a sample of what protection is doing for our people and for American workmen, for whose sole benefit we are told it is maintained. On July 11, 1883, the Window-Glass Manufacturers' Association held their meeting at Long Branch and adopted the following resolution:

Resolved, That the treasurer be authorized to pay a sum not exceeding $30 per man for each blower or gatherer brought over from Europe after August, 1883, provided the same be employed by some member of this association, and provided that they are not workmen who have been in this country within the twelve months last passed.

In this manner thousands of paupers are brought over from Europe on short notice at so much per head, and powerful corporations often refuse to employ any other. The great continental lines of railways toward which the Government gave hundreds of millions in money and lands were all built with pauper labor, averaging not to exceed 28 cents per day for each man employed—filthy heathen, subsisting on rats and snakes, brought here by protectionists to compete with American labor. From gentlemen who testified before the committee I submit brief extracts. Mr. S. V. Penderly, a master workman, says:

These imported men show no disposition to become citizens. I have seen eight men and one woman living in a small house, without beds or furniture, sleeping on the floor. Their total expense for subsistence was $3 per month for each person.

I have seen men engaged at Castle Garden and taken to Frostburg, Md., where they lived in a wooden building, without furniture, sleeping on bunks. This building was fenced in to prevent the inmates from being communicated with by the people whose places they had taken. Their daily food was water and mush, with a small quantity of meat on Sunday.

These men were fenced in to prevent them from obtaining any information concerning the business of their oppressors. I commend them to the pitying care of the gentleman from Pennsylvania [Mr. KELLEY], whose sympathy for the poor oppressed pig-iron makers has blinded him to the real cause of our national decay which he so much deplored.

Mr. Bouilet, of Zanesville, Ohio, said he was hired by an agent at Antwerp with sixty others, who found upon arrival that they were to work for 25 per cent. less than the regular rate. At Kent, Ohio, they contracted for three years upon condition that they would not associate with American workmen. Several men violated this part of the agreement and were arrested. When they arrived at Mansfield the few who could speak English were warned not to talk to any one. Their engagement was at from 30 to 50 per cent. below the regular rates.

Most of these contracts are drawn waiving all the workman's rights under the statutes of the States passed for the protection of labor, and to save him from the avarice and greed of the manufacturer. I could continue citing cases as they exist in almost every section of the country. The intolerance of the bosses in Pennsylvania, however, has reached the top rung in the ladder. Mr. Barclay, who represents the mining region of Pennsylvania, testified before the committee. He says men and women are brought into the country under contract; there was an agency in New York and another in Pittsburgh who made a specialty of receiving this kind of labor. They were very desirable, and firms employed them because they were easily imposed upon.

Mr. Barclay says he counted one day thirty-five women and children employed in forking coke and working about the ovens. The children were very poorly clad and of every age, ranging from 5 years upward. Their habits were disgusting in the extreme. They had no beds, but laid on the floors "heads and tails." It is strange that the attention of the gentleman from Pennsylvania [Mr. KELLEY] was not arrested by this state of facts right at his door, for in his plaintive story the other day he rung the changes of distress and misery as it existed in England; yet not a single statement made by the gentleman compared in the horrors of detail to the state of facts that exist in his own home and in the State he represents on this floor.

A yard-boss in Pennsylvania took thirty-seven men from a single house containing four small rooms. They had no beds, but lay on the floor. The little money they get they save to go back home on. When they get sick they go to the poor-house. They work for two-thirds the regular rates. The companies employing them compel them to buy goods at their stores, which are retailed to them at enormous profits. If they refuse to receive their pay in this way they are discharged, in spite of the statutes of the State of Pennsylvania. Any attempt to organize against this oppression and tyranny on the part of the workman is met by the employer black-listing the offender and refusing him work.

In the mines these ignorant people are employed at so much per ton. As they do not know what a ton is they are again overreached. The agencies that bring these people get so much per head for each one imported. These degraded people, who are brought here by the shipload to compete with and lower the standard of American labor, will "subsist on offal, they will eat mules and hogs killed or that have died from diseases."

No wonder protectionists are getting rich; but their riches are founded upon a bank of sand, and I warn them now to desist, for their cause is doomed. An outraged and enslaved people will sooner or later break forth into open revolt.

At Kent, Ohio, the imported men all work on Sundays, doubtless to make up for lost time, while the bosses go to church. At Muskingum the men work seventeen hours per day, and to enable them to eke out a miserable existence they cultivate their little gardens by the aid of lamps. Why, the African slave was a prince by the side of this new system of torturing mankind, for when sick his property value secured him decent attention at least.

It is a strange fact, but it exists nevertheless, that these cries come chiefly from States and localities which have been held up by this national bounty called tariff. Miseries that shame the conjectured tortures of hell are found right in the midst of the highly protected industries, showing conclusively that no part of the rich bounty granted by the Government is shared with the workman, but is invested in costly mansions, luxurious living, fine horses and turnouts, and expensive tours abroad for the general gratification of the employer. For of the 32 and 67 per cent. profits which the poor man created he has now, like the Son of Man, not even a place whereon to lay his weary head.

The Tariff.

SPEECH

OF

HON. HERSCHEL H. HATCH,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 1, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. HATCH, of Michigan, said:

Mr. CHAIRMAN: The bill before us proposes a "horizontal" reduction of the tariff. No attempt is made to readjust the tariff on one article to the tariff on another, but it is violently assumed that all duties levied under present law are at least 20 per cent. too high. No inequalities are admitted. All lengths are just so much too long. This is a very strange condition of affairs, to say the least, and if the assumption is true it is a condition not often found.

The measure is sought to be supported upon the theory that our present tariff laws are highly protective and that all protective tariffs are wrong in principle and vicious in practice. The questions involved have been often debated heretofore, and have now engaged the attention of the House for many days.

For one I have listened to the discussion with great interest and assiduously studied the speeches for and against the measure. Some errors into which I had fallen have been corrected, and some former convictions deepened. For this I am indebted to both the friends and the foes of the bill. I am far advanced in the belief that the extreme advocate of neither side sees all the truth, but that it lies somewhere between.

That the policy of protection has been in the past of great benefit to the country I have no doubt, but that it will continue to be equally beneficial in the future is not so clear. Its advantages are passing and temporary. I can not go all lengths with some ardent protectionists that can be named, and the expressions of the doctrine as occasionally laid down in party platforms will have to be qualified to fit it to my convictions.

In the course of my remarks I shall develop nothing new—only restate some of the truths already brought out in the debate. Indeed very little new ground remains to be occupied; the field has already been trodden to a waste.

First, let us seek a clear idea of the operation of a protective tariff—as clear as may be, for it is involved in most perplexing complications. How does it affect the interests of capital, of labor, of the consumer?

I shall content myself with the restatement of first principles. We shall the better grasp the subject by returning to the "simples." No apology is needed if we begin at the beginning.

The difficulty lies in separating from the great mass of facts and results those attributable to the operations of the tariff and distinguishing them from those which flow from other sources. We shall best solve the problem by attending carefully to the workings of the natural law of commerce—the law of supply and demand—remembering that men will usually do those things which are most for their advantage. These are propositions which no man denies, namely:

An increase in the supply of a commodity tends to lower the price of that commodity;

A diminution in the supply tends to increase the price;

An increase in the demand tends to increase the price; and

A diminution in the demand tends to diminish the price.

Beyond this let us believe that a person under ordinary circumstances will buy where he can buy cheapest, sell where he can sell dearest, and follow in the path along which he believes his best interests to lead.

Wages in America up to this time have usually been higher than in the older parts of the world—higher in New England than in Old England.

Following are some of the comparative statistics on this subject:

Weekly wages for 1883.

Occupation.	Newark, N. J.	Paisley, Scotland.
Cop-winders	$8 00	$3 50
Finishers	5 00	2 50
Rulers	8 00	4 25
Spoolers	8 00	3 25
Foremen	20 00	7 00
Pickers	7 00	4 12
Hank-winders	7 00	3 75

Ship-builders in America now receive $12 per week, and in Scotland $6.25.

Here is another statement from free-trade sources:

WAGES IN THE WOOLEN INDUSTRY.

In woolens wages on the average are now about 30 per cent. higher in the United States than in England, and in England about 20 to 35 per cent. higher than in France and fully 50 per cent. higher than in Germany. The actual difference between the wages of the operatives of the British and those of our own woolen mills can however, best be ascertained from the following table:

[Values reduced to American dollars; English shilling, 24 cents.]

Description of occupations.	Great Britain.				United States.	
	1865.	1880.			1878.	1881.
	Huddersfield, &c.	Batley.	Dewsbury.	Huddersfield.	Massachusetts.	Massachusetts.
Week of hours	66	56	54	56	.....	60
Wool-sorters, men	$5 28 to $7 68	$7 20	$6 24	$5 76	$8 50	$9 43
Scourers, men	3 84 to 5 04	5 28	5 76	5 28	6 66	8 84
Dyers, men	3 60 to 5 04	5 28	5 28	5 28	6 66	7 81
Dyers, foremen	.....	12 00	14 40	12 00	.....	.....
Teasers and willyers, men	4 00	5 28	5 04	.....	.....	.....
Scribblers, men	6 00	.....	6 72	.....	.....	.....
Scribblers, women	2 16	3 36	3 00	2 64	.....	.....
Condenser-minders, lads	.....	2 40	3 00	2 64	.....	.....
Spinners, men	5 76	*7 20	7 68	7 20	7 64	9 05
Spinners, piecers, lads	1 92	2 88	2 40	2 16	3 00	4 81
Spinners, foremen	.....	12 00	9 60	10 80	.....	.....
Warpers, women	3 26	3 60	3 36	3 61	.....	.....
Beamers, men	.....	5 52	.....	.....	.....	.....
Healders, lads	.....	2 88	.....	2 40	.....	.....
Fettlers, men	.....	5 28	5 28	5 28	.....	.....
WEAVING.						
Pattern-designers, men	.....	14 40	14 40	14 40	.....	.....
Pattern-weavers, men	5 04	5 76	7 20	6 00	9 50	28 53
Furriers, men	.....	9 60	.....	.....	.....	.....
Weavers, men	4 32	*4 80	6 00	*6 25	6 95	7 45
Weavers, women	3 60	3 60	3 60	*4 32	.....	.....
Burlers, women	.....	2 64	.....	$2 10 to 3 60	4 59	5 13
Knotters, men	.....	5 28	.....	.....	.....	.....
Menders and sewers	.....	.....	.....	.....	.....	.....
Women	.....	3 12	3 00	3 00	6 34	5 09
FULLING.						
Fullers, men	.....	*6 00	5 76	5 52	6 89	7 35
Fullers, foremen	.....	*9 60	14 00	8 40	.....	.....
DRESSING AND FINISHING.						
Dressers, men	6 24	5 28	5 04	6 24	7 08	7 53
Tenterers, men	.....	*6 00	5 25	5 76	.....	.....
Cutters, men	.....	5 72	5 52	5 76	.....	.....
Cutters, lads	2 15	2 40	2 88	2 88	.....	.....
Press-setters, men	.....	6 00	5 52	6 00	.....	.....
Steamers, men	.....	6 00	5 52	6 00	7 50	7 68
Drawers, men	.....	*8 40	9 60	7 20	.....	.....
Engine-tenders	9 60	9 60	8 40	8 40	10 50	11 07
Stokers	5 14	4 32	5 28	5 28	8 78	7 97
Mechanics	.....	8 40	6 48	6 48	12 33	13 43
Carters	.....	5 28	5 28	5 28	.....	.....
Warehousemen	.....	5 28	5 28	6 00	.....	.....
Laborers	.....	.....	4 80	4 80	6 69	8 58

*Piece-work.

Wages in the newer parts of our own country are higher than in the older—higher in Dakota and Montana than in New York and Pennsylvania. This arises from the fact of cheap lands. While land is yet cheap and easily obtained the laborer is not dependent upon others for remunerative employment. If the wages offered are in his judgment too low he at once resorts to the land and there finds adequate compensation. Thereby the supply of labor offering in the market is diminished. As a result the price of wages must be advanced to induce him to engage in the work of another. The wage which will operate as an inducement must be a larger one than that usually paid in communities where the laborer does not have the resource, cheap lands. But when the value of land rises the laborer can not obtain it unless he possesses accumulated capital. Ordinarily the laborer living in a country of high-priced lands must accept the fluctuations of the market and be content with the terms fixed by the employer, who, however, in his turn is governed by the inexorable law of supply and demand.

The cost of an article is the price paid first for the labor involved in its production; secondly, the use of the capital employed; and lastly, the royalty on the raw material. The cost of a pound of iron is the price paid for the labor bestowed on its production, plus the price paid for the use of the capital used, plus the royalty paid to the land-owner upon whose lands the ore was dug. The cost of a thousand feet of lumber is the value of the labor, the value of the use of the capital, and the value of the standing tree. The cost of a bushel of wheat is the labor, the use of the capital, and the rent of the land upon which it is grown.

Some there are who resolve two of these elements of cost—namely, labor and capital—into one, namely, labor. Some go even further and resolve all of them into labor. But we are not interested in this refinement.

Wages being higher in the United States than in England, if a manufacturer in the United States undertakes to produce any commodity, as for instance cloth, it will cost him more than it will cost the English manufacturer. Then if cloth of the two makes are brought together for sale in the same market, the English cloth will undersell the American make and drive it out. The American buyer will buy where he can the cheapest; he will follow the lead of his own interest. What is the result? The American manufacturer stops producing, and discharges his hands. Unless some change can be wrought that industry in America must cease, and all engaged in it, both capital and labor, seek elsewhere for employment.

Now comes in the tariff law. The United States Government under its grant of power to levy imposts for revenue imposes a duty upon the foreign merchandise. The English cloth now costs to deliver in the American market as much more as the tax amounts to, and (assuming the duty to be high enough) more than the price at which the American article can be profitably produced. The amount of such profits is largely but not altogether determined by the amount of the tariff. By this means manufacturing is stimulated, an increased demand is created for labor, and wages are advanced.

The first practical result reached, then, is that the American manufacturer secures a greater return upon his capital than the foreign manufacturer, and the American laborer secures greater wages. The latter is aided now not only by cheap lands but by the increased demand for his labor in other departments of industry.

Another effect produced is that the American producer commands the American market and dictates the price of his commodity to the consumer. So far he can go, but no further. The American manufacturer can not even under these circumstances compete in any other market. Abroad the Englishman is complete master of prices. The American's market is only within the shadow of the American custom-houses. Without their protection he is powerless.

But there are other consequences which in due time follow. This increase in the returns accorded to American capital and American labor attracts foreign capital and foreign labor. Their interests lead toward the United States and toward a share in this general prosperity. An increase in the demand for capital and labor induces an increase in the supply. The supply will come in part from our own natural increase in capital and in labor, and in part from foreign sources. There is nothing in the way to prevent the foreign supply from responding to the demand. No tariff duties have ever been exacted from capital in the form of money, or from labor, as a condition of importation. The door stands at all times wide open for them freely to enter and follow the lead of their best interests.

As matter of fact the observed result is that the supply of capital comes most largely, most entirely from the increase of our own wealth, while the increase of labor is much more largely from abroad. It will now follow that two manufactories are put in operation where but one existed before, and three laborers are seeking employment for one before; production is enormously increased, the market is overstocked, supply exceeds demand, and prices decline. The decline is more marked in the case of commodities than of labor. So much for the theory. Now, what are the observed facts?

In this connection I subjoin tables prepared by the gentleman from New York [Mr. HISCOCK], which show the decline in the price of commodities.

Comparative prices of woolen fabrics in 1859 *and* 1884.

Fabrics.	1859.	1884.
Flannels per yard:		
A and T white (none made in 1884)	$0 18½	
A. A. F. scarlet	26	$0 24½
J. R. F. twilled scarlet	39	28½
B. twilled scarlet	26	25½
Double-weight scarlet twilled	27½	*32½
F. and C	36	33½
Talbot, R., 3-4, plain and scarlet	26	25
Ballard Vale, 4-4, white No. 1	75	67½
Ballard Vale, 4-4, white No. 2	60	40½
Ballard Vale, 4-4, white No. 3	45	7½
Ballard Vale, 4-4, white No. 4	†40	42½
Blankets per pair:		
Holland, 10-4, all wool	3 50	3 00
Holland, 11-4, all wool	5 00	4 25
Cocheco, 11-4, extra super	6 00	6 00
Cocheco, 12-4, extra super	7 50	6 00
Cumberland, 10-4	3 00	2 00
Rochdale, 10-4, super ex. super	3 50	3 00
Rochdale, 11-4	4 50	4 00
Rochdale, 12-4	5 50	5 00
Rochdale, 10-4	4 50	4 00
Rochdale, 11-4	5 50	5 00
Rochdale, 10-4, premium	4 50	4 00
Rochdale, 11-4	5 50	5 00
Rochdale, 12-4	6 50	6 00
Shawls, Middlesex County	7 00	5 56

*These goods are improved in quality.
†The Ballard Vale flannels are exceptionally fine goods, the chief cost of which is labor, and are slightly advanced because of the advance in wages of labor.

Wholesale prices per yard of leading standard staple goods bought by country dealers, January, 1860, *with prices of January,* 1884, *annexed.*

Articles.	1860.	1884.
4-4 heavy brown sheeting	$0 08½	$0 07½
4-4 fine brown sheeting	08½	07
4-4 fine bleached sheeting	12½	10
4-4 common bleached sheeting	09½	06½
Best ticking	17	14½
Best denim	15½	14½
Lining, colored cambrics	06½	05
Corset jeans	09½	07½
Ginghams	10½	08
Standard prints	08½	06
Hublet's cotton flannel	13	11
Good twilled flannels (wool)	36	36
Good Kentucky jeans	27½	27½

Comparative prices of boots and shoes in 1860 *and* 1884.

	1860.	1884.
	Per pr.	*Per pr.*
Men's rubber boots	$3 60	$3 00
Boys' rubber boots	2 40	2 18
Women's rubber boots	1 75	1 56
Misses' rubber boots	1 50	1 33
Men's overshoes	80	55
Women's overshoes	60	38
Children's overshoes	40	30
Men's best calf machine-sewed boots	4 00	3 00
Men's best calf pegged boots	3 00	2 75
Men's good common calf pegged boots	2 50	2 17
Men's best thick boots, farmers' wear	2 75	2 50
Men's good common boots, farmers' wear	2 25	2 00
Boys' good common boots, farmers' wear	1 62	1 50
Men's good double-sole kip brogan	1 37½	1 25
Men's good double-sole split brogan	1 15	1 10
Men's good common split brogan	1 00	85
Men's best calf machine-sewed Congress and Balmoral	3 50	3 00
Men's good common machine-sewed Congress and Balmoral	3 00	2 75
Men's good common buff Congress and Balmoral	2 00	1 65
Men's good common pegged Congress and Balmoral	1 60	1 25
Men's good common low-cut shoes	1 17	1 00
Men's carpet slippers	50	37½
Men's goat slippers	1 00	85
Men's grain slippers	65	55
Women's best kid and goat boots	2 00	1 75
Women's good kid and goat boots	1 50	1 25
Women's best serge Congress	1 25	1 05
Women's good serge Congress	92	80
Women's grain-pegged Polish boots	87½	85
Women's goat gored Benker's boots	92	80
Women's serge slippers	50	37½
Women's web slippers	37½	25
Boys' good kip brogans	80	75
Boys' good Congress	1 10	1 00
Boys' good split pegged Balmorals	1 10	1 00
Youths' good split pegged Balmorals	95	85
Misses' best kid or goat Polish	1 50	1 25
Misses' good common button	75	75
Children's best kid and goat	1 25	1 05
Children's good common goat	1 00	85
Children's cheap shoes	25	20

Comparative prices of pig-iron per ton for the month of January in the years named:

1860	$23 00
1880	40 00
1881	25 00
1882	26 00
1883	25 00
1884	20 50

All are agreed that prices have gone lower; we differ only when we come to assign the cause. Some say that it is the result of the tariff. But how then shall we explain the fact that a similar decline has taken place in countries which have no tariff. A cause must be sought which is common to both England and the United States. That cause is increased competition. Competition has operated abroad as well as at home.

The statistics of wages are not so clear.

Wages are ofttimes reduced by suspending work for a time, for a portion of the year or a portion of the week or day. In making the comparison of wages comparative efficiency must be considered; also the cost of living and the purchasing power of money. In our country we have not yet experienced the depression of an overstocked labor market, at least so far as the tables of statistics show. There has been a small advance in the wages paid in most mechanical industries within a few years. In the report of the statistics of labor made by the bureau of the statistics of labor of the State of Massachusetts in the year 1882 an elaborate table of such statistics is given. Following the table is a summary of results set forth in the report which I copy.

The foregoing rates of wages for 1881 show the following percentages of increase or decrease by industries as compared with 1878:

		Per cent.
Agriculture	increase	14.1
Blacksmithing	increase	11.8
Boots and shoes	decrease	4.4

Percentage of increase or decrease, &c.—Continued.

		Per cent.
Building trades	increase...	4.9
Cabinet-making	decrease...	1.7
Carpetings	decrease...	7.9
Carriages	decrease...	5.4
Clothing	increase...	20.7
Cotton goods	increase...	9.1
Glass	increase...	11.6
Hosiery	increase...	13.5
Leather	increase...	5.5
Machines and machinery	increase...	22.0
Metals and metallic goods	increase...	2.0
Metals and metallic goods (fine work)	increase...	13.7
Musical instruments	increase...	13.3
Paper	increase...	7.5
Printing	increase...	10.2
Rubber goods, elastics fabrics	decrease...	0.5
Stone	increase...	11.4
Straw goods	decrease...	2.7
Woolen goods	increase...	7.3
Average increase [of wages] all industries		6.9

Another table in the same report is given, showing the purchasing power of money in 1878 and 1881. The results reached are summarized as follows:

Averaging and consolidating the above returns under the group-heads designated in the table we find that in 1881 as compared with 1878—

	Per cent.
Groceries have advanced in price	9.1
Provisions have advanced in price	20.1
Fuel has advanced in price	31.1
Dry goods have advanced in price	9
Boots have fallen in price	1.6
Rents have advanced	35.1
Board has advanced	13.7

On all these items of expense entering into the cost of living the average increase is 21.2 per cent.

Wages advanced 6.9 per cent., the cost of living 21.2 per cent. If in 1878 a man earned $1 a day in wages and paid out 50 cents a day for board, then, applying these ratios in 1881, he would earn $1.07 and pay out 61 cents, showing in the aggregate a reduction in his net savings.

As food for reflection I call especial attention to the advance in rents.

It is a notable fact that a small advance in wages has occurred in European countries as well as in our own.

But, considering the increased productiveness, improved methods, and improved machinery, it becomes apparent that the cost of labor involved in the manufacture of most commodities has very largely decreased. This process will continue, and the signs of the times indicate that ere long, if not already, the general price of wages will follow the price of commodities.

Under the operation of such facts the same conditions will be, indeed in very many cases have been already, reached on the inside as on the outside of the tariff. The time must surely come when it will cost no more to produce a yard of cloth or a steamship in our country than it costs elsewhere. The natural laws of commerce will assert their sway. Supply and demand will equalize the American market with foreign markets. The waters within and without will come to the same level.

But another result will then be reached. The markets of the world will be open to us and we shall be able to compete on equal terms with any other producers; this only upon condition that we accept an Englishman's returns upon capital and pay only an Englishman's price for labor.

Certain other incidental facts are to be observed. By the promotion of these manufactures so introduced a variety of industries is secured, diversity of employment obtained. Thereby a portion of the laboring population has been drawn off from agriculture, and instead of being producers are consumers of agricultural products, a home market created, the producer is brought nearer to the consumer, and the cost of transportation saved to both.

In the course of our investigations we shall observe that the expected results are not always found in the facts, but that ofttimes interruptions occur. These interruptions, however, are only transient in their influence, and while they serve to delay, do not defeat anticipation. These results are practically inevitable. Some of the disturbing causes may be noticed.

If the prices of labor in a given industry in England exceed those in France, upon theory the workingmen of France should at once emigrate to England in such numbers as to reduce the level of English prices. But as a matter of fact they do so, if at all, only very slowly and after the lapse of a long time. Information of the fact travels but slowly; race prejudices, the disinclination to remove to strange countries, the expense of removal, all come in to play a part and prevent the Frenchman from becoming an emigrant. But let the difference be great enough and continue long enough, all difficulties will be surmounted and the French laborer will respond to the demand.

Our own country affords an illustration. The high wages produced by cheap lands and a protective tariff have been long maintained. It has taken years to bring a knowledge of these facts to the laborers of Europe; but now it is known in every hamlet from Ireland to Russia, and behold the result. Witness the hosts of emigrants that throng upon our shores. The populations of great states are coming annually.

The same facts are observed of capital. It does not instantly respond to the increased demand. It takes time and the growth of confidence to produce the result.

Trades-unions are another disturbing element. By means of them laborers attempt to combine and prevent the oncoming of the inevitable reduction in their wages, but all to no lasting purpose.

Combinations between capitalists to keep up prices, to limit production, are similar in design. Such attempts to control the action of the law of supply and demand invariably end in failure.

Labor-saving machines have come in to affect the time when American producers can successfully compete with foreigners in foreign markets. They do not disturb the predicted result. They only hasten the period when the tariff law will no longer be of any avail.

We gather from this discussion that in a new country—in a sparsely settled country such as ours has been up to this time, and is now in large sections of it—in a country of cheap lands—

First. That many forms of manufacturing industry can not be carried on successfully if our markets are left free to the competition of foreigners.

Second. That to foster such manufactures a tariff protection must be afforded.

Third. That the first effects of such tariff is to promote the profits of capital and the wages of labor and to increase the price of commodities to the consumer.

Fourth. That these results may continue for a long time.

Fifth. That such tariff protection, however, tends in the long run—in the totality of events—to defeat itself, and the time comes when it is no longer of any advantage to either the manufacturer or laborer.

Sixth. But that in the mean time the industry becomes established, variety of labor secured, a home market for the farmer obtained, the expense of transportation diminished, and finally the consumer buys the manufactured article as cheaply of his own countryman as it can be purchased of the foreigner.

Such are some of the more important consequences of the protective system.

ARE THEY DESIRABLE?

Certainly they are to the manufacturer and to the laborer for the present, and are likely to be for some time to come.

But are they desirable to the consumer? He pays the cost of all this increased prosperity of manufacturers and laborers.

The only consumer that will be considered in this connection is the farmer. He finds his compensations in a diminished competition, in the increased profits of a home market, in the saving of the cost of transportation.

We have not far to seek for statistics that bear witness to the prosperity of the farmer under the operation of a protective tariff.

The following table shows the comparative value of farming lands in the several States, arranged in groups according to the amount of manufacturing carried on in each, respectively:

Aggregate value of products manufactured by States, acres of land in farms, and value of farm lands, by States and groups of States.

FIRST GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Massachusetts	631,125,284	3,359,079	146,197,415	43 52
Rhode Island	104,163,621	514,813	25,882,079	50 27
Connecticut	185,697,211	2,453,541	121,063,910	49 34
New York	1,080,696,596	23,780,754	1,056,176,741	44 41
New Jersey	254,380,236	2,929,773	190,895,833	65 16
Pennsylvania	744,818,445	19,791,341	975,689,410	49 30
Delaware	20,514,488	1,090,245	36,789,672	33 74
Total	3,021,405,831	53,919,546	2,552,695,060	47 34

SECOND GROUP.

Maine	79,829,793	6,552,578	102,357,615	15 62
New Hampshire	73,978,028	3,721,173	75,834,389	20 38
Vermont	31,354,366	4,882,588	109,346,010	22 40
Ohio	348,298,390	24,529,226	1,127,497,353	45 97
Michigan	150,715,025	13,807,240	499,103,181	36 15
Indiana	148,006,411	20,420,983	635,236,111	31 11
Illinois	414,864,673	31,673,645	1,000,594,580	31 87
Total	1,247,046,686	105,587,433	3,558,969,239	33 71

THIRD GROUP.

Wisconsin	128,255,480	15,353,118	357,709,507	23 30
Minnesota	76,065,198	13,403,019	193,724,260	14 45
Iowa	71,045,926	24,752,700	567,430,227	22 92
California	116,218,973	16,593,742	262,051,282	15 79
Total	391,585,577	70,102,579	1,380,915,276	19 70

Aggregate value of products manufactured by States, &c.—Continued.

FOURTH GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Maryland	106,780,563	5,119,831	165,503,341	32 33
Virginia	51,780,992	19,835,785	216,028,107	10 89
North Carolina	20,095,037	22,363,558	135,793,602	6 07
South Carolina	16,738,008	13,457,613	68,677,482	5 10
Georgia	36,440,948	26,043,282	111,910,540	4 30
Florida	5,546,448	3,297,324	20,291,837	6 15
Alabama	13,565,504	18,755,334	78,954,648	4 19
Louisiana	24,205,183	8,273,506	58,989,117	7 13
Texas	20,719,928	36,292,219	170,468,886	4 70
Arkansas	6,756,159	12,061,547	74,249,655	6 16
Tennessee	37,074,886	20,666,915	206,749,837	10 00
West Virginia	22,867,126	10,193,779	133,147,175	13 06
Kentucky	75,483,377	21,495,240	299,298,631	13 92
Missouri	165,386,205	27,879,276	375,633,307	13 47
Kansas	30,843,777	21,417,468	235,178,936	10 98
Nebraska	12,627,336	9,944,826	105,932,541	10 65
Colorado	14,260,159	1,165,373	25,109,223	21 55
Oregon	10,931,232	4,214,712	56,908,575	13 50
Utah	4,324,992	655,524	14,015,178	21 38
Total	676,427,860	283,233,112	2,552,840,616	9 01

In 1880 the aggregate value of the products of agriculture was more than double the aggregate for 1860. The comparative values of some of the principal products are as follows:

Products.	1860.	1880.	1882.
Cereals	$558,345,836	$1,329,930,517	$1,468,693,393
Cotton	211,516,625	271,636,121	309,696,500
Hay	152,671,168	410,146,545	369,958,158
Potatoes	44,459,547	81,848,474	95,304,844
Tobacco	21,710,473	38,758,215	43,189,951
Total	988,703,649	2,132,319,872	2,286,842,846

An increase of products out of all proportion to the increased numbers employed. But the price per bushel of the standard grains has in general advanced since the adoption in 1861 of the present tariff laws.

Average farm values of agricultural products in 1860, 1880, *and* 1882, *respectively.*

Cereals.	1860.	1880.	1882.
Wheat, per bushel	$0 72.0	$0 95.1	$0 88.2
Corn, per bushel	43.0	39.6	48.4
Oats, per bushel	25.0	36.0	37.5
Rye, per bushel	52.0	75.6	61.5
Buckwheat, per bushel	58.0	59.4	72.9
Barley, per bushel	55.0	66.6	62.8
Potatoes, per bushel	40.0	48.3	55.7
Tobacco, per pound	05.0	08.2	08.4
Cotton, per pound	09.3	09.8	09.9
Hay, per ton	8 00.0	11 65.0	9 70.0

The greater the amount of manufacturing the greater the value of the farm. This arises, however, from the fact that manufacturing draws together a large population who are only consumers of agricultural products and not producers thereof. A similar result will flow from an aggregation of non-agricultural population, although no manufacturing be engaged in. The city of Washington is a good illustration. Here a large population is drawn together, but they are not engaged in manufactures or commerce. They are mere consumers. Lands are high in price both within and without the city. A university town would affect values in like manner.

The effect upon values produced by a protective tariff, however, is artificial and not natural. Such a policy is only to be justified by the positive good it may produce in excess of the evil. It should be no longer continued than it can be shown that the advantages outweigh very clearly the disadvantages. When the reason for the law ceases then the law should cease.

Pass some of the principal reasons in review in this connection.

A tariff produces diversified labor.

When, therefore, we have secured a diversified labor, then it should cease. When a particular industry has been firmly established among us, so far as this proposition goes and as to that industry, a tariff will no longer be beneficial.

A tariff affords a home market for agricultural products.

In theory this effect may be long continued. Indeed I see no end to its operations. Still its perceptible benefits may eventually become very much diminished.

It increases wages.

This is a powerful argument in favor of a tariff, and, as long as it continues, a good reason for holding on to the policy. But eventually a protective policy will cease to operate in favor of the laborer, and then the argument will fail.

Vast sums of money have been invested in manufacturing in reliance upon the tariff, and capital has acquired a vested right to its continuance.

This is a matter of the greatest possible importance and should engage the careful attention of those proposing a change. No violent measures should be adopted, and for this if for no other reason, that the time must in the nature of things surely come when a tariff will not be needed to protect our manufacturing capital. When competition shall have sufficiently reduced prices at home our producers can safely compete abroad. If we can wait patiently the tariff laws, for all the interests of the capitalists worth preserving, will eventually repeal themselves.

No attempt is here made to apply these principles to particular articles of manufacture or production. It was stated the other day in the course of this debate that there are now over sixty articles produced in the State of Connecticut from which the tariff could be safely removed.

In my judgment the tariff should be carefully revised and the doctrines above enunciated, as far as possible, applied. But the bill before us proposes no revision, only an unceremonious and reckless reduction. For that reason I am opposed to its passage.

Bureau of Labor Statistics.

SPEECH

OF

HON. N. E. WORTHINGTON.

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. WORTHINGTON said:

Mr. CHAIRMAN: I am in favor of any legislation that will throw light upon the great questions involved in this bill. No investigation is of greater importance than that which seeks to ascertain what policy will best secure to men and women, willing and anxious to work, fixed, honorable, and remunerative labor. There is no sadder spectacle than to see laborers unemployed who want to work, or to see them toiling from dawn to darkness for a miserable pittance that barely affords the absolute necessities of life. God never intended that life should be a perpetual struggle for mere existence, without hope of advancement nor chance of improvement; that it should be a constant fight to keep the gaunt wolf of want and famine from the door, rayless, gloomy, and shadowed from the cradle to the grave. We live in a land of wonderful resources, of unsurpassed fertility, of unequaled variety of climate and productions. The fruits and grains of both the tropic and the temperate zones ripen beneath our flag.

Corn and wheat, the vine and the olive, in quantities far beyond the range of the consumption of our own people, are annually produced. Land is cheap. Our Government is yet young in the history of nations. No other country in the world offers such natural advantages to industry, economy, and labor. And yet, while only in the beginning of the second century of our national existence, we are already confronted squarely with the perplexing problems of labor and capital, of men and women out of employment, and of wages that barely keep soul and body together. This, too, in the face of that other unhealthy fact in a free government, that immense fortunes, dangerous to the liberties of the people and incompatible with a just administration of law, have been accumulated within an ordinary lifetime, without corresponding labor, but by speculation and combinations of capital. I do not know that legislation can cure these evils. They may be to some extent inherent to civilized society.

But the information that the bureau proposed by this bill will furnish, or can furnish if its duties are discharged in an intelligent and non-partisan manner, must illumine many disputed questions that are now being canvassed. It proposes to investigate the relations of labor to capital, the means of promoting the material, social, intellectual, and moral prosperity of laboring men and women; to inquire what have been the effects of the division of labor and the improvements and increasing use of machinery in all departments of industry; to ascertain the number of those employed in the various branches of manual labor, the wages they receive, the hours of daily work, the average time they are annually employed, and the difficulty of securing remunerative employment; to report the effects and prevalence of the truck system of payment of wages, together with the ages at which children are employed and the influence upon their health of such employment; to inquire into the effect of convict labor, methods of taxation, the cost of living, comparing wages and the costs of the necessaries of life, the ac-

cidents peculiar to different kinds of employment and the means of their prevention, the inspection of factories, mills, mines, and tenement-houses, and all other matters and things that relate to or affect the condition and prosperity of the laboring classes; and to cause a report to be made annually by the chief of the bureau, with recommendations, to the President and Congress. The economic questions that will be touched by these statistics are the most important that can engage the attention of either a State or a national legislature or that can affect the condition of the millions who live by the sweat of their brows.

There are at present, upon the basis of the last census, a population of about eighteen million that is engaged in the various professional and industrial occupations of this country. Of this number about twelve million work for day's wages. Two-thirds, then, of the working classes of the country are directly interested in the information which this bill seeks to annually secure. But it is not the working classes alone that are interested. Our banks, our bond-holders, our manufacturers, our land-owners, our merchants, and in fact business men of every kind and character, are deeply interested in the practical solution of the great problems to which this bill refers.

The stability of the Government, the order of society, the execution of the laws, and the absence of mob violence and public tumults depend largely upon the employment, the comfort, and the prosperity of the working people. We can not close our eyes to the fact that the seeds of communism, scattered broadcast in the labor centers of European countries, have also been sown in many of our large cities, and are in danger of producing fruit. It is easier to check the spread of communism by removing the causes which tend to produce it than to put it down and stamp it out when men and women are maddened by hunger and want of employment. The sword and the bayonet are dangerous instruments and cut both ways when turned against the bone and sinew of the land. It is the part of wisdom, then, Mr. Chairman, not only to investigate thoroughly every agency that affects the toiling millions, but also to conduct that investigation in such a thorough, honest, and impartial manner as shall convince every workingman that the Government is in earnest in making his condition as tolerable and prosperous as legislation and an impartial administration of the law can secure.

It can not be denied that at present wage-laborers have just cause of complaint on account of many matters, both of administration and of legislation, in both State and national affairs. They do not ask assistance from the Government. They do not ask subsidies, nor protection, nor special privileges. They are not asking to feed at the public crib nor to be supported at the public expense. They are not asking even that this Government shall enter upon great works of internal improvement, as some European governments have done, for the purpose of furnishing employment to those out of work. But they do ask, and have a right to demand, that they shall not be handicapped and weighted down for the benefit of other classes of society, but that they shall have a fair start and an equal chance in the race of life.

Look, for instance, at the relation of convict labor to free and honest labor. The expenses of our jails and workhouses and penitentiaries ought to be borne equally in proportion to property by all classes of society. In theory they are so borne. The laboring man pays his tithe of taxes for their support; but after having done so he finds in every trade that he must compete with convict labor farmed out, at rates that will not support a free man, to contractors, who put their wares thus produced in the open market in competition with the products of honest labor. Society, for the sake of saving expense in taking care of its outlaws, pays for their board and clothes and sets them to work at half-price to break down the means of livelihood of that class of its members that receives the lowest wages and has the hardest struggle for an honest maintenance.

Let the facts, then, Mr. Chairman, be brought to light, and let statistics gathered by a department of this Government show how many convicts in our jails, workhouses, and penitentiaries are being farmed out at from 20 to 40 cents a day to compete with the honest laborer, who from the fruits of his toil must support himself, his wife, and his children. And let us cease to compliment that shrewd business management which makes our public reformatories self-sustaining at the cost of our hardest worked and poorest paid laborers.

There is another line of inquiry, Mr. Chairman, which should be embraced in this bill. That is the extent and effect of the importation of laborers under the contract system. It has always been our boast that our doors were open to the down-trodden and oppressed of every clime. But to welcome the active and enterprising who independently seek homes for themselves in a free land is a very different thing from receiving immigrants by hundreds and thousands who come under contract to work at low wages, imported for the express purpose of displacing our own citizens or of compelling them to work at the prices dictated by their employers. To tolerate this forced and purchased immigration is to allow capital to take advantage of the distress and low wages of European operatives, to the direct injury and suffering of our own.

Another broad scope of inquiry is the subject of taxation. No more difficult problem is presented to legislative bodies. All agree that taxes should be levied upon a basis just to all, and collected in proportion to the property of the persons taxed. But no system has yet been devised that in its practical workings accomplishes this end. It is a notorious fact that the poor and those in moderate circumstances pay more than their proportion of the expenses of government, both State and national. Visible property can be reached by the assessor. The household furniture and homestead of the laborer, the farm, the goods of the merchant, the shops and wares of the manufacturer are all in view of the tax-gatherer, and, if he does his duty, are made to contribute ratably to the revenues of the State. But as wealth accumulates and hides itself in stocks and bonds and notes and mortgages it largely escapes the vigilance of the most careful assessor, and no oath has yet been found that so searches the conscience as to bring it honestly in the assessor's book for taxation.

The result is, Mr. Chairman, that the class of capital that is most securely invested by its owners, and that pays the surest returns, and that ought to bear to the fullest extent its share of the expenses of government, is taxed least of all. Labor is oppressed by unjust taxation to the extent that capital escapes taxation, and the tendency of capital thus invested to increase and double upon itself is promoted by the failure to secure from it that full but just measure of taxation that capital so invested, more than any other species of property, is able to pay. This is one of the causes that help to the colossal fortunes that men of moderate wealth are able to accumulate. When a certain stage is reached further accretions are practically untaxed, and the richer the capitalist becomes the less tax he pays in proportion to his wealth. I believe, Mr. Chairman, that accurate statistics bearing upon this subject of taxation will lead to an income tax, as the only method by which the wealth of the Republic can be made to pay its just proportion to the public Treasury.

Another fruitful subject of investigation, and one no doubt contemplated by the distinguished gentleman from Pennsylvania who introduced this bill, is the effect of tariff duties upon wages and the expenses of living. The friends of a tariff for revenue only will welcome any fair, thorough, and honest investigation of this subject. They will be glad of the opportunity of pointing to undoctored statistics that will show the dollars that a high tariff puts in the pockets of the manufacturer and the cents that he drops in return into the hands of the laborer; that will show how an artificial stimulus leads to overproduction, and overproduction to low wages, and low wages to strikes, the closing of factories, the lack of employment, and all the evils that follow in the wake of willing labor inadequately paid or standing idle because no work is to be had.

The honorable gentleman from Massachusetts, Mr. RUSSELL, on Thursday last used the following language and gave us the following table, for which I am under obligations:

There are articles consumed largely by the rich, not absolutely essential to comfort and support, upon which to impose duties for revenue. A list of a few of such articles I give below, the table showing value of goods imported and revenue derived last year under present rates of duty:

Article.	Value.	Duty.
Beer, ale, and porter	$1,146,796 74	$511,462 51
Diamonds, &c	7,603,752 61	761,886 41
Fancy articles (alabaster, &c.)	1,665,680 71	641,467 71
Fancy feathers and artificial flowers	4,399,294 46	1,378,369 63
Musical instruments	1,486,251 15	446,099 79
Paintings and statuary	3,088,673 34	313,584 75
Silk, piece goods and manufactured	33,307,112 37	19,677,999 53
Spirits and wines	2,296,734 37	3,358,463 12
Champagnes and wines	4,603,723 61	2,219,672 18
Other spirits, &c., and still wines	5,679,969 10	3,152,267 85
Tobacco and cigars	10,515,806 00	7,700,458 34
Braids, laces, &c., for ornamenting hats	2,297,962 00	704,890 66
Laces, cords, braids, gimps	6,392,257 90	2,237,348 06
Chinaware, decorated	2,587,545 03	1,204,337 06
Cotton embroideries	4,928,775 37	1,725,607 78
Meerschaum pipes	38,305 74	32,671 11
Fire-crackers	265,023 97	281,148 08
Fruits and nuts	18,157,386 79	4,609,883 38
Fine cut-glass ware	1,017,677 84	407,075 04
Fire-arms	1,336,327 28	467,738 75
Total	112,815,356 28	51,922,431 74

The increased importation of this class of goods has been for the past two years at the rate of $10,000,000 per annum.

Here are $51,992,431 collected as import duties upon articles that are mainly luxuries and which are proper objects of taxation. Add to this sum the amount of internal tax which is collected upon spirits, beer, and tobacco under existing internal-revenue laws and you have a total sum which, with slight import duties upon other goods, will meet the annual expenses of the Government, pay the interest upon its public debt, and its principal as rapidly as it can be economically discharged. Reduce taxation then by a substantial lowering of import duties upon all other imported goods and take from the shoulders of labor the excessive cost which a war tariff now places upon almost every article that is necessary to life, even in the plane of economy that the wage laborer is compelled to occupy.

Let the reports which this bill proposes be thorough, and show that

under so-called protection the manufacturer not only dictates the wages of his operatives but also dictates the prices that they pay for the wares that necessity compels them to buy; that it leads to irregular and uncertain employment, to an expensive system of taxation that is deceptive in not showing its cost to the people and unjust in not being apportioned according to the property of the tax-payer. Let us have then all the statistics that this bill proposes and all the information that they can afford. The advocates of revenue reform will take all the risks of defeat that are liable to follow, upon any proof that figures can offer, to show that taxation enriches any country or makes its citizens more happy and prosperous. And if the statistics collected by this bureau when established shall help to blaze the path and turn the course of legislation to that broad highway of unrestricted commercial liberty where no taxation is laid or subsidy levied upon any class of citizens, section of country, or business interest for the benefit of some other, they will do more, in my judgment, Mr. Chairman, for the relief of the wage laborers of the United States than any special legislation that may be asked or that can be devised.

Pension Laws.

SPEECH
OF
HON. D. B. HENDERSON.
OF IOWA.

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 21, 1884.

On the bill (H. R. 6535) to regulate the granting of pensions in certain cases, which reads as follows:

"*Be it enacted, &c.*, That every person specified in the several classes enumerated in the pension laws of the United States, who served in the field in the military or naval service, in any war in which the United States has been engaged, for a period of three months or more, and has an honorable discharge, and is not receiving a pension or a greater pension than that provided for herein, but who, by reason of any wound, injury, or disease which there is probable cause to believe originated in said service in line of duty and not the result of his own misconduct or bad habits or other known cause occurring since such service, is now disabled, in whole or in part, for procuring his subsistence by manual labor, shall, upon making due proof of the facts under such regulations as may be prescribed by the proper authority, not inconsistent with the provisions of this act, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; the true physical condition of the claimant to be ascertained and certified as provided by law upon examination by a competent board of surgeons duly appointed; such pension to commence at the date of filing the application therefor. And any person who has filed, or may hereafter file, an application for a pension under the act of July 14, 1862, and acts amendatory thereto, or under any act entitling him to arrears, may, by a declaration over his own signature, attested before any officer duly authorized to administer oaths for general purposes, elect to prosecute his said claim under this act, which election shall be final; and in such case his pension, if allowed, shall begin from the date of filing such declaration of election.

"SEC. 2. That in considering the claims of dependent parents the fact and cause of death, and the fact that the soldier left no widow or minor children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support.

"SEC. 3. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, and served for a period of three months or more, that fact shall be sufficient *prima facie* evidence that he was then in good health and free from the disease or cause of disability for which he claims a pension; but such evidence shall be subject to rebuttal by record or other positive evidence of the prior existence of such disease or cause of disability: *Provided*, That no agent, attorney, or other person shall demand or receive any fee for his services in any pension claim arising under this act, until the payment of the pension, not exceeding $10 in amount."

Mr. HENDERSON, of Iowa, said:

Mr. SPEAKER: I am in favor of this bill. In some respects it is a step in the right direction, though far from covering all the ground that should be covered in order to do justice to the soldiers, to their widows, and to their children. I regret that this bill has been presented to the House to be considered under a suspension of the rules, thus cutting off all opportunity for amendments that are needed. I regret that the committee did not ask the House to make this bill a special order, so that it might have that full consideration to which the persons sought to be benefited are entitled at our hands. The first section of the bill should be amended in several particulars. It does not go far enough. On the 7th day of January last I introduced a bill (H. R. 1983) which I think more nearly presents what is needed. My bill is as follows:

Be it enacted, &c., That from and after the passage of this act every person who, having enlisted in the regular or volunteer Army or Navy of the United States in any war waged by the United States, or in time of peace in the regular Army or Navy of the United States, and specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and amendments thereto, shall be shown by the records of the War Department to have rendered three months' actual service and to have received an honorable discharge from such service, and who, upon a careful and thorough examination by a duly appointed and qualified board of examining surgeons of the Pension Bureau, shall be found to be unable by reason of physical disability, not resulting from bad or vicious habits, to earn his subsistence by his own labor, or shall be found to have reached the age of sixty-five years and is dependent upon his own labor or the charity of others for maintenance and support, shall, upon making proof of such last-named facts, to wit, to have reached sixty-five years and to be dependent as aforesaid, according to such forms and regulations as are or may be provided in pursuance of law by the Commissioner of Pensions, be placed on the list of invalid pensioners of the United States, and be entitled to receive for a total disability or a permanent specific disability such pension as has been or may be hereafter provided in such cases, and for an infirm disability, except in cases of permanent specific disability, for which the rate of pension is specifically provided, an amount proportionate to that provided for total disability. And such pension shall commence upon the date of filing a formal and duly executed declaration therefor, and continue, in case the same be granted for a disability, during the existence of such disability; and in case the same be granted on account of age and dependence, during life: *Provided*, That any applicant for invalid pension having an application therefor pending, and any person coming within the provisions of this law, who shall hereafter file his application for such pension, may, by declaration executed before an officer authorized to administer oaths for general purposes, having a seal, elect either to prosecute his said claim under the provisions of this law, or under the provisions of the act of July 14, 1862, and the acts amendatory thereof and additional thereto now in force, or hereafter enacted; but having so elected to prosecute his said claim under this act, he shall not be permitted to change such election, but shall be bound thereby, and his pension, if allowed, shall commence on the day of filing such declaration under this act, or upon the day of filing his declaration of election if his claim shall have been heretofore filed: *Provided further*, That the grade of pension allowed under this act shall be fixed solely upon the degree of disability found to exist as aforesaid, and shall be based upon the amount now allowed by law, or that may be hereafter allowed, to an enlisted man for total disability, and in accordance with the law now in force granting a higher grade of pensions to such enlisted men; but in no case shall rank fix the grade of pension to be allowed under this act.

SEC. 2. That nothing in this act shall be taken or held to repeal any laws now in force relating to pensions, except as to the classes and in the manner herein stated.

It will be seen by a comparison of the first section of H. R. 1983 with the first section of the bill now before the House that the committee have adopted a part of the provisions of the bill which I had the honor to introduce. But the present bill does not go far enough; and since the committee that has brought in this bill has taken the pains to consolidate several bills before them, it is to be regretted that they did not go further and cover all the ground which experience teaches us should be covered in order to do justice to this important subject of pensions.

This bill will go far, however, toward correcting many of the difficulties in the way of honest and deserving claimants, and I am grateful to the committee for giving us this much by way of relief.

I do not like the last clause of section 3. I would move to strike that out if it were proper to do so under the iron rules of this House. I contend that evidence to rebut the presumption that the soldier was sound at enlistment should not be required. In most instances a man deserved all the greater credit and kind consideration because he entered the Army though not perfectly sound. We were glad enough to get them as they were. We appealed to them to enlist. We urged them to leave wife, children, home, and enter a service promising disease and death; and now to let this rich Government, saved and prosperous, turn upon these men and say that they can not be pensioned because they were not sound and well when they entered, life in hand, for the nation's defense is a proposition so cruel and unjust that it can not pass without my condemnation.

I have said on this floor on a former occasion, and I repeat it here, that the Government should now be estopped from saying that her soldiers, her defenders, her saviors were unsound at enlistment, when the Government through her own examining surgeons pronounced them sound and was only too glad to get them into the ranks. I say that if the United States accepted the services of a man who had but one arm and he served faithfully as a soldier and received an honorable discharge, he should now receive the same pension as one who lost an arm in battle.

I would also move, if it were possible, to strike out the words "which there is probable cause to believe originated in said service in line of duty." This provision was not in the bill introduced by me, and it will I fear continue the very difficulty that I aimed to destroy and that I urged upon the attention of the committee in my argument in behalf of my bill. Unless the Pension Bureau shall give this section a very liberal construction, the soldier, though broken down and ruined in health by his army life, may still be called upon for proofs which death of comrades, lapse of time, and perhaps poverty or ignorance may put beyond his power to produce.

What member of this House representing a district where Union soldiers are to be found has not become disgusted and indignant at the trouble that the soldier and the soldier's parents, wife, and children are subjected to in order to establish their claims under existing law? Poor fellows who can hardly read, though they could "dress up" for an attack and could aim an Enfield with a true and steady hand, put in their claims and for years are loaded down with long letters and printed circulars complicated enough to distract a "Philadelphia lawyer." They are required to prove that they were well when they enlisted, and since the war they must show all medical treatment from year to year with an accuracy involving the need of a daily journal of events to have been kept not only by their physicians but by themselves. Under our present laws the educated or rich soldier, able to employ talent, can get his proofs up in proper shape, and can get his pension, while the poor fellows who did just as good fighting, and whose

honest poverty may have deprived them of education, go year after year without their well-deserved pensions, and wonder if, after all, "republics are ungrateful."

I have a simple rule. It is this:

First. Was the claimant in the service three months, say long enough to have "served" in the sense that every soldier understands?

Second. Was he honorably discharged?

Third. Is he now disabled without such disability being caused by bad or vicious habits?

If those three questions can be answered in the affirmative, then I say it is the duty of this Government to give him his pension, to give it promptly, and not to wear out his life, the little he has left, in hunting up proofs that are not attainable in more than half the cases.

I am glad to find by repeated consultations with our able and large-hearted Commisssioner of Pensions that his experience has made him a courageous advocate of the rule just laid down.

I wish it were possible to make it certain by proper amendment that the bill before us contains in section 1 these needed elements. I fear it does not, though I believe the committee intended that it should.

I shall vote for the bill and gladly, only regretting that it does not go further and that it does not make certain the legislation which the sentiment of the country demands for her loyal sons.

The Tariff.

SPEECH

OF

HON. WILLIAM McKINLEY, JR.,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 30, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. McKINLEY said:

Mr. CHAIRMAN: I do not intend to be drawn into any extended discussion of the two systems of levying duties upon imports, upon which the two political parties of the country are in conflict, except as such discussion may be necessary to the consideration of the bill now before us.

It is gratifying to know that at last the true sentiment of the Democratic party of the country dominates the party in which it has so long been in the majority, and no longer submits to the dictation of a factious minority within its own ranks. It is gratifying because the people can no longer be deceived as to the real purpose of the party, which is to break down the protective tariff and collect duties hereafter upon a pure revenue basis, closely approximating free trade. Patent platforms and the individual utterances of Democratic statesmen will no longer avail, and false pretenses can no longer win.

A HORIZONTAL REDUCTION.

The bill reported from the Committee on Ways and Means is a proposition to reduce the duties upon all articles of imported merchandise, except those embraced in two schedules, to wit, spirits and silks, 20 per cent. It is to be a horizontal reduction, not a well-matured and carefully considered revision. Its author makes no such claim for it; but confesses in his recent speech that, while a revision and adjustment are "essential," "they are believed to be unattainable at the present session of Congress." It admits of no exception or discrimination, except only that the proposed reduction shall not operate to reduce the duty below the rate at which any article was dutiable under the tariff act of 1861, commonly called the Morrill tariff, and in no case shall cotton goods pay a higher rate of duty than 40 per cent. ad valorem, and wools and woolens a higher rate than 60 per cent. ad valorem, and metals a higher rate of duty than 50 per cent. ad valorem.

With these exceptions and qualifications only 80 per cent. of the duties now imposed by law are to be collected under the bill we are now considering.

The friends of this measure have felt called upon in advance to apologize for the smallness of the proposed reduction, and attempt to conciliate that large majority of their party which is in favor of the English system by declaring that this is only a step, and the first step, in the direction of the ultimate enactment of a pure revenue tariff. It is the first move toward the destruction of that system of tariff duties which has been recognized in this Government from its foundation as essential to its revenues and the proper care of its own industries.

WHICH MEANS A TAX UPON TEA AND COFFEE.

It is not because they are favorable to protection, even incidentally, that only 20 per cent. reduction is proposed, but because believing this is all they can accomplish this year they invite all the friends of tariff reform to join them, with the assurance that next year and for the following years additional steps will be taken which will ultimately bring our tariff taxation to a strictly revenue basis; which means a tax upon tea and coffee and such other articles as we can not produce or manufacture in the United States, and the release of all others from customs duties.

My distinguished friend, the chairman of the Committee on Ways and Means, shakes his head in disapproval of that proposition. Why, this theory of taxation is as old as the Democratic party, and in the Forty-sixth Congress my distinguished friend and colleague [Mr. HURD] introduced into this House a joint resolution a copy of which I have in my hand—he one of the most conspicuous leaders of the free-trade party here to-day—and he distinctly declared in the ninth section of that joint resolution that to the end the present tariff shall become one for revenue ONLY the following changes should be made:

1. Upon all dutiable articles producing little or no revenue to the Government the duty should be returned to a revenue basis or they should be placed on the free-list.

2. The duty on tea and coffee shall be restored.

And that is what a revenue tariff means. It means collection of revenue upon the fewest possible articles, chiefly of necessity, that are consumed by the people of this country.

Mr. HAMMOND. Will the gentleman permit me to ask him a question?

Mr. McKINLEY. Certainly.

Mr. HAMMOND. What became of that resolution?

Mr. McKINLEY. It was not passed by the Forty-sixth Congress. It was undertaken to be passed, but no vote was ever had thereon.

A MEMBER. That was a Democratic Congress.

Mr. McKINLEY. Yes, the Democrats were in control; but that Democratic Congress failed to do a great many things which it believed ought to be done. It lacked the courage of its convictions. The truth is, that has been the trouble with the Democratic party for the last twenty-five years in failing to enforce its true convictions.

Mr. HAMMOND. That was the argument or the opinion of one man, but not of the party.

Mr. McKINLEY. It was not only the opinion of one man, permit me to say, but that resolution was reported to this House by the chairman of the Committee of Ways and Means, upon which committee was found such gentlemen as the distinguished Speaker of this House and the eminent gentleman from Virginia [Mr. TUCKER]. Whether it was the voice of this House or not, it was the voice of that great committee which was the organ of this House on all economic questions.

THE FIRST ASSAULT UPON DISCRIMINATING DUTIES.

So that before we enter fully upon the discussion of this particular measure we might as well understand that this is but the first assault, which is to be followed by a succession of assaults, to the total overthrow of the protective system; and that the fight we now make is not against this bill only, but is directed as well against that which will surely follow if we permit this incipient step to be taken. This apprehension is fully justified by the report of the majority and by the utterances of the advocates of the bill, who do not hesitate to say that this is only "a measure of partial relief." "It is," says the chairman of the Committee of Ways and Means, "but an advance toward a more complete revenue reform." "It is," says the gentleman from New York [Mr. HEWITT], "a step in the right direction, but it does not go far enough. It does not touch the heart of the question. It is the entering-wedge." While my friend from Texas [Mr. WELLBORN], who concluded his speech a moment ago, declared this was the initial step which doomed protection.

This is notice of Democratic purpose without cover or concealment, and the friends of protection therefore know what this bill means. The issue is made up. The gage of battle is thrown down—we cheerfully take it up, and appeal to the people, whose servants we are and to whose will, legally expressed, we will give cordial acquiescence.

THE BILL TOO AMBIGUOUS FOR A PUBLIC LAW.

My first objection to this bill is that it is too ambiguous and uncertain for a great public statute. It will involve dispute and contention upon nearly every invoice, and will lead to frequent, expensive, and annoying litigation. It will be difficult, if not impossible, of execution, requiring mathematical experts to determine the assessable duty upon practically every bill of imported goods. It will not only require mathematical experts but it will require a judge familiar with the interpretation of law to give construction to and harmonize if possible its several inconsistent and conflicting provisions. I doubt if any member of the Ways and Means Committee would be bold enough to venture upon its administration, certainly my friend from Texas [Mr. MILLS] would not be willing to undertake its execution; and I am sure that the chairman, if himself required to give it force and construction, would never have brought it into this House, and would be the first to pray for its repeal.

On a large number of articles under the bill the duties will be determined by the Morrill tariff of 1861. Under the cotton schedule there will be four classes; flax, four classes; metals, twenty-one classes; books and sugar, one class each; wood, two classes; earthenware, two classes; provisions, four classes; chemical products, six classes; sundries, twenty-

three classes, the duties upon which the act of 1861 will determine and control, so that the Morrill act will be in constant requisition and use in the determination of duties. It would have been better legislation upon the part of the majority, more certain and statesmanlike, to have proposed a re-enactment of the Morrill tariff, taking it as a whole, than the uncertain and incongruous bill they now offer.

Again, where an article pays an ad valorem rate under one act, and a specific or compound rate under the other, difficulties at once arise. Of these there are one hundred and eighteen classes, of which only four pay a specific duty under the act of 1861, and only three pay an ad valorem duty, and four pay compound duties under the proposed bill—the remainder pay specific duties.

These represent cases only where there is no doubt of the effect of the bill, and this is the legislation which the statesmen of the Forty-eighth Congress offer us.

Mr. MORRISON. Would the bill commend itself to the favor of the gentleman if the Morrill tariff clause was stricken out? Would the gentleman then give the bill his support?

Mr. McKINLEY. I would answer my distinguished and honorable friend by saying that I would not support this bill if it was a straight 20 per cent. reduction of the duties of 1883, and I will tell him why I would not. Some articles of imported merchandise can better stand a reduction of 20 per cent. than others. A 20 per cent. reduction will destroy some of the great manufacturing industries of the United States, while a few others might live. It would be death to some and only distress to others. Take twenty inches off of the leg of the distinguished chairman of the Committee of Ways and Means and you would still leave a stump, but take twenty inches off of one of the smallest persons to be found about this House and you would leave him without any stump at all. [Great laughter on the Republican side.] That is why I would not vote for a simple 20 per cent. reduction, horizontally applied to every article imported into this country.

Mr. TUCKER. That is a good stump speech. [Laughter.]

THE BILL IN SOME OF ITS PROVISIONS INCAPABLE OF EXECUTION.

Mr. McKINLEY. To resume: There are other articles not included in either enumeration. There will be found many difficult and perplexing questions arising from the various rates of duties under the two acts. It will be difficult, if not impracticable, to conform the rates under the act of 1861 to the classification and description of articles and the rates under the act of 1883. Where the description or classifications are different, how will you ascertain the dutiable rate? The mode of levying either the ad valorem, specific, or compound duties are so confusing, requiring so much calculation, that it is almost impossible to disclose in the time allotted to me the difficulties to be encountered in the endeavor to administer the proposed bill. To illustrate, take iron ore; an article subject under the act of 1861 to an ad valorem rate, and under the proposed bill to a specific rate. The rate under the present law is 75 cents per ton, and by the bill under consideration is subject to a reduction of 20 per cent., making it 60 cents per ton. Under the act of 1861 it is subject to a duty of 20 per cent. ad valorem. There was imported in the year 1883, 609,322 tons of iron ore, at an average cost of $2.61 per ton. The average price of $2.61 per ton is an exceptionally low price. A large proportion of the importations of this article the last year must have cost more than $3 per ton. If there should be none costing above $3 there will be no difficulty, but if it should cost over $3, say $3.05 per ton, the 20 per cent. duty will be 61 cents, and the duty under the proposed bill would, instead of 60, be 61 cents, and so on, varying in every instance where there is any excess of $3 per ton. By a reduction of one-ninth of the proposed specific rates or its equivalent ad valorem, 22.73 per cent., we reduce it below the act of 1861, and in every case where the value exceeds one-sixth or more of the present value of $2.61 per ton the rates would have to be readjusted; so that in a cargo of 1,000 tons or less there may be a dozen different rates.

Take files, rasps, and floats. The difficulties are greatly increased. Under the act of 1861 these are dutiable at 30 per cent. ad valorem; under the act of 1883, at so much per dozen, according to length. There are four classes—from four inches and under; from four to nine inches; from nine to fourteen inches; and over fourteen inches—all at different rates. You must ascertain the exact value of each per length, and calculate upon each to find the precise reduction or rate, so as not to be below the rate of 1861 or above the maximum rate, as provided for in the proposed bill. A similar difficulty is found as to wood screws, where the rates are so much at variance.

I would like some of the advocates of this bill to sit down and make a calculation upon the articles I have named and give their dutiable rates. I am sure before they have finished their work they would pronounce this bill too complicated for human ingenuity and too uncertain for public law.

The bill is full of just such complications and abounds in incalculable inconsistencies and confusion, is indefinite and indeterminable, and is the work not of experts, is the outgrowth not of knowledge or information or study of the subject, but rather of the desire to do something—to take one step, no matter where it leads or what results may flow.

Sulphur under the act of 1861 paid a duty of 20 per cent. Under the proposed bill, $8 per ton—equal to 20.56 per cent. A slight rise of one-fortieth of the present cost would have the effect of changing the proposed rates, and the rates would be different upon every invoice valued in excess of $40 per ton. Take brass sheathing or yellow metal, gold-leaf, metallic pens, grindstones, chloroform, hops, magnesia (calcined), sal-soda, &c.: the change in values (and values are constantly changing) would make the duties different and the difficulties of ascertaining them increased. In every instance where the specific is substituted for the ad valorem rate, or *vice versa*, the value of each invoice would have to be ascertained to find out the equivalent specific for the ad valorem rate of 1861, and perhaps in one single cargo there would be a dozen or more different rates upon the same article, though these articles might vary very slightly in value.

ABSURDITIES OF THE BILL.

The absurdities of this bill, says an officer conversant with the revenue law, will be apparent to any one at all familiar with the practical workings of our complicated tariff. By law the collector is charged with deciding the rate of duty and the appraiser with determining the value. Practically, however, the appraising officers indorse upon the invoice both the statement of value and the rate of duty which in their judgment the goods should bear. At the larger ports of entry, like Boston and New York, this work is generally done by the grade of officers known as examiners, and their returns are generally accepted by the collector as the basis for liquidating the entry. We will then see what work an examiner would have to do in computing the rates of duty, taking first, say, cotton goods.

Under the tariff of March 3, 1883, cotton thread and cotton yarn pay eight different rates of duty dependent on value, the duty ranging from 10 cents to 48 cents a pound.

The examiner will have first to determine the value of the merchandise, and which of the several eight different rates of duty it has to pay. Then he will have to take 80 per cent. of the rate applicable and see what ad valorem rate it amounts to. Then, if the rate is higher than 40 per cent. ad valorem, all his labor has gone for naught, for the goods are to pay no higher duty than 40 per cent. ad valorem, except such 40 per cent. may be lower than the duty imposed by the Morrill tariff of 1861. So he examines the Morrill tariff and finds that spool and other thread of cotton pay 30 per cent. ad valorem; that cotton yarn and cotton warps were not mentioned therein, and so probably fall into the classification of manufactures of cottons not otherwise provided for, which also pay 30 per cent. ad valorem; so once more he raises the duty up again to 40 per cent. He next takes an invoice of cotton cloth and attempts to classify it. The rates of duty on cotton cloth are dependent upon various criteria: First, upon the number of threads to the square inch; second, whether the goods are unbleached; third, whether they are bleached; fourth, whether they are dyed, colored, stained, or painted. These complex conditions have to be ascertained and the rates of duty per square yard first applied to the act of March 3, 1883. When the amount of duty on this basis has been ascertained, the appraiser strikes off 20 per cent., making the 80 per cent. under the Morrison bill. Then he has to appraise the goods for value, and if 80 per cent. of the rates imposed by the act of March 3, 1883, does not exceed the 40 per cent. restriction of the Morrison bill the examiner may rest contented unless he again finds that his work is overruled by the remaining conditions found in the act of 1861, which may determine the whole thing.

In the act of 1861 the rate of duty was dependent upon, first, whether the goods exceeded 140 threads to the square inch, then from 140 to 200; then for goods having more than 200 threads to the square inch. In the act of 1883 the duty is dependent, first, upon goods having less than 100 threads to the square inch; then between 100 and 200, and then exceeding 200; so that the conditions and classification of the two acts are not the same.

Now take Schedule K, relating to wool and woolens. By the Morrison bill 80 per cent. of existing duties are to be imposed, provided that none of the goods contained therein shall pay a higher duty than 60 per cent. ad valorem, coupled again with the check found in the Morrill tariff. The duties imposed by this schedule have been carefully adjusted with reference to the various qualities of goods, their position in the trade, and to a large extent with reference to the position they occupy in the various branches of American manufactures. It is now symmetrical, and easily understood. To say that no goods under that schedule shall pay any more than 60 per cent., as does the Morrison bill, is to do violence to whatever principle there may be in the schedule. Besides, in comparing the wool tariff in the act of March 3, 1883, with that in the Morrill tariff, it is found that the groups and classifications are so entirely different as to make comparison in many cases impossible.

Now, turn to the iron tariff. Eighty per cent. of the existing duties are to be imposed on articles in Schedule C, provided that none of the articles shall pay higher duties than 50 per cent. ad valorem.

If there is any merit whatever in the tariff as it now stands as a protection to American manufacturers in their competition with the cheap labor of Europe, by which they have been enabled to develop the various branches of American manufactures, a reduction to a common level of 50 per cent. ad valorem is neither sensible nor just. By such a rule there are many articles on which the duties have been carefully

adjusted, where the ad valorem duty of 50 per cent. would increase the trouble consequent upon undervaluations.

Then again, the bill provides that when under existing law any of said articles are grouped together and made dutiable at one rate, nothing in that act shall operate to reduce the duty below the highest rate at which any article was dutiable under the Morrill tariff. What is meant by grouping together is not explained by the chairman of the committee, and will prove a constant source of contention and litigation.

In the act of 1883 iron or steel wire of various dimensions have separate classifications. The rates have been carefully adjusted. In the Morrill tariff wire not less than one-fourth of an inch in diameter is classified with steel in ingots, bars, and sheets, and is dutiable at various rates, according to value, beginning with 1½ cents per pound or 2 cents per pound, according as the value is over or under 7 cents; but then again, taking the tariff of 1883, we find that iron or steel wire above No. 5 is not enumerated, and pays 45 per cent. ad valorem duty, so that we have to ascertain whether the 45 per cent. ad valorem, less the 20 per cent. reduction, is more than the 1½ cents per pound or 2 cents per pound imposed by the Morrill tariff.

The changes in trade or commercial designations of the various manufactures of metal since the Morrill tariff was enacted have been so great that the present tariff bears no comparison to it. Therefore it would be in many cases difficult if not impossible to tell to what group many of the articles should be assigned.

The ambiguity and uncertainty in the tariff seriously embarrass all branches of trade as well as the administrative officers of the Department. If a person is intending to engage either in the manufacture or importation of any article affected by the tariff, he naturally wants to know beforehand the rate of duty he will have to pay or the amount of protection he will find in the existing tariff. He gets no light from this bill. He must grope in the dark.

In ascertaining the rate of duty on an article that pays a compound duty—that is, a duty upon both quantity and value—under the proposed bill, and an ad valorem or specific rate under the act of 1861, a mathematical calculation would be necessary in each case to ascertain what rates to assess; first, to ascertain whether it is at or above the rate named in the act of 1861, or as to the restriction of the proviso in the proposed bill touching cottons, metals, and woolens.

And all these absurdities, complications, and incongruities a majority of this House and the people of this country are asked to submit to and solemnly enact into public law because there are gentlemen who are unwilling to sit down and carefully mature a discriminating tariff act.

THE BILL UNSCIENTIFIC—A CROSS-CUT MEASURE.

The advocates of this bill criticised the Republicans of the last Congress because of the creation of a tariff commission, asserting that such action was a confession of the incapacity of a majority of the Committee on Ways and Means to revise the tariff. By reason of incapacity, as they declared, the committee farmed out the subject to a commission of nine experts. Much opprobrium was sought to be put upon the majority because of its alleged abrogation of a constitutional duty. What can be said of the capacity of the majority of the Committee on Ways and Means as evidenced by the bill now before us? It is a confession upon its face of absolute incapacity to grapple with the great subject. [Laughter and applause on the Republican side.] The Morrison bill will never be suspected of having passed the scrutiny of intelligent experts like the Tariff Commission. This is a revision by the cross-cut process. It gives no evidences of the expert's skill. It is the invention of indolence, I will not say of ignorance, for the gentlemen of the majority of the Committee of Ways and Means are competent to prepare a tariff bill. I repeat, it is not only the invention of indolence but it is the mechanism of a botch workman. A thousand times better refer the question to an intelligent commission which will study the subject in its relations to the revenues and industries of the country than to submit to a bill like this.

They have determined upon doing something, no matter how mischievous, that looks to the reduction of import duties; and doing it, too, in spite of the fact that not a single request has come either from the great producing or great consuming classes of the United States for any change in the direction proposed. With the power in their hands they have determined to put the knife in, no matter where it cuts nor how much blood it draws. It is the volunteer surgeon, unbidden, insisting upon using the knife upon a body that is strong and healthy; needing only rest and release from the quack whose skill is limited to the horizontal amputation, and whose science is barren of either knowledge or discrimination. And then it is not to stop with one horizontal slash; it is to be followed by another and still another, until there is nothing left either of life or hope. And the doctrinaires will then have seen an exemplification of their pet science in the destruction of the great productive interests of the country, and "the starving poor," as denominated by the majority, will be found without work, shelter, or food. The sentiment of this country is against any such indiscriminate proposition. The petitions before the Ways and Means Committee from twenty to thirty States of this Union appeal to Congress to let the tariff rest where it is, in general, while others are equally importunate to have the duties on two or three classes of American products raised. The laboring men are unanimous against this bill. These appeals should not go unheeded. The farmers for whom you talk so eloquently have not asked for it. There is no appeal from any American interest for this legislation.

It is well if this bill is to go into force that on yesterday the other branch of Congress, the Senate, passed a bankrupt bill. It is a fitting corollary to the Morrison bill; it is a proper and necessary companion. The Senate has done wisely, in anticipation of our action here, in providing legal means for settling with creditors, for wiping out balances, and rolling from the shoulders of our people the crushing burdens which this bill will impose.

REDUCTIONS OF THE LAW OF MARCH 3, 1883.

The chairman of the committee reporting the bill falls into a grave error, not intentionally of course, in his use of the table furnished by the Chief of the Bureau of Statistics which, if not explained, may mislead. It will be found that the reduction secured by the bill of last year was not as is alleged, but far greater, as I will show:

Value of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the ad valorem rate of duty collected during the six months ended December 31, 1882 *and* 1883.

	Six months under the old law—1882.			Six months under the new law—1886.			Difference in rates.
	Value.	Duty.	Rate.	Value.	Duty.	Rate.	
	Dollars.	*Dollars.*	*Per ct.*	*Dollars.*	*Dollars.*	*Per ct.*	*Per ct.*
Sugar and melada.	44,432,311	23,180,590	52.17	46,793,822	23,520,030	50.26	1.90
All other dutiable goods	216,423,926	88,085,917	40.70	189,104,287	72,994,106	38.59	2.11
Total	260,856,237	111,266,507	42.65	235,898,109	96,514,136	40.91	1.74

It will appear from the above statement of figures that there has been a reduction in receipts of duties amounting to $14,752,371 notwithstanding an increase of rates upon earthenware and china and on still wines, on champagnes, which are included in the foregoing importations under the head of "all other dutiable goods." The small difference of 1.74 per cent. shown by the table exhibited by the chairman of the Ways and Means Committee in his report accompanying this bill between the old law and the act of March 3, 1883, is delusive and arises from the low price of sugar and other merchandise since the new law went into effect, and therefore does not fairly disclose the actual percentage of reduction.

In the year 1882 there was imported 976,099,448 pounds of sugar, valued at $44,432,310 at a specific rate of 2.37 cents per pound, equal to 52.17 per cent. ad valorem at an average value of 4.55 cents per pound; while in 1883, 1,205,893,322 pounds, valued at $46,793,822 at an average specific rate of 1.95, equal to 50.26 per cent. ad valorem at an average value only of 3.88 cents per pound, being 14.72 per cent. less than cost of 1882. The difference between 2.37 cents per pound in 1882 and 1.95 cents per pound in 1883 is .42 cent per pound less, or a reduction of 17.72 per cent. on sugar.

The importation of sugar in 1883 was one-fifth of the value of the entire importations, and it is fair to assume that the exceptionally low price of other imported articles will fully account for the small apparent reduction shown by the table of the chairman of the committee.

WILL NOT REDUCE THE REVENUE.

This bill will not secure the results claimed for it by its advocates in decreasing the revenues of the Government. The history of all tariff legislation is that a decrease of duty increases the imports temporarily and therefore swells the revenue from that source. The honorable gentleman from Virginia [Mr. TUCKER] said in a speech in this House on May 8, 1878, that "a decrease of duty will increase the imports still more," and of course add to the revenues.

The gentleman from Connecticut [Mr. EATON] in his speech made on the 26th of March said of this bill:

> The theory of my friend from Arkansas, like the bill of my distinguished friend the chairman of the Committee on Ways and Means, has not been quite sufficiently well considered, because that bill if it ever becomes a law will increase the surplus in the Treasury and not decrease it.

Mr. HEWITT said March 27, 1884:

> But what I fear in regard to the bill reported from the Committee on Ways and Means is it may be delusive in that particular, and so far from being a measure of reduction of revenue it may turn out to be a measure for increase of revenue. I do not say that it will be so. I hope that it will not, but if the free-list is made larger, if it is extended, then it is certain that the revenue will be reduced, but it is only by enlarging the free-list that we can be sure of any such result.

Mr. MILLS said that "this bill would increase importations" and correspondingly increase the revenues against which every interest is opposed. Failing to accomplish that, where is the virtue of this measure; what effect can it have except to disturb the business of the country, diminish values, and decrease the price of labor?

NO DEMAND FOR THIS LEGISLATION FROM THE MASSES.

The gentleman from Texas [Mr. MILLS] is greatly mistaken in the opening of his speech on the 15th, when he declared the demand for a

reduction of duties upon imports was universal throughout the United States. He omitted to state from what source he derived his information and from what quarter this demand came. I have been unable to find a single petition presented to this House or referred to the Committee on Ways and Means by the House suggesting, much less demanding, the reduction of import duties proposed by this bill, or any other reduction of customs duties. On the contrary, the petitions have been uniformly in opposition to the enactment of this measure.

I have been unable to find any sentiment in the United States, except in the utterances of the Democratic majority in this House, and outside of the city of my distinguished friend [Mr. DORSHEIMER] who sits before me, being the free-trade clubs of his and the neighboring city of Brooklyn, any sentiment in favor of the passage of this bill. There is where it exists, and it is remarkable fact that that class of gentlemen "neither sow nor reap, and do not gather into barns."

Mr. KASSON. And the lilies?

Mr. McKINLEY. Yes, the lilies. "They are like the lilies of the field; they toil not, neither do they spin." [Laughter.]

They have fixed incomes, belong to the independent and wealthy classes, who now buy most of their goods abroad and hope to buy them cheaper if the duties are reduced.

THE BILL A BLOW AT THE FARMERS OF THE COUNTRY.

The gentleman from Texas justifies his advocacy of this measure on the ground that it is in the interest of the farmers of the United States, and a large portion of his speech was devoted to showing that with this reduction the markets of the world would be open for the competition of our food producers. Why, sir, they are open now. He announced the startling doctrine that a foreign market was better than a home market for the farmer; that is, it was better that the farmer should ship his products to other nations rather than to sell them to consumers at home, and that the tariff was a restraint and obstruction to the sale of our products abroad. He did not disclose how or in what way. I take it the farmer will send his products abroad when there is a demand for them, and only then. He did not show us in what way the benefit was to accrue. He did not demonstrate that the price received by the producer would be larger if sold to a foreign consumer than if sold to our own people.

It has always seemed to me that it was infinitely better that the farmer should have a market at home, a market at his very door, than to be compelled to seek a market in distant countries and among distant populations. As long as there is a demand at home it is a self-evident proposition that it is better than to seek consumers abroad, and that the home demand is safer, more reliable, and more profitable than any foreign market can possibly be. American buyers are the best in the world. He did not tell the committee what is the fact, that 90 per cent. of the food products of the United States is consumed at home, and that only about 10 per cent. has to find a market abroad. He differs, too, from his colleague [Mr. HEWITT, of New York], who said in his speech, March 27:

Now how can the farmer be benefited? What does he want? He wants to sell his productions at a higher price. And how is he going to sell his products at a higher price as the grain trade stands to-day? The markets of Europe are overcrowded with food products. To-day the farmer is met at Liverpool and London by the food products of India, and that competition so far from being less is going to increase. Therefore the farmer has reached the limit of the demand for his products in foreign lands. Where, then, is he to find his market for them? He must find his market at home, and how is he going to get it at home? Why, only by one method—manufactures must be fostered and grow and not be diminished.

Mr. MORRISON. What per cent. is consumed by the manufacturing people?

Mr. McKINLEY. They consume all that they need and no more; and the gentleman's proposition would drive these workingmen, who are the consumers of the products of the farm, out of the industries and force them into the great fertile lands of the West, and instead of their being the consumers of the products of the farmer they would become his competitors.

This foreign market, for which every tariff idealist and every Democratic free-trader longingly sighs, is only mythical in the present condition of our country. We should capture the home market, first get control of it, before we seek the foreign one. We can not command a foreign market until we can control our own. It seems to me that proposition is so plain and palpable that it must commend itself to every intelligent man.

FREE RAW MATERIAL A DELUSION.

This talk about free raw material and the necessity for our having it to compete with the markets in other lands is wholly ideal. Raw materials are partially free now when manufactured for export purposes, and any citizen of the United States can import a large number of materials and manufacture them, and if he exports he receives back from the Government 90 per cent. of the duty he paid upon such article or material.

Sections 3019, 3020, 3021, 3023, 3024, and 3026 of the Revised Statutes of the United States declare in their several provisions that certain materials imported here for manufacture, when put into the finished product and exported, the manufacturer is entitled to a return of all the duty paid less 10 per cent. So that if we are ready now for the foreign market, if we are ready to compete with England and France and Belgium by the use of free raw materials from the other side, we have them in a large measure now, and no further legislation is needed to encourage our export trade. When we get able to supply ourselves with all the articles we use and employ, we can then address ourselves more intelligently to the foreign trade. This bill will aid in diminishing our great market for agricultural products. The market which consumes 90 per cent. of our farm products is worth preserving and infinitely more important and valuable than any other.

Let me pause here to say that free raw material has nothing to commend it to legislative favor which is not common to every other American product. The same necessity for protection, within reasonable limits, applies to what are commonly called raw materials as to the finished or more advanced manufacture. There is no such thing as raw materials distinguished from other products of labor. Labor enters into all productions, the commonest as well as the higher forms.

The ore costs something to mine it; the coal, to take it from the ground; the stone, to quarry it; much labor enters into the production of wool; leather costs something to tan; and to the extent that labor enters into their preparation, what are usually termed raw materials should have ratable protection with the completed product. Pig-iron is the raw material for bar-iron, and yet no one has been heard to advocate free pig-iron. Cloth is the raw material for the tailor, the finest steel is the crude material of the watchmaker, and so on interminably. There can be no just line drawn, and no reason exists for such a discrimination. When the country is ready for free trade let us have it in all things without exception or restriction.

GROWTH OF POPULATION OF THE UNITED STATES.

We forget in all our discussions the growth of the population of of the United States. We forget that about every twenty years a nation of people come to our shores, whose labor we employ and whose wants we supply. Our population in the last fourteen years has increased fully 17,000,000—half of the entire population of Austria, three times the population of Belgium, 70 per cent. more than the entire population of Brazil, equaling the population of Egypt, and one-half of the population of Great Britain and Ireland. These become the consumers of the products of the farm and increase them, and enlarge our market. They are the best customers and the most certain and reliable.

A HOME MARKET FOR FARMERS—A LOW TARIFF DESTRUCTIVE OF AGRICULTURAL INTERESTS.

The farmer is best off with a home market. The farmer himself knows this, and no amount of rhetoric can deceive him. The gentleman from New York [Mr. HEWITT], himself a practical business man, recognizes it. The fathers of the Republic saw it and proclaimed it. We can only have a profitable home market by encouraging manufacturing industries. "Plant the forge by the farm" is the old doctrine, and it is as true now as it was when uttered.

Mr. Ewing, of Ohio, a distinguished United States Senator, expressed the necessity for manufacturing and its benefits to agriculture in the following language, on February 17, 1832, the tariff then being under consideration in the Senate:

In short, every portion of the world was searched by our intelligent merchants, and all combined did not furnish a market adequate to our surplus productions. Every farmer in Ohio long knew and felt the pressure consequent upon this state of things. Year after year their stacks of wheat stood unthrashed, scarcely worth the manual labor of separating the grain from the straw; so low was it reduced in comparison with manufactured articles that I have known forty bushels of wheat given for a pair of boots. Such was the state of things in the Western country prior to and at the time of the revision of the tariff in 1824.

Then, sir, at the period of which I am speaking, 1822, 1823, and 1824, which I refer to as the season of the greatest agricultural depression, especially in the West, we had supplied and were supplying every country upon the globe with our products to the extent that they would receive, and even beyond it. We had glutted every market, and by the excess of the supply which we furnished we lessened the aggregate sum which we received in return. This was the case with every article of our products, whether of the forest or the field; everything which we had to export or which our labor would produce, and which could be made the subject of exchange, was sent abroad and exchanged for foreign manufactured articles.

The state of things which I have dwelt upon somewhat at large was that of our whole country in 1823-'24. It was in the situation of the farmer, with his ten boys, who could find employment but for eight; and such more especially was the situation of the Middle and Western States. The low state to which our farming interest was reduced, the low price to which our fine lands and the products of our lands had sunk, produced unexampled pecuniary distress and called aloud for relief. Our statesmen were not slow in discovering the cause of the evil and in applying the remedy; hence their united support of the tariff of 1824, the merit of which I claim for them, for the Middle and Western States.

This honorable Senator graphically describes the effect upon agriculture of the low tariff prior to 1824, and subsequent history and experience are only confirmatory of what he so strikingly said then. And to this feast the controlling wing of the Democratic party invites you.

WHAT PROTECTION HAS DONE; CONDITION OF THE COUNTRY UNDER IT.

We invite your attention to another and better picture. The growth of this country in the last twenty years is the wonder of the world. Our manufacturing products have increased from $1,885,000,000 in 1860 to $5,369,000,000 in 1880. The agricultural development shows a like gratifying progress. There was an increase in the acreage in farms from 407,000,000 acres in 1860 to 536,000,000 acres in 1880, an increase of 32 per cent.; and in the value of farms an increase from $6,645,000,000 in 1860 to $10,197,000,000 in 1880. We started in 1830 with 23 miles of

railway. In 1860 we had 30,635 miles; in 1880 we had 84,393 miles; in 1881 we had 94,147 miles; and now we have about 120,000 miles. Our material wealth has increased beyond parallel in everything which goes to make a nation strong and self-dependent. The energies of our people have opened up new avenues of industrial development, have overcome what seemed insuperable barriers. The finances of the country were never in better condition than to-day. Our exports during the last fiscal year were over $804,000,000, as against $733,000,000 during the preceding year, an increase of nearly $71,000,000. The value of the exports of manufactures from the United States during the last year was $112,000,000 in round numbers, as against $103,000,000 during the preceding year, and exceeded the exports of any previous year in the history of the country. Our exports have exceeded our imports over $100,000,000, so that the balance of trade is in our favor. We are rapidly reducing the national debt, and have been doing so for years at an unexampled rate. Interest-charge has been reduced, and we present the spectacle of a government, in less than twenty years from the close of a great, destructive, and wasteful war, with unprecedented credit and a surplus of revenue in the Treasury.

This has all been accomplished during an era of protective tariffs, which the free-traders characterize as extortion and robbery upon the people, destructive of their energies, and obstructive of industrial progress and national development. How it contrasts with the low tariff period from 1847 to 1860, when we had practically a revenue tariff, such as is advocated by the Democratic party of to-day! It was a period of universal business depression, deficiencies in the public Treasury, when both nation and individuals were compelled to borrow money at the most exorbitant rates of interest; and it was in this condition that the Republican party found the country when it came into power on the 4th of March, 1861. The Democratic policy of the tariff was immediately reversed; and the splendid achievements in every department of industrial activity, the large revenues of the Government, its improved credit, and its present flourishing monetary conditions are the highest vindication of its policy. Every class in the country has been benefited. The necessities of life have been cheapened to the consumer. Every article of merchandise that has been made possible of manufacture in this country by reason of protective duties has been cheapened, and none have been enhanced in price.

ENGLAND WANTS THIS LEGISLATION.

England is more concerned to-day for the passage of this bill than any citizen or class of citizens of the United States, unless it be the importers. She is watching with the deepest concern the progress of this bill, and she does not refrain from saying that if it becomes a law it will put money into the pockets of her manufacturers. She does not hesitate to declare that from selfish motives she wants the full success of the Democratic party in this measure. Here is what her trade papers say.

The London Iron and Coal Trades Review for December 7, 1883, says:

Our best customer for iron, steel, hardwares, and many other goods has long been the United States, notwithstanding the very heavy duties that are there levied, and the greatest interest is always manifested by our business men in American politics where they are likely to affect the tariff. It is pretty evident that the protectionists are no longer to have it all their own way.

The Machinery Market, a London publication, said in January last:

The year is likely to see important political changes on the other side of the Atlantic which will have their influence on business here. Events move rapidly in America, and the coming triumph of the Democratic party there means the triumph of the free-trade movement in the States. It is not to be supposed that there will be free imports into the States, but "a tariff for revenue only," which is the leading cry of the Democrats, will open an immense additional field for the sale of English manufactured goods in the States.

The same journal said in March last:

It appears, therefore, on the whole we are buying nearly as much in the way of manufactures in iron and steel, machinery, &c., from the States as we are selling to them. The result must be looked upon as miserable, and is not equal to our position as a manufacturing country. The United States is a producing country, not a manufacturing, in the sense to which we apply this term to ourselves. It is high time we turned our attention actively elsewhere for a better customer, not forgetting all the same to watch the opportunities which the tariff reduction in the States will open out to us.

The London Iron and Coal Trades Review for February 8, 1884, says:

Though our trade with the United States has fallen off very much of late, that country still occupies the position of our leading customer, and every change in its condition yet has its influence upon our market. It is, therefore, important to notice that the intelligence from the other side has been of a rather more encouraging character during the last few days.

At present, and for some time past, there has been little chance of supplying English pig-iron at a profit in the States, owing to the very low prices of native iron. But the most satisfactory news is that on Monday Mr. MORRISON, the chairman of the Ways and Means Committee, introduced another tariff bill in the House of Representatives. Considering that it was only last year that a tariff bill was passed, which considerably reduced the duties on a large number of articles, the introduction of another bill so soon affords a sign that the protective doctrine is a good deal "played out." The new bill proposes a reduction of 20 per cent. in the duties, to take effect from July 1. Mr. MORRISON and his colleagues, who have drawn up the bill, have shown their wisdom in placing in the free-list a number of raw materials, such as copper and iron ores, slack, and coal.

They had not seen the amended bill when this article was written; for iron-ore, &c., have been left out of the new revision.

Mr. MORRISON. I would be glad if it was in.

Mr. MCKINLEY. I have no doubt you would be glad if it was in; and I am only surprised the distinguished gentleman should have permitted his own convictions to be overruled by that little factious element in his own party that would control legislation. [Applause.]

Though the bill may not pass without considerable modification, it will probably result in a substantial reduction.

To these opinions we may add the following blunt but frank admission by the London Spectator on the 8th of December last:

Of course the North of England holds that American free trade would be greatly to the interest of British manufacturers.

And this from the Pall Mall Gazette:

The progress of the Morrison bill will be watched with considerable interest by English exporters to the American market, inasmuch as it can hardly fail to tend in their favor.

This deep solicitude of our English friends is of course unselfish and philanthropic; it is all for our benefit, for our good, for our prosperity. It is disinterested purely and arises from the earnest wish of our English manufacturers to see our own grow and prosper.

They want this market. It is the best in the world. They can not get it wholly while our tariff remains as at present. They can not get it so long as our manufactures can be maintained. They must be destroyed, their fires must be put out, and this Congress is to-day engaged in an effort to help England, not America, to build up English manufacturers at the expense of our own.

DEMOCRATIC TRIUMPH A VICTORY FOR ENGLAND.

The foreign manufacturers do not conceal their deep interest in the success of the Democratic party. They do not conceal the reason for such interest. It is because the party stands for a doctrine which will break down American competition and open up the market of this great nation to the products of English skill, English labor, and English capital. Why, sir, they saw the first glimpses of the realization of their theories in the elections throughout this country last fall. They heralded as the dawning victory for free trade the triumph of that sentiment in the organization of this House in December last. That victory was welcomed everywhere upon the other side and by the importers on this. There was not a manufacturer in England who did not see in that overwhelming defeat of the protection sentiment in the Democratic party, in the setting aside of one of its oldest and most trusted leaders, gain and prosperity to him, distress and loss to his American competitors. They rejoiced and were made glad.

IMPORTERS CELEBRATE DEMOCRATIC VICTORIES.

One firm of importers celebrated that free-trade victory by christening a line of English goods with the significant trade-mark, "The Carlisle shape" [laughter and applause], and published it as "the coming thing" [applause], named in honor of Speaker CARLISLE, to whom the country looked to reduce the present outrageous tariff on crockery. [Applause.] This Democratic House is now employed in the direction of this suggestion under the leadership of my distinguished friend, Mr. MORRISON. This line of goods named for one of the ablest and purest Democrats in the House or the country comes from his representative capacity. He stands at the head of a great political organization committed to the English system, which all England believes will increase her prosperity and enrich her manufacturers.

These goods, made in a foreign pottery with foreign materials, foreign labor, and foreign capital, are fittingly crowned with the head of the British lion. [Applause.] Pass this bill and you will all have shapes and be honored with like manifestations of approval. [Applause.] I know my honored friend the Speaker craves no such distinction; I know he would shrink from such public demonstrations of approval, and I believe he will not feel flattered by this well-intentioned compliment; but they could not avoid expressing in some public way their appreciation of his victory. This is but an advanced manifestation of the joy which will be felt on the other side should the bill pass.

A PROGRESSIVE MEASURE.

This bill is a progressive measure. You can discern that at a glance. It commences where we started in 1860, and occupies the ground we broke twenty-four years ago and which we abandoned long since. It has none of the virtues of originality, and the chief claim to merit is the fact that it is something a little like what we approved in 1860, forgetful of the fact that in 1860 we were legislating for 30,000,000 of people, and now have 55,000,000, and that all the economic and industrial conditions have changed. It was a good thing then, wise and necessary. Your party then opposed it, and now that we have outgrown it, advanced from it, you are ready to adopt it. We are glad even at this late day to have your approval of that great measure, which served its purpose at the time—and it was a high and noble one. We would have been more gratified could you have seen its merits a generation ago, when it was alive and in force, and suited to our needs and essential to our then revenue necessities and industrial development.

FREE TRADE CONTRADICTIONS.

There is a remarkable exhibition of free trade confusion and contradiction in the speech of my learned colleague [Mr. HURD] made in this House on the 8th of April last, in his discussion of the wool bill.

First. He asserts that the manifest effect of an increase of the duty upon wool is to increase the price of woolen goods, because it adds to the price of the wool, to which he is unalterably opposed because it im-

poses new burdens upon the consumers of wool, who use it "as a shelter to the houseless and a covering to the shivering."

Second. He asserts that a high duty upon foreign wool means a low price for American wool, the logic of which is that the higher the duty upon the foreign article the lower the price of the domestic one. Now if cheap wool be the real necessity of the manufacturer, as my colleague states in his first proposition, to the end that the laboring man may have cheap goods, then, according to his second proposition, the way to secure it is to increase the duty.

If he would do that the wool-grower would be satisfied and the consumers for whom he speaks ought not to complain.

He does not stop with the mere assertion that protective duties have lowered the price of wool to the consumer, but he gives historical facts. He says "during the low duties on wool from 1847 to 1861 the farmers got 5 cents per pound more for their wool than they have received from 1867 until now under the high protective tariff adopted in the year last named." He enforces his argument by invoking the experience of England and France, and if his proposition be true then protective duties are not added to the cost of the imported goods, and if he wants cheap wool for his shivering consumers the course to pursue is not to reduce the duty on wool as proposed in the Morrison bill, but to increase it as provided for in the Converse bill; and according to his second proposition the latter would secure cheap wool.

A FREE TRADER CONFESSES AMERICAN MANUFACTURERS MAKE A MARKET FOR THE FARMERS.

I was glad, too, to find my colleague conceding, as he did, "that it is the American manufacturer who makes the market for the American farmers, and just as he is prosperous or depressed is the price of wool high or low," and the same must be true of every product of the farm. So that if we would bring prosperity to the American wool-grower and the American farmer, we must foster and encourage and maintain our woolen and other manufactures at all hazards, and this can only be done by adequate duties levied upon foreign goods which compete with our own manufactures. Free trade or a revenue tariff will glut this market with foreign woolens made by foreign labor cheaper than our own, and the effect will be to break down our woolen factories "which makes the market for our own farmers." This is the proposition of the Morrison bill, plain and simple, or else this market will be overcrowded with foreign wools admitted at low duty, the effect of which will be to force ruinous prices upon our own producers and eventually destroy this valuable production in the United States.

I warn you that every assault made upon the woolen manufacturer, no matter how slight, is directed alike at the wool-grower. You can not cripple the one without diminishing the value of the other. The woolen manufacturers do not want free wool. They so declared before the Ways and Means Committee. They require our wools, and it will be to their serious disadvantage to curtail the production in the United States. The wool-grower does not want woolen goods to come into this country free of duty. They want a market. They know that when the manufacturer thrives the price of wool is good and firm.

AGRICULTURE AND MANUFACTURES ESSENTIAL TO EACH OTHER.

Agriculture and manufactures should go hand in hand; the one enriches the other, the one trades with the other—they are mutually dependent one upon the other. There is no conflict of interest. Agriculture increases in its products and its wealth with the growth and increase of manufactures. Prices are better, steadier, and more reliable to the farmer with prosperous manufacturing industries employing labor which consumes and does not compete with his products. Impair or destroy our ability to manufacture, strike down any of our great manufactures, and the farmer would be the first to seriously feel the loss. Dismiss the army of operatives from the workshop and send them to the great unoccupied and fertile lands of the West and the farmer would not only lose just so many consumers or customers, but more than that, he would find them as his competitors in the field of production.

THIS BILL WILL REDUCE THE PAY OF WORKMEN, SKILLED AND UNSKILLED.

Finally, and of greater importance than all else, the effect of this bill will be to reduce the price of labor in the United States.

My friend the chairman of the Committee on Ways and Means indicates dissent by his manner.

Mr. MORRISON. We are doing that every day.

Mr. McKINLEY. Yes; it has been done. If the gentleman will remember, there has been general depression all over the world, and wages have stood some reduction. But the proposition you make today, if it goes into operation, will inevitably reduce the price paid labor in the United States.

This is the inevitable logic of the bill, and no amount of argument can escape it. Said an intelligent manufacturer, Mr. Day, of Ohio, in his statement before our committee:

No reduction of duty can be made without crippling our manufactories. There is no point on which we can make a reduction of cost, except on our skilled labor, unless we are compelled to cut down the wages of common labor and all. We get our common labor at the market price, which is fixed not by us, but by the price of common labor in the neighborhood. We get our coal, as cheaply, of course, as we can. We get our sand as cheaply as we can. We get our materials of all sorts as cheaply as we can. And there is nothing on which there is a range, or on which we can make a reduction, except skilled labor. Therefore, whatever reduction of duty is made must of necessity, to a very large degree, fall upon our skilled labor.

Mr. MORRISON. Is that the same Mr. Day who imports his labor?

Mr. McKINLEY. It is the same Mr. Day. And do you object to it?

Mr. MORRISON. Yes, sir; I do.

Mr. McKINLEY. You object to his importing labor?

Mr. MORRISON. Certainly.

Mr. McKINLEY. Then I want to say if the gentleman from Illinois objects to his importing labor into this country he does more than his associate on the Ways and Means Committee of this House [Mr. HEWITT] does. When Mr. Day was being examined he put the question to him: "Did you import skilled labor into the United States?" And Mr. Day said he did, and the gentleman from New York [Mr. HEWITT] proclaimed, and it is in the public record, that Mr. Day was a *benefactor*. And the gentleman from Alabama [Mr. HERBERT] and the gentleman from Texas [Mr. MILLS] did not think Mr. Day had any apologies to make; and the gentleman from Texas who sits before me does not think so now.

I am not here to justify or defend Mr. Day. I am not here to defend any manufacturer or his methods. But I am here to say that just to the extent you reduce the duties on imports to that extent the prices of labor must come down in order to enable us to compete with the manufacturers on the other side. That is the inevitable logic. Give us as cheap labor as they have in England (which I do not want) and we need no protection. [Applause.]

Let me call a witness from the ranks of the advocates of this bill.

Said Mr. Theodore W. Morris, of New York, an importer and free-trader, before the same committee:

Mr. McKINLEY. Do I understand you to say that the reduction proposed by the pending bill would not affect the rate of wages? I thought you said it would.

Mr. MORRIS. I said that that was the usual tendency; not that it necessarily would do so.

Mr. McKINLEY. What do you say about it now?

Mr. MORRIS. That that has been usually the tendency. I think that that has been the experience; but I do not admit that it is a necessity by any means.

Mr. McKINLEY. What would be the effect of a reduction of duty upon importation; would the importation increase?

Mr. MORRIS. I think that if we could possibly dissipate these false and unbusiness ideas (in reference to special legislation) that any people go into business from philanthropic motives and in the great interest of American labor, and if you could put them closely and fairly on a business basis, there would be very much less of these troubles. I have no disposition to go into abstract propositions. We are meeting at this time an exceptional, phenomenal condition of affairs. We have an unusual and exceptional price paid for labor, which is in, my judgment, beyond all wisdom. If I cared to do so I could mention facts which would show how absurd these conditions of affairs are, and how frequently and how naturally they follow special legislation.

Mr. KELLEY. State wherein the absurdity of the prices which we pay to labor consists.

Mr. MORRIS. That demands, perhaps, an extended answer, and is also an abstract proposition which I do not feel competent to answer, except so far as my individual convictions go.

Mr. KELLEY. That is what we want.

Mr. MORRIS. Because it establishes, first of all, a basis for legislation, and because all admit that that is a very dangerous thing in this country. It establishes a basis for legislation, because in all the debates that take place in Congress we shall have brought up to us this illustration, how magnificently American labor is paid—

The free-traders do not like this form of discussion—

We shall have brought up to us the fact that we pay American labor 200 or 300 per cent. more than is paid to the pauper labor of Europe. These will be established as precedents to form the basis of many arguments. You will naturally see that the condition is an exceptional condition, an unhealthy condition. Another very serious difficulty about it, and which I think an absurdity, is that it is the creation of an additional obstacle to anything like an uniformly just price for labor, when normal conditions exist, because these men receiving (as I understand they are receiving) a large advance over their average compensation will not be content, when the conditions of the market readjust themselves, to accept a reduction of wages; and anything in the shape of economy will be repugnant to them. That is another reason why I think the condition unfortunate. Manufacturers are creating for themselves an obstacle which in the future will be a severe trial to them.

THE LABORING MEN DECLARE THAT THIS MEASURE WILL REDUCA THEIR WAGES

Said Mr. Thomas Williams, a workingman who appeared before the committee:

They had been asked to come here and state how the workingmen looked at the matter of the proposed tariff reduction, and how it affected workingmen. He was aware that it was often said that the tariff upon imported goods was of no benefit to the workingmen. He was not a public speaker, and had never been accustomed to anything of the sort. He worked in the mill and earned his own living by boiling or puddling, and he thought he knew something whereof he spoke. He happened to have been born on the other side of the Atlantic, and he had worked in an iron mill in England for some time, so that he could tell the committee from his personal experience how the matter was in free trade England and how it was in America. He had worked in England five years in what was known as the Dowlais works. He had been puddling there for five years, and the wages which had been paid to him were about 5*s.* 6*d.* a ton, or at the rate of $1.25 for puddling iron. And even at that the men did not get very steady work. At the end of the week, when they got their pay and paid out of it for their living, there was not very much left to themselves. He was aware that it was often said that living was cheaper in England than in this country, but he denied that statement. He had lived or lodged (as it was called there), paying so much a week for his room, and letting the landlady buy his food for him. He did not live there as workingmen lived in this country. For instance, in the morning when he got up to go to work he got a cup of tea and a piece of bread and butter. At dinner time he got perhaps a little meat, but not always. He generally managed to eat meat at dinner three or four times a week, but never except at dinner. In the evening for tea, as it is called, he sometimes got bread and butter, and if he wanted to be extravagant he might eat an egg or two, but that was accounted a great extravagance. The women earned in the

Dowlais works about 9 pence a day, or 18 cents. They were employed in unloading coal and in throwing coal out of the cars, and otherwise doing the coarse work of men. If one of them got a shilling a day it was considered good wages.

He contrasted the condition of affairs in that country under free trade with the condition of things in America; and what did he find? He found that the puddler or the boiler in this country was paid $5.50 a ton. He was aware that in some parts of the country men were working for less than that, but in Pittsburgh and west of Pittsburgh they were receiving $5.50 a ton for puddling; and what was the result? The men in the old country got only $1.25 per day at the highest average, while here they got $3.25 or $3.50 a day. It occurred to him, as an American citizen, that it was not right for American lawmakers to go to work and say to the men who had left England and come to this country with the intention of benefiting their own condition that they must now compete with that same system of labor which they had in England. He ventured to say (and he thought the facts would bear him out) that if the proposed tariff were enacted into a law the time was not far distant (if workmen had any work at all here) that they would have to compete with English labor, and would have to live just as workmen lived in the Old Country. As an American citizen he objected to that. He did not believe that the workingmen of America should be compelled to compete with the pauper labor, or the comparatively pauper labor, of England or of any part of Europe. He had a somewhat extensive acquaintance with workingmen in that country. At the Dowlais works, where he had worked, there were employed altogether about 15,000 men, including the iron-ore miners, coal-miners, the blast-furnace men, and the men who worked in the mills. And of all that number he did not know more than two or three men who owned their own homes.

Said Mr. A. C. White, another workingman:

He had come to request that the pending measure be not passed, believing that it would not only injure the workingmen but the public at large.

He believed that at the present time any tariff legislation would be injurious to the best interests of the country. The workingmen protested against further action being taken in the matter until the tariff bill of last winter should have been sufficiently tried. It was yet an experiment and it was not known whether that bill would be for good or for evil. A great many of the workingmen held that the tariff legislation of last winter was unnecessary, uncalled for, and unwise.

They believed that this country should have a good protective tariff for various reasons. The workingmen of this country did not desire to be brought down to the level of English workingmen. They believed that workingmen being American citizens were entitled to all the rights and privileges belonging to them. They had a right to live decently and respectably and to be able to clothe and educate their children, to send them to college and fit them to be members of Congress and Senators, if need be. The workingmen were part of the people and they believed that legislation should be for the benefit of the people as a whole.

Said Mr. D. T. Williams, another workingman:

The impression seemed to have gained ground that manufacturers who came here came all the time for their own benefit merely. He wanted to impress upon the committee the fact that it would be a benefit to the workingmen as well to let the tariff remain as it is and not to lower it, because if the tariff were lowered their wages would be lowered on the 1st of June next.

The officers of the Amalgamated Iron and Steel Association made like statements, enforcing them with facts and figures, and I notice by the public press that a few days ago the officers of one of the leading labor organizations of the country met in the city of Pittsburgh, as is the rule of their order, to agree upon the rates of wages to be submitted to their employers for the ensuing year, and after discussion agreed upon a schedule of prices to be insisted upon, provided the Morrison bill was not enacted into law; and if it was, then they would be compelled to submit lower rates. The workingmen themselves, without exception, recognize the inevitable reduction of the wages of labor under the operation of this bill. The reduction of labor in any branch of industry, or the diminution of the power to employ labor, leads to a reduction in the labor price in every field of employment. Not only do the workmen recognize this hard fact, but the manufacturers as well. Said Mr. HEWITT, of New York, in his speech March 27 last:

Now comes the question, how can you make manufactures grow? How can you enlarge their area?

You must therefore cheapen cost. How can you cheapen the cost of manufactures? In only one of three ways. The cost of manufactures consists in capital, labor, and materials.

Can you cheapen capital? To-day capital is cheaper in the United States than in any other country in the world.

Can you cheapen labor? Where is the man who is going to run next fall for Congress who will get up here and say he will advocate any policy which will reduce the wages of labor?

Then you are brought down by the very necessities of the case to cheapen raw materials. Now, how can you cheapen raw materials? Only by removing the duties which press upon them. And when you have taken the duties off raw materials you have protected the manufacturer, because he can produce his ware cheaper; you have protected the laborer because the necessity for reducing his wages, which otherwise would exist, is avoided.

But this bill does not give the raw materials required by the gentleman from New York [Mr. HEWITT], so that the reduction of the labor is inevitable to cheapen the cost of production. This conclusion can not be avoided under the bill now before us.

The difference in the cost of labor in other countries and this, which enters into the product which competes with ours, must be equalized by the tariffs or the higher wages must come down.

Mr. HEWITT admits this difference. My friend from Illinois [Mr. MORRISON] seemed to dissent a moment ago when I said there was a difference in the rate of wages.

Mr. MORRISON. I did not, sir. There is a great difference in the rate of wages in some industries, and some difference in all.

Mr. MCKINLEY. I beg the gentleman's pardon. The gentleman from Illinois, in view of the statements I have made within the last five minutes, now admits there is a difference. I thank him for the frank confession.

Mr. MORRISON. I have never denied it. The gentleman knows he is mistaken. I have admitted it in every speech I ever made in this House.

Mr. MCKINLEY. I have some of the gentleman's speeches here; I do not care to go into them; but I have always understood from the gentleman that while there might be some small difference in the wages between the two countries the wages brought more on the other side, would buy more of the necessities; while there might be a little difference in the sum total of pay received there was practically no difference when the purchasing power was taken into account.

Mr. MORRISON. That is a different question, and one about which I have not spoken.

Mr. MCKINLEY. Well, if the gentleman never said it, it certainly has been said by those who advocate this bill. I would not do him any injustice. I know that it has been said over and over again that this difference in the cost of labor which we talk about is wholly visionary.

AMERICAN WAGES THE BEST IN THE WORLD.

Our wages are higher here than in any other nation of the world, and we are all proud and grateful that it is so. I know it is denied, but experience outweighs theories or misleading statistics. One thing we do know is that our work people do not go abroad for better wages, and every other nationality comes here for increased wages and gets them. The gentleman from New York [Mr. HEWITT] does not seek to escape this difficulty by a denial, but frankly said in a speech made in the first session of the Forty-seventh Congress: "But the difference in wages does exist, and there are branches of industry which can not be carried on without an equivalent compensation in the form of protective duties or of a bounty from the public Treasury. In Great Britain and the United States the rate of wages is on the average about 50 per cent. higher here than there." He puts it much too low.

We are confronted with this problem at the very threshold of this discussion, and we must meet it. The proposition of the chairman of the Committee of Ways and Means will result in reducing the wages of labor or the destruction of many of our most valuable industries, and the deprivation of employment to thousands. The one or the other alternative must come; either will be most disastrous and attended by business depression and individual suffering.

We must not reduce the price paid to labor; it is already sufficiently low. We can only prevent it by defeating this bill, and it should be done without unnecessary delay. The sooner the better, and remove this menace which hangs over all of our industrial life and threatens the comfort and independence of millions of American workingmen.

WOOL INTERESTS ASSAILED BY THE BILL.

The bill strikes down the duty upon wool, and under its provisions the duty on wool valued at over 24 cents, is to be 9 cents per pound.

The duties under the present law are, on wool valued at 30 cents or less, 10 cents per pound, and over 30 cents, 12 cents per pound. This enormous reduction is proposed in the presence of a universal sentiment among the farmers of the United States for an increase of duties upon foreign wools, and in the face of Democratic assurances in at least one State of the Union that the duties should be increased. Great solicitude is displayed by our opponents for the farmers of the country. And yet in the only case where they can be directly benefited by a protective duty it is proposed to wipe it out. They are rich in professions to this great producing class, but barren of fulfillment.

ALL INDUSTRIES INJURIOUSLY AFFECTED BY PROPOSED LEGISLATION.

Every one of the leading industries of this country will be injuriously affected by this proposed change, and no man can predict the extent of it. Cottons and woolens, the producers of wool, iron, steel, and glass must suffer disastrously if this bill is enacted into law, and the proprietors of these establishments are neither robbers nor highwaymen, as the free-traders love to characterize them. They have been real benefactors, and while some of them have grown opulent, in the main they do not represent the rich classes of the country. Their entire capital is in active employment. Many of them are large borrowers. Your proposed action will affect the values of their plant, useless except for the purposes employed, will diminish the value of their invested capital, will decrease their sales and the ability of their customers to buy, and in many cases result in total overthrow and bankruptcy. You can do this if you will. You have the power in this House to accomplish this great wrong, but let me beg of you to pause before you commence the work of destroying a great economic system under which the country has grown and prospered far in advance of every other nation of the world. A system established by the founders of the Government, recognized by the first Congress which ever sat in deliberative council in this nation, sanctioned in the second act ever passed by Congress, upheld by our greatest statesmen, living or dead, vindicated by great results and justified by all of our experience, achieving industrial triumphs without a parallel in the world's history. Its maintenance is yet essential to our progress and prosperity. The step proposed is a grave one. No man on this floor can determine its consequences or predict its results.

A LEAP IN THE DARK.

It is a leap in the dark. No interest is pressing it. No national necessity demands it. No true American wants it. If it is a party neces-

sity to enforce Democratic doctrines and discipline a little segment of the party, you can afford to wait, or clear your decks of mutineers in some other way; let the ship be saved and punish your insubordinate associates without endangering great interests temporarily confided to your care. The interests of this great people are higher and greater than the ambitions or interests of any party. The free-traders have already demonstrated that they are in control of the Democratic party, that they are a large majority of that political organization; but they are happily in the minority in the country. They may dictate the policy here by party caucus, they may disturb the business of the country while yet in power, but they will not, under the policy they are now pursuing, be long permitted to dominate the popular branch of Congress, happily the only branch of the Government which they now control. [Great and continued applause.]

Bureau of Labor Statistics.

SPEECH

OF

HON. THOMAS J. WOOD,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. WOOD said:

Mr. CHAIRMAN: It is difficult to say what is the best thing to do for the laboring people of the country. The bill under consideration requires a special investigation of the subject of American labor and a report of the result to Congress. I favor the bill, because it may be the means of ascertaining the best way to confer substantial benefits upon a most deserving class of our people. I favor all the labor relief bills before Congress so far as I have examined them, though I confess I believe many of them will confer no immediate or lasting benefits.

The real question at issue is an important problem, now engaging the best economic thinkers. Where will the line be drawn between labor and capital, that will not invoke a conflict between them? Capital without labor would be devoid of results, and labor without capital would come down to distress. The tendency of past legislation has been very favorable to the former. In truth, about all its demands have been granted while the rights of labor have not been correspondingly recognized. Capital has been aggregated very largely in the highly protected industries. The evil of this is apparent. Labor is well distributed over the country. It can not aggregate itself like capital. It would be far better for labor and the country if capital was more evenly distributed and employed in stimulating diversified industry, giving laboring men much more employment. The tariff law, unequal in its protection, has had the effect to dwarf or crush diversified industry by withdrawing active capital for investment in the highly protected industries. These are conducted largely by labor-saving machinery.

I think a high protective tariff the worst foe we have to American labor. It gives high profits to large investments in certain kinds of industry, and every system is adopted or machine purchased that will do away with laboring men. If the tariff act was reformed, the highly protective duties cut down, profits would be lower but reasonable; then the great inducements for centralized capital would cease, and it would go all over the country to establish other but useful industries. One great and highly protected industry, such as iron or steel, woolen or cotton, having from $500,000 to two or three millions invested, with its labor-saving machinery, does not employ a tithe of the labor that would be employed if this aggregated capital was divided among a dozen different and necessary industries. This would curtail the manufacture of iron and steel, woolen and cotton goods; but then the mills would not stop at all on account of overproduction, the markets would become more stable, and labor in them would be more evenly employed, while the other useful industries would become prosperous and useful to the country and hire much labor seeking employment. Capital rarely engages in any single industry to such an extent as to cause the volume of its products to exceed supply and demand, unless it is stimulated by ulterior forces, like the protective tariff. One great trouble about labor now is that there is not a sufficient market for its products, and one able to consume them.

The great interest, indeed the greatest interest that laboring men can have, is in a large and consuming market for the products of their labor. The home market is necessarily limited, and this would naturally cause them to seek the foreign markets. If all the products of American labor could find ready and willing markets we could only imagine the extent of our industrial prosperity. But the foreign market is made nearly impossible by the protective tariff. Protection benefits the manufacturer, but not the laboring man. Labor and labor wages is in the market like anything else. Supply and demand govern its prices. Competition fixes wages. If the aggregated millions drawn into the few highly protected industries were divided among diversified industries there would not be such competition in labor, and its scarcity would give better wages. Every laboring man ought to see the evil of a protective tariff, as bearing directly against his welfare. Again, it collects from him and other people indirectly and deposits over a hundred millions in the national Treasury from year to year. This volume of capital withdrawn from the business of the country lessens its extent and activity, and bears directly upon the question of labor. I would benefit labor by reforming the tariff, reduce tariff taxes, and cut off this unnecessary and idle surplus; leave it back among the people, to be used by them in all their business affairs necessarily conducted by labor.

I am not pleased at the manner the managers of the highly protected industries treat the labor of the country, and yet I see no remedy but to prevent so much concentrated capital, and a rigid reform of the tariff law will do this and bring no evil. It will only reduce manufacturing capacity in certain industries, and that will be a benefit and not an injury, and the whole country, with its unemployed labor, will receive new life and energy by the capital seeking different industries. These managers come before the committees of Congress and tell roseate stories about the wages of their laboring men, and it is fair to say hardly a word of it is believed, for it is so utterly inconsistent with the distress of labor nearly everywhere, as is known by resolutions and appeals made to Congress for its more adequate protection. These very managers employ nearly 64 per cent. of foreign labor, and yet talk so blandly about protection to American labor. The great industries, with shameful profits, pay the lowest kind of wages. They do not consider how much a laboring man can live for and educate himself and family, but ask, How cheap can his labor be had? They get labor at the cheapest rate, while their profits are abnormally high; and if they can not get home labor cheap enough to suit them, they make labor contracts in foreign countries and import it. I am down on this business. Their hypocrisy is amazing when they urge protection for American labor. This burning wrong has no parallel in industrial history outside of the United States.

I would benefit labor by reforming the present unjust and unequal tariff. I would benefit labor by prohibiting the indigent-labor contract system. I would compel prison contractors to pay the State authorities the full value of prison labor, as that would limit the present system and make prison labor not more advantageous to capital than the useful labor of the country. I would preserve the public lands for homesteads for laboring people more than for any other class, for the reason that they may have a home and a good source for a living during times of superabundant labor through the country. I would benefit labor by enlarging the markets for the products of labor. I would go into the markets of the world with them.

The products of our lands, of our exhaustless mines, can give employment to unlimited labor for centuries to come provided the products of labor can find a free and willing market. The great problem is extended markets. The protective system limits the markets to our own people. This policy says to all Europe and the South American States that America will not trade with you. They in turn say they will not trade with America. We can not expect large foreign markets for our agricultural and manufactured products when we place an embargo, through a protective tariff, upon the trade of other countries. Other countries would trade with America, but the American protective policy makes their trade with America expensive to them.

Sir, this policy means that all the world shall keep away from our shores. It means that merchant vessels loaded with the rich cargoes of other climes shall lower sail and turn back. It means less production in the great Mississippi Valley. The owners of millions of grain raised in the grandest valley of the world must cease all transportation to the seaboard over the waters of the great river that rolls majestically down to the sea. The products of labor must halt at the ocean's wave. No one needs to be told that if the products of American labor can not be sold that labor must go unemployed. The great interest of labor is the open markets of the world. If this sends the money and products of other countries home, it also sends all our products out, and this keeps labor in active and well-paid employment.

The protectionists say that the workmen of other countries are poor and do not live as well as our own. I think that is true; but what is the cause of it? Protection has no more to do with it than the cyclone has to do with the moon. England, France, and Germany have people and resources near enough like our own for comparisons. In those countries the population is very dense, there being two hundred and twenty-seven to the square mile, while in this country there are only fourteen to the square mile. Make due allowance for uninhabitable regions and sixteen to two hundred and twenty-five would be a fair estimate. Now, who wants to be told that fourteen persons can live better than two hundred and twenty-five can on a square mile of land? Of course there are more poor people in those countries and more poverty and distress there, because their population is fifteen times more dense than ours is. You increase our population fifteen times, make it 750,000,000 of people instead of 50,000,000, and I warrant just as much poverty and distress in America as in England or other countries.

The skilled labor of England employed in mills and factories gets as good pay as our own, and there is no inducement on the score of wages for it to come here. But what does protection offer to laboring men outside of the manufacturing industries? Can it speak for the great mass of labor all over the country? Certainly not. The protective system unfairly and unjustly taxes labor for the profit of the manufacturer. Why, the tariff taxes are double on cheap goods, such as poor people must buy to clothe themselves and families, what it is on fine grades of goods purchased by people of ample means. The reason for this higher tariff tax was this: There are about forty millions of our population, old and young, poor people and people of small estates. High duties on low-priced goods would bring enormous profits to the manufacturer. The lower the price of the goods the higher the duties is the character of the present law. Why, it benefits wealth more than labor every time. Again, it unequally taxes the poor. Why? Here is a poor man worth $800. There is a rich man worth $200,000. The tariff on woolen or mixed woolen goods is 65 per cent. The poor man buys $50 worth in a year and pays an extravagant tax of $32.50 on his purchase. The rich man pays the same tax also when he buys protected goods, but the most extravagant consumption of woolen goods by him will not make his indirect tax near as heavy as that paid by the poor man, according to property values. The rich man and the individual and corporate wealth of the country do not begin to bear the indirect taxation that laboring men bear with those people owning small estates. In proportion to his means the wealthy man pays nothing to what the poor man pays when he buys protected goods. Labor is more interested in a reform of the present unjust and unequal tariff law than anything else before the country.

I want to see the laboring man with power to claim American citizenship as his own without the fear of discharge. His labor is on the auction block, with competition for the auctioneer, and his labor is bid in at what capital will give for it. He can not fix the price for his daily toil. I want him to be more than a slave. I want him to be a man, feeling proud of the elective franchise, the last great right of the American citizen, to remedy evils in the policy of this Government.

Bureau of Labor Statistics.

SPEECH

OF

HON. THOMAS M. FERRELL,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. FERRELL said:

Mr. CHAIRMAN: The Committee of the Whole having under consideration House bill No. 1340, I desire to give brief expression to my views in advocacy of its passage. The short time allotted for its discussion, however, will only permit me to glance at its more important provisions, and comment for a few moments upon the beneficial results which I am persuaded will flow from the bill, if it shall become a law, in affording much needed relief to the pressing wants of our toiling masses.

It provides for the creation of a bureau of labor statistics, and reads as follows:

A bill to establish and maintain a department of labor statistics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established and maintained at the seat of Government a bureau of labor statistics, which shall be under the charge of a commissioner of labor statistics, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioner of labor statistics shall hold his office for four years, unless sooner removed, and shall receive a salary of $3,500 a year. The commissioner shall acquire all useful information upon the subject of labor, its relations to capital, and the means of promoting the material, social, intellectual, and religious prosperity of the laboring men and women; and to this end he shall inquire into the various industries of the United States; the capital invested therein; the division of labor and its results; machinery and its effects; the number of persons employed as laborers, with a classification thereof, male and female, married and unmarried, skilled or unskilled, convict labor, Chinese labor, and foreign imported contract labor, the number and ages of children, nature of their occupation, their attendance at school and church; the wages paid by the day, week, or month, or by the piece, to the different classes; the hours employed; the average earnings of the several classes; the manner of paying wages; the truck or store-order system, and the profits charged on goods by employers; the cost of living, comparing wages and price of necessaries of life in different localities; the sanitary, educational, social, and religious condition of laborers; the average duration of life; accidents incident to employment; insanity; epidemics; factory, mill, mine, and dwelling inspections; schools and churches, facilities for attending, and extent to which they are enjoyed; statistics of crime, &c.; co-operation, its extent and results in various localities and branches of trade; the division of their joint production between labor and capital, where practiced, the pro rata of each, and the general effect; trades unions and labor associations, the number, membership, and objects; strikes, their causes, effects, and remedies. And to enable the commissioner to obtain the information herein specified he shall have authority to issue circulars to various manufacturers and labor associations and persons, with interrogatories to be answered. The commissioner of labor statistics shall obtain all possible information upon the various subjects above specified from the different foreign nations, and shall have authority to issue circulars to United States consuls asking them to obtain the information desired. The commissioner of labor statistics shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as the commissioner may deem necessary for the successful working of the department: *Provided*, That the total expense shall not exceed $25,000 per annum. During the necessary absence of the commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of commissioner. The commissioner shall annually make a report in writing to the President and Congress of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the department.

Permit me to recapitulate briefly. It provides for a commissioner and associates, whose duty it shall be to inquire into the condition of every class of tradesmen and the employés of every grade and calling; as to wages received for labor and the character of the work performed; the system of trade, whether it be conducted upon the truck or store-order plan, or upon the basis of cash payments; the sanitary conditions under which workmen labor, together with the social and educational advantages afforded them and their families; the co-operative system as applied to the joint product of labor and capital, and its general effect upon laboring classes. These are but a few of the important features of the bill, which provides for the solution of many other problems involved in this great question, which, once formulated into tables of statistics will become a most valuable addition to the labor literature of the country and a great educator of the vast portion of our population who are now asking for this legislation.

But more especially will it be valuable to Congress, who, by the conclusions to be arrived at from such statistics, may shape legislation intelligently and healthfully for capital and labor alike and be able to correct the abuses which now exist, and which will be clearly and vividly shown by the investigation of these several subjects required under the provisions of the proposed act. I find a unanimous desire on the part of the labor associations of the country to have this inquiry made, and made with that thoroughness and efficiency which shall leave little to be done hereafter except to keep pace with and record the progress made, year by year, toward the higher forms of skilled labor, and a stronger development of the mental, moral, and social attributes essential to an honorable, useful, and noble life. Is the employer equally desirous with the workingman of obtaining the legislation proposed by this bill? As a rule I believe he is, for he, alike with the employé, is to receive large benefit from the results.

Moreover, I believe it to be the duty of employers of labor to demand and urge the passage of this humane measure and earnestly seek to make it operative. And what nobler duty, Mr. Chairman, could the employer enter upon, or what more satisfying in its results, than that of nourishing and urging the mental and moral growth of the men who have made for him his wealth and position through their dexterous skill and faithful service? Unfortunately, however, with few exceptions they have left their men to lead in the much-needed reform proposed by this bill, but it is to be hoped their influence and power will be given in support of the measure now that its beneficent provisions are fairly before the country and promise so much of good to all classes of our people. I want to see the day or era when, in our manufacturing districts, the employer shall apply himself as diligently to the improvement of the condition of his workmen in all respects as he does to the calculation of the amount of labor he may obtain from them or the per cent. of profit he can get from his contracts. Such action would go very far toward relieving the distress of our laboring classes in all parts of the country.

The Government of Italy, on February 14, 1877, and also on July 25, 1879, sent out circulars addressed by the minister of agriculture, industry, and commerce to the prefects of the kingdom relative to female and child labor; but the responses indicated an unwillingness upon the part of employers to see a law restricting this class of labor from going into effect.

The government then decided to submit the question to the different chambers of commerce in the following queries, propounded in a circular dated November 20, 1883:

First. Whether the employment of children should not be entirely prohibited until the age of 9 years had been reached?

Second. Whether the hours of labor should not be limited to half a day from the ages of 9 to 12 or 14 years?

Third. Whether from the last-mentioned age to that of 16 years it would not be beneficial to prohibit their employment on Sundays and during the night?

The opinions expressed by the several chambers of commerce in answer to the foregoing queries may be summarized as follows:

First. To prohibit entirely the employment of children at manual labor until they shall have arrived at the age of 10 years.

Second. To prohibit their employment on Sundays and during the hours of night until they shall have arrived at the age of 15 years.

Third. To organize committees in the provinces to see that these laws are enforced.

So likewise should the chambers of commerce in this country, the boards of trade, and large business and manufacturing interests of every

class join in offering our own Government every assistance within their power to improve the condition of the working classes of the country. And this greatly desired result can be reached in no more efficient manner than through the system proposed by this measure.

The purpose of this bill is not to expose pretended or imaginary evils, or to give wrong impressions concerning the manufacturing, laboring, or agricultural districts of the country, but rather to deal with the real condition of the workingman, and, making public his needs and wants, endeavor to apply a remedy for the evils and inculcate and perpetuate that kindly sentiment of mutual dependence which should ever exist between capital and labor.

We are at a loss as yet, for want of the necessary statistics which this measure will furnish when in operation, for the information needed in an intelligent discussion of the great economic questions now before this body; and there is not a member of the House who does not acknowledge the vital importance of such information as he listens to or participates in the daily debates upon the tariff and measures of kindred interest.

The Government in its classification of statistical information, covering such a vast field of investigation for commercial and trade uses, can not be expected to enter into the details of the daily home and working life of our people. Consequently the census reports have failed to provide us with the facts and figures so much to be desired.

Several of our States, unwilling to wait for the slow and uncertain action of the General Government, have taken hold of this great question with promptitude and intelligent liberality, and already Massachusetts, Ohio, New Jersey, Pennsylvania, Connecticut, and Wisconsin have established bureaus of statistics and labor industries, and through these very much valuable and interesting information has been obtained and utilized for the benefit and welfare of the working classes of these respective States, and to the advantage of the employers as well. My observation is that the few States which have done this have accomplished more good for the workingmen of the country, and have become better and more practical educators of the people, than all the others put together through their well-meaning but misdirected efforts. This is conclusively proved by the large and increasing demand which comes up from all parts of the country for the reports of these State bureaus, which it is impossible to supply; and this has led to another needed reform, harmony of action in the several States in the legislation enacted upon this subject.

The prosperity of a State is enhanced by the assurance that the people are blessed with liberal laws, competent lawmakers, and a government economically administered. If this be true—and the condition of the States I have named would seem to demonstrate the proposition—then it is proof positive that these bureaus are not only public benefactors, but that the expense attending their operation is more than met by the benefits conferred. And not the least of these is the destruction of many systems at once inhuman and degrading to the people. To demonstrate these assertions permit me to refer to my own State of New Jersey. After a long agitation over the subject of a State bureau, Mr. Charles Zimmerman, now the secretary of the bureau, drew and had introduced into the house of assembly the bill, which was passed largely through the influence of one of the present able United States Senators, Mr. SEWELL, then a member of the State senate, and under which the bureau now exists.

The first year's investigation, although incomplete and crude as it was, and investigations up to the present time, have developed a condition of affairs not known before that time to exist. Light was let in, discussion ensued in the public prints, and the Legislature was invoked to correct the evils which burdened labor and tainted capital. Convict labor was immediately restricted. The store-order or truck system was abolished and cash payments for labor and goods were substituted. Conspiracy laws were repealed and arbitration in labor difficulties was recommended. The growth of sorghum, of oysters, and the propagation of silk industries were largely promoted by special legislation. All property now bears equally the burden of taxation. Child labor is restricted to the ages of 12 and 14 years; and finally the abolition of convict labor in the State prison has been secured. Ohio and New York have joined us in this work of reform, the outcome of enlightened and liberal legislation in these States. Humane and ennobling in its results, it will soon become one of the questions with which each State represented here will have to deal.

Now, Mr. Chairman, if these be the effects upon single States under their own local governments, what will be the future for this great nation if by the passage of this bill the results should be of a corresponding character to the people of the whole country? The practical working of such a bureau as provided for in this measure means the laying open to public gaze of the wants and needs of a suffering people—the evils, moral and social, which depress their daily life and debar them from progress and culture, and suggests the remedies required, as varied in their nature as the disease is complicated.

If this equitable legislation asked for by millions of workingmen be granted them, this nation will be the first to solve the most intricate problem now agitating the governments of the earth. In the name, therefore, of these millions of America I appeal for the passage of this bill without a dissenting vote.

Pensions.

SPEECH

OF

HON. THOMAS J. WOOD,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 21, 1884,

On the bill (H. R. 6535) to regulate the granting of pensions in certain cases.

Mr. WOOD said:

Mr. SPEAKER: The bill before the House closes the gap in long-delayed justice to the brave men who did so well for their country over twenty years ago. There never was any reason in the pension law compelling the soldier, on application for pension, to prove his soundness when he enlisted in the Army of the Union; none, for he was duly examined by competent surgeons detailed for this duty, pronounced sound and fit for military service, and was mustered into the ranks.

There are very many cases where a truly good soldier who performed faithful and meritorious services is unable to make satisfactory proof that he was physically sound at the time of enlistment, and is therefore deprived of a pension justly due him. Witnesses are dead or removed to distant homes, and human memory after lapse of time becomes fatally deficient on the precise point in issue. This is natural, for nothing revives it in twenty years to carry it back to the facts and impressions of younger days. Then, who can swear to the physical soundness of friends and acquaintances over twenty years ago? If unsoundness is unknown at the time, what neighbor, friend, what relative can come forward and testify to the fact? Such testimony when obtained is frail indeed when dissected by the analytical principles of legal evidence. If the soldier served his country honorably and carries his honorable discharge from the Government, whether his service was long or short, then the Government is in no position to require proof of his physical soundness when he entered her military service. Soundness ought to be presumed to exist from date of enlistment.

I said this bill is an act of delayed justice. I have labored for it ever since I have been in this Congress, and I trust it will pass the House without opposition. I am too much of a friend of the gallant soldier not to speak for this bill. I appreciate his service for my country, and I see the grand results of his sacrifice in all parts of the Union to-day. The brave men he met on Southern battlefields, where nerves of steel were shaken, are proud to-day the old Union of the States was not dissolved; they are proud the old Government was maintained and are its earnest friends in peace, and are ready to become its valiant friends in war. I am proud also to witness this devotion to a common country and this fraternal feeling toward the soldiers of the Union, for I accept it as a reconciliation of the unhappy elements of discord that threatened the old structure in the days of my boyhood. All patriotic people rejoice that the wounds of that desolating strife are healed, and the man who would now break them open is a bloodless traitor to the flag and an arch enemy to the public peace, a wrecker of national prosperity in all the sections of the Union.

The policy of the pension laws has been to raise nearly a conclusive presumption that the soldier discharged without wounds is a sound and able-bodied man. There may be a few, but how many? I turn to the history of the war and see four years of the most terrible campaigns of all the ugly work of men. I read the rapid forced marches in heat and cold, over mountains and through the swamps. I read of the bloody days, of merciless battles fought that chilled the souls of men far away from the ensanguined field. Tell me that the very life-centers of the brave men who acted so well were not shocked at the awful forces sweeping life and limb away with less mercy than the demons of woful ruin! I see the faithful guardians of the country on the alert day and night through the inclement seasons, wading mud and fording rivers, obeying every command. The map of the war shows me the thousands of miles tramped from State to State, from town to city, all over the South. For four years the soldier had hardly an hour of the peace and joy of home. That was found wherever he slept under a peaceful sky, though the earth, his bed, was crimson with the blood of relatives, friends, and comrades. On Southern homes he joined the clash of arms, met the raining lead, walked among bursting shells, and faced the scattering fragments of death like the true hero that he was.

He passes through this terrible ordeal, fights all the battles through, and peace is restored; he is mustered out of the service and receives the plaudits of grateful countrymen. He finds himself not the same man he was when he gave himself to his country, and he asks for a pension. The special examiner sees no bullet-holes and his worthy claim is rejected. He pleads his infirmities that begun somewhere back in those four years of unequaled service to the country, and he is coolly told he must prove that he was able-bodied after the Government duly accepted him. The fairness and justice of all perdition is more admirable than

this. I believe of necessity that there can not be many sound, able-bodied soldiers, and every rule of evidence should make easy the proof of infirmities rather than reject them altogether, for the reason a most worthy case may be rejected. Then it is an exceptional hardship upon the widows and orphans. Removal, death, want of personal knowledge, and treacherous memory make the application for a pension by the widow or minor children difficult to sustain.

Food and Drug Adulteration.

SPEECH

OF

HON. WHARTON J. GREEN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 21, 1884.

The House having under consideration the motion of Mr. BEACH to suspend the rules and adopt the resolution submitted by the Select Committee on the Public Health regarding the adulteration of food and drugs—

Mr. GREEN said:

Mr. SPEAKER: It is a political axiom that the obligations of government and governed are correlative or reciprocal, protection being the duty of the first; support of the last. Protection is the end and aim of all government, be it patriarchal, monarchical, aristocratic, or democratic; be it absolute or constitutional. For that end primarily is all government devised. Against foreign foe and domestic force, against invasion from without and mob violence within, against open assault and covert design; to that extent at least will all concede that the government is bound to the governed. In return therefor the protected class, the mass, the people, yield obedience and support; in war their personal prowess to resist aggression, in peace and war the requisite percentage of their goods and chattels or yearly accretions, in one way or another, to maintain the organism so established. Admit the predicate, and none dare gainsay it, and the question naturally arises, where do the protective functions of government cease? Are these exhausted when armed invading columns are beaten back, or mobs dispersed, or murderers, ravishers, burglars, house-burners, and the like caught and punished? These undoubtedly are the most palpable and glaring duties of the agent or factor known as the government. The right of demand, however, ceases not here. Immunity from the depredations of law-breakers of every sort and designation is at least their implied right by terms of "original compact."

I purpose to push the claim advanced to its legitimate conclusion and to arraign the counterfeiters and adulterators of meat, drink, and medicine as one of the most criminal of the criminal classes, and hence meet and fitting one for the eye of the law and the heavy hand of the law. If the proposition is, as I maintain, self-evident, then I repeat the people have the right to demand protection against their nefarious practices, covert, cowardly, and false, no less than from predatory bands on land or sea, against bandit or pirate.

Does not well authenticated suspicion, almost tantamount to proof, if circumstantial evidence is ever proof, justify the sweeping allegation which will follow? If not, and I fail to make it so appear, then set me down as slanderer and the objects of my anathema as spotless lambs most unjustly and unrighteously arraigned.

Now for the premise of what I propose to prove under penalty to the extent of which it is here susceptible of proof. If concurrent testimony and widespread accusation through the public prints be not the offspring of pure diabolism; if chemical analysis be not a snare; and if dire effects traceable to sinister causes be not a delusion, I charge and maintain that the whole field of dietetics and medicinals, of articles that we daily eat and drink and take as doctor's stuff, teems with adulteration, noxious or innoxious as the case may be, but hurtful as a rule.

Mr. Speaker, if this be so, it surely appertains to us to inquire into the evil and remedy to devise. If, in spite of universal attaint, it be not so, it is due to the manufacturer, compounder, and consumer alike that the negative be authoritatively established.

The unfortunate whelp that has the cry of "mad dog" raised at his heels might as well be dead; and he who is bitten by such a one had better be, even though the poor cur be innocent of the charge. Abstract justice would enjoin that hydrophobia be established or disproved for the mutual benefit of dog and man alike. A like regard for justice would enjoin that his brother cur of our conformation and purveyor of our diet, who is pointed at as poisoner, should have like opportunity to establish innocence. It is your right, Mr. Speaker, and mine, as his alleged victims, that he be required to do it.

Yes, sir; metaphor aside, if cause there be for this wholesale arraignment, and cause for one I think there be, it is your right and mine, and that of every man who voted for and against us, to have the thing inquired into. If the charge be established against manufacturer or compounder of killing off innocent people by thousands and tens of thousands by slow process and homeopathic doses, wherein has he the advantage over his brother scoundrel, who prefers active agencies and larger measure to remove some hated rival or ambitious foe, as did the Borgias and others of the vile accursed class, through the medium of belladonna, of arsenic, or of ratsbane?

For one, I hold the last less culpable. They killed by units, these by thousands. Better, a thousand times better, the allopathic dose administered by a Madame Brinvilliers, to the graduated modicums of the abominable drugs which enter into our daily food, and protract the life in misery of the victims by thousands, as said, through one or two or twenty years, as may be.

We will probably be met at the threshold of investigation by the hackneyed cry of "sumptuary laws." Sir, no one holds in utter detestation laws of the class named more than I. But why, I demand, should those against slow insidious poisoning be so classed more than the others, aimed against the deadly drugs when given for sinister and specific object?

Yes, sir; I go further and maintain that it is within our province to prevent the admixture of spurious, base, or bad ingredients in our daily food, and have it palmed off upon an unsuspecting world as a better article even if harmless in effect. If it is our right, then when poison enters it follows, as the night the day, it is our duty. Sir, the vile practice of adulteration engendered by sordid greed of gain is, I repeat, now so universal and widespread that it is the merest chance, be your grocer who he may, that you can obtain any genuine edible article, if diabolic science will permit it to be counterfeited to advantage. Sugar, flour, sirups, baking-powders, pepper, spices, brandy, whisky, vinegar, wines, teas, pickles, preserves, ground coffee, canned goods, mustard, lard, butter, table oil, curry, and a host of other articles of every-day life too numerous to mention, all fall to a considerable extent under my sweeping accusation and desired interdict. We buy them, knowing that they are probably spurious.

But what alternative have we except to restrict ourselves to old-fashioned hog and hominy of our own raising, or imitate that would-be-heroic idiot, Dr. Tanner. Surely, Mr. Speaker, there must be some adequate remedy for this crying evil, this monstrous crime. That remedy, I repeat it, is ours to devise. If we are encountered by constitutional objection, then give us an amendment to that India-rubber document that will compass the aim designed. The Constitution of the land ought to be able to protect the physical constitutions of its citizens against the machinations of demons disguised as men. State enactments are utterly inadequate to suppress the evil. We have laws, and stringent ones they are, imposing suitable and adequate penalties upon counterfeiters of the coin and currency of the country. Are there any against counterfeiting articles of diet, drink, and medicine? If so, sir, the brazen effrontery with which they are disregarded proves their total inadequacy. In Heaven's name, why are not the two at least of parity?

Can any hold that the last is crime of minor grade? Who will say that he who stamps and passes off little bits of baser metal than the standard bullion to put into your pockets is guilty of greater wrong than he who prepares and sells you base and counterfeit compounds, not to say deadly, to put into your stomach? Possibly the reason for imposing penalties in the one case and neglect to do so in the other is that our ancestors could not realize that human cupidity could prompt such depravity as trifling with the health, well-being, and very existence of myriads of their fellow-men; just as the Romans had no special punishment for parricide; just as our old English progenitors had no special penalty for that most cowardly and repulsive of all known crimes, the taking of life by deadly drugs, until in a very late reign (one of the last Henrys, I believe) the crime was proven and special penalty thenceforth imposed to "fit that vile Italian crime which hath lately entered into these realms." The culprit was to be boiled to death in oil. Meet punishment that, and fitting for all the vile, accursed class, whether the agency employed be the famous, or, rather, infamous, "Aqua Tofana," or "Elixir of St. Nicholas," which could be gauged to do its hellish work in a day, a week, a month, or a year, or the slower poisons of our day, which enter into our daily food and permits its millions of victims to live out nearly their allotted span, but with impaired constitutions, both mental and physical, for years before their end.

Mr. Speaker, were the adulterated substance sold entirely harmless but of inferior merit or virtue to that which it purports to be, it would still be a fraud, and should as such be punished. But when baleful and deadly ingredients enter into the composition, capital felony should be its status in the list of crimes, and the oil cauldron the bath in which the vile miscreant, be he manufacturer, manipulator, or expert, should be required to lave his sordid soul.

If any one within the compass of my voice doubts the extent and enormity of the evil complained of let him go to any first-class grocery in this town, Baltimore, Philadelphia, New York, or Boston, and attempt to make out a bill of goods with the guarantee of purity attached. Though he stand with golden ducats or silver dollars in his hand to settle upon compliance, I prophesy that the bill will not be filled without abatement of proviso. If these middle-men, or rather first purchasers, honest as a class as I concede them to be, and as a class bitterly opposed to the necessity which exists of selling the counter-

feit commodities, will not sign the "bill of health" required, is it not *prima facie* evidence that their cargo is taint and not entitled to *pratique;* in other words, that it is an unwholesome and sickly lot?

Mr. Speaker, I had occasion some two years ago to lay in a supply of commissary stores for those in my employ, and told my grocer in a neighboring city I desired a pure article of sirup. His reply was, "You can not get it here, nor do I believe you can in or out of the city;" and so with numbers of other articles. When the item of sugar on my list was reached he was equally honest and candid. "We can sell you a pure article of sugar," quoth he, "provided you take the granulated. Nothing else will we guarantee." "And why the granulated?" The reply was pert and to the point: "Because refiners and doctorers have not yet been able to counterfeit it to paying profit."

This, Mr. Speaker, is a sample of the colloquy on that occasion. Did the vendor fall in my esteem or would he have done so in yours on account of the admissions made? No, sir; his candor stamped him an honest man; but it placed the brand of knave, swindler, and scoundrel on him from whom he purchased, assuming that he bought at the fountain-head or of him who made, compounded, or prepared the noxious stuffs. Probably every gentleman on this floor knows what steatite or soapstone is. If not, I will state that it is a soft, calcareous, easily cut rock, but probably surpassing any other in weight and density. Presumptively therefore not the most digestible article of diet known.

True, as we are told, it is eaten by the natives of the Senegal, the Oronoco, and New Caledonia. But, I opine, sir, that it is under the spur of dire necessity and not from choice, and that these poor creatures, but one degree above the ape or the Digger Indian, would much prefer that his muffins, biscuits, or doughnuts had for basis rye, wheat, corn, or buckwheat, or even the favorite cereal of "Old Caledonia," which, according to old Sam. Johnson, "is eaten in England by horses and in Scotland by men." Now, sir, what would be your inference, if told by the proprietor of one of these saponaceous quarries, as I have been, that he finds a ready sale for all the "soapstone flour" that he can grind? And who are your customers? Chiefly commercial millers and sugar refiners. Mine, sir, was that the information tallied with what I had previously seen in print, that the vile stuff enters largely into our tea, coffee, toddy, sweetmeats, and daily bread. Sir, it behooves those who hear to ponder well. Steatite may be an excellent lining for stoves. I doubt its coequal fitness for stomachs. "Hot biscuit for breakfast," "light bread for supper," were wont to gladden my heart in younger days, for in the house of an honored uncle who raised me "corn bread" as a rule was the staple staff of life. Think you that biscuit for breakfast or light bread for supper (Heaven save the mark, how could it have been made light?) would have been as palatable as ash-cake or johnny if one of the descendants of old Job's comforters had kindly volunteered the information that they were to be made out of nice white soapstone flour instead of the glorious golden grain grown on the broad acres around me?

Will men, grown-up men, lawmakers, be less alive to their corporeal well-being and that of those who made them such and confidingly intrusted their well-being into their hands? In licensing this monstrous wrong, as we permissively do, wherein have we the advantage of the toad as regards the reasoning faculty? I have been told that that creature, æsthetically, intellectually, and as a mold of form one of the very lowest of the low order of batrachia, will eat his fill of leaden shot, when thrown to him one by one, until by excess of artificial weight he is utterly unable to move. "Miserable creature!" was my involuntary exclamation, "how does he manage to digest them?" "Oh," replied my juvenile informant, "he doesn't disgust 'em at all. We takes him by the left hind leg and holds him up, and all of the shot runs out of his mouth." Blessed batrachian, that can eat even lead with impunity, and disgorge the overweight through the co-operative agency of a hoodlum, a scientist, or other experimentalist. Miserable, besotted bipeds, who will persist in breaking bread, and eating it, too, knowing full well that it is of the leaden sort, and that they have no kind, considerate hoodlum to relieve them by the left-hind-leg process.

In the late war, Mr. Speaker, the men who wore the soapstone-color coat did bake and break and eat the bread whereof I speak, a simple admixture of flour and water, and ofttimes not half cooked at that. But, thanks to short rations, long marches, hard work, and easy conscience, they managed to worry it through, and would have done it in my opinion though 50 per cent. of their scant handful of flour had been soapstone, sawdust, or brick-dust either.

But, sir, this should not embolden us to hope for like immunity. The digestive organism of the ostrich, the alligator, the confederate soldier, and the anaconda is an exclusive prerogative, a close monopoly, and does not appertain to all the sons of Adam alike. Give us, then, a little more starch and less steatite, more gluten and less glucose or crude glass.

Our New England friends, Mr. Speaker, have the word "sharp," somewhat analogous to our Southern one of "smart," to qualify the possessor of "ways that are dark" and means that are doubtful, which, though not exactly beyond the pale of the law, are nevertheless beyond that attaching to the standard of a well-recognized morality. He who sells you sanded sugar, glucose sirup for the genuine article, soapstone or plaster-of-paris flour, cocoanut-shell black pepper, or red-lead cayenne is doubtless "sharp," "cute," "smart," and is bound to turn his penny (honest or otherwise is immaterial to him); but, sir, he is none the less a cold-blooded, calculating knave and scoundrel, and should be made amenable to the law. "Tell me not of the patriotism of such," exclaimed the impassioned Burke, in speaking of a far more honorable class; "his desk is his altar, his ledger is his Bible, and his gold is his god."

Mr. Speaker, under the operation of our delectable revenue laws, as at present enforced, there are grievous penalties attaching to illicit distillation, as many of the poor mountaineers in my poor State know full well to their cost. Now, sir, I opine that if the restrictions on distillation, including tax on the legitimate article and pains and penalties on the illicit or "moonshine," were removed altogether, and these makers of a pure article of whisky and brandy left as free as their fathers were in that regard, and the same punishments doubled or quadrupled meted out to the compounders of the poisonous stuffs engendered by the tricks of chemistry, the cause of morality and the sanitary cause, not to say the cause of liberty and sobriety, would be materially subserved thereby.

Let me give you an instance in proof. When a younger man than I am to-day by many years I passed some weeks in Bonnie Scotland. I had heard before getting there that the breechless sons of the Lothians were not averse to a wee drop of "rock and rye," and not overparticular if the rock was left out, and faith, Mr. Speaker, observations convinced me that they had not been slandered. Why, sir, one-half of the average potations, judging from what I saw, and assuming that it was a national average, would in this country, in a single year, more than double the victims of drink mania and cram to repletion our inebriate asylums. And yet no such dire effect was visible there; mania a potu, like spinal meningitis, was literally unknown.

Expressing my surprise to a friend in Edinburgh at the marked difference in capacity of absorption between the denizens of the two countries, I asked the cause. Sir, I was not and am not satisfied with the explanation he vouchsafed. It was, as recollected, that the volume of pyroligneous acid evolved from peat smoke had a purifying effect upon the liquid distilled. That may be science, but it is not sense. My explanation is simply pure whisky. The Highlandmen of Scotland in that day, like the highlandmen of North Carolina in ours, were not up to the tricks and devices of devilish science. They made an honest article of whisky, drank it, and lived out their allotted span a brave, hardy, simple race on their bleak free mountain-sides.

Like cause would produce like effect in our own midst. Now, Mr. Speaker, coming back to our mutton, compel the nefarious manufacturer or compounder to drink his own vile decoctions with a slight additional infusion of fusel-oil, to be administered by the public executioner, and bury his accursed secret with him, and, mark the prediction, delirium tremens and other resulting effects, such as wife-beating and kindred brutality, misery, and murder, will very materially diminish as the quality improves.

What is true of distilled spirits is none the less so of beer and other malt-liquors, wines, and cordials; for as enormous as the profits are in both cases, they are not sufficient to satisfy these rapacious ghouls. The beer-maker is as little content with those resulting from accredited hops as the basis as is the whisky or brandy maker with his from honest rye, corn, wheat, or fruits. It is said that the highest encomium that an Irishman can pay his poteen when, with the characteristic hospitality of his race, he sets it before his guest, is the trite remark: "The divil a penny of rivenue has it paid the queen."

But he who clinks canakins with honest Pat has the satisfaction of feeling that while her majesty's money-bags may thereby weigh less than they ought, nevertheless the devil a drop of vile chemicals or doctor's stuff has entered into its composition. So, believing, Mr. Speaker, if I were snake-bitten in blessed St. Patrick's land I would vastly prefer the only recognized antidote on such occasions (and efficacious I know it to be by personal experience in a Robeson County swamp) to be of the unpaid-tax quality to the so-called honest tax-paid stuff stretched out by the infusion of strychnine and other deadly drugs. Let casuists determine which is the most meretricious, the man who makes the first or the government which permits the last to be made.

It is safe to assume, Mr. Speaker, that were the question put to the leading medical men of the country a large majority of them would decide that the alarming increase of late years in nervous, cerebral, and kidney diseases is directly traceable to the cause assigned, namely, adulterated drinks of all kinds, including vinous, malt, and distilled. Is not insanity fearfully on the increase, as evidenced by the overcrowded bedlams of the land and the mania for self-destruction? Then seek for reason why, and find it, too, no less in poisoned beverage than in the growing passion for wild speculation.

In view of the statements made and facts alleged, all of which are susceptible of proof, I ask, and ask with due deliberation, might not the philanthropist better subserve the cause of humanity by directing the batteries of his denunciation from alcoholic drinks *per se* to the adulteration of them; by advocating purity instead of prohibition?

I have thus, Mr. Speaker, briefly adverted to abuses falling under the general head of meat and drink adulteration. The witnesses upon whom it is relied to sustain allegation will appear in appendix.

But, sir, the field is too extensive, proofs too voluminous, if proof be

needed where criminality stands confessed, to permit my going into further detail under this head of my subject. But I were derelict to my subject, my constituents, and myself did I close without some allusion to like vicious practice in the make-up of medicine; for, sir, human depravity, with utter disregard of human life, has even dared invade the sacred precincts of the pharmacopœia, to lift the tops of the mystic jars on shelves arranged, and to infuse base substance in their portentous contents, where oft the difference of a feather's weight may involve the mortal life of immortal men. Medical skill is impotent to act and powerless to grapple with fell disease in critical juncture, because by base admixture with medicinals it is at loss to know what measure to prescribe to compass end desired.

I broadly, boldly make the charge and challenge the refutal of investigation. A distinguished physician told me some years since, in a neighboring city, that probably more deaths resulted directly and indirectly from that source than would from disease if left to itself; and that he made it an inflexible rule never to prescribe medicines unless he was well acquainted with the commercial and moral character of the druggist who was to supply them. If such is the state of the case in a great city, what chance is there of obtaining pure drugs in village shops and country stores?

Mr. Speaker, this branch of my subject is certainly one demanding most instant and efficacious remedy at our hands. Of all men in the world the chemist and wholesale druggist has least occasion and excuse for tampering with his wares. His profits are enormous when confined to legitimate channels.

I do not propose, Mr. Speaker, to take down and look into each separate jar on the shelves of the Constitution amender; am not sufficiently deep in science for that; but I do intend to look into one—and judge the rest by inference.

I see before me "sulphate of quinia." That means in our vernacular "quinine," qui-nine, or quin-in, as folks prefer to call it. "Jesuit's bark" is the staple from which it is compounded, and the introduction of which to the European world entitles the Society of Loyola to the everlasting gratitude of a sinful and suffering world. It is to-day, in the world's conception, almost as indispensable an article to man's welfare as bread or meat or drink. I have heard that out on the raging Wabash or in the Arkansas bottom, where the musical musquito delighteth to hum and to make his home, where the ague shaketh the sons of men, they would willingly swap, pound for ounce, blood for Jesuit's bark in its etherealized state, known as quinine.

Now, sir, a short time back a Democratic House of Representatives, recognizing the indispensable necessity of this light but costly white powder, erased it from the list of the thousand or two other protected articles and put it on the free-list, and the whole country arose and called that Congress blessed. Quinine fell from five or six dollars an ounce to $1.50 nominally. But, sir, I opine the reduction in price is more fictitious than real. The quinine of to-day is not as a rule the quinine of former times. Then it was bitter—deucedly bitter—and there was no horrid apprehension of morphia or other deadly drug left in the mind as afterclap. To-day it is far different, for although not exactly a confection or sweetmeat, it has nevertheless so far laid aside its acerbity as to suggest the thought, *a la* Mrs. Toodles, what a convenient thing a stomach-pump is to have in the house when one is taking white powders.

Now, sir, I ask why the change in its taste, which is so perceptible as to be the subject of general remark? Is it that the bark of the cinchona tree is losing its natural properties, or is it that less expensive barks and other substances are worked in with it to increase bulk and weight, and thus make up for the falling off in price?

It would be an interesting investigation if the question were submitted to a special committee of medical experts. The cinchona is doubtless to-day what it was when Pizarro's followers first found it, and so is red oak or willow.

Almost every leading government in Europe has stringent laws against adulteration. Of these England has perhaps the most perfect and complete system, and yet it is only of yesterday's growth. Less than thirty years ago Dr. John Postgate, a country physician, seeing the abuses perpetrated by adulterators of every class, took the matter in hand and after years of persistent effort, beginning with only one supporter in Parliament, Mr. Scholefield, and with all the large manufacturers and dealers in Great Britain hounding and denouncing him, succeeded at last in having his ideas adopted as embodied in the adulteration acts of the last decade. As a public benefactor he will rank in the history of his country as the peer of Jenner, Stevenson, Arkwright, and Davy; for food adulteration is virtually wiped out so far as it affects English palates and constitutions. But what compounders are forbidden to sell at home they can readily market abroad. For is it not obvious that as long as they are debarred a home market by repressory edicts they will naturally export their base counterfeits to our own more tolerant shores? Eliminate the foreign supply of poisoned and poisonous foods, and forbid the sale of "home manufactured" stuffs of kindred class in the District of Columbia and wherever else the strong arm of the Federal Government will reach, and a most important step in the work of their eradication and extermination will have been accomplished.

Mr. Speaker, my remarks as originally prepared after a careful investigation of the subject contemplated a broader field of inquiry and ultimate repression than that embraced in the bill under consideration. They were intended to sustain my bill, or rather resolution, introduced early in the session, authorizing the Committee of Public Health to inquire into the truth or falsity of the alleged abuses in this regard, and to suggest what legislation should be had for their eradication—a simple inquiry into damning allegations, with an eye to a simple recommendation of remedy. It received, I believe, the unanimous approval of that honorable committee, and they and I were alike at loss when, during my absence at the death-bed of a loved and honored relative, it was killed by a majority of one on the floor of this House. My unavoidable absence on that occasion will be one of the regrets of my life.

In conclusion I now propose, Mr. Speaker, to introduce the witnesses and to adduce the proofs upon which it is intended to rely to sustain the sweeping allegations made. These will appear in the form of appendix in the RECORD. If they seem to any to take more space than is usually accorded in that diurnal history of our doings to any abstract question, let the importance of the subject and the ignorance and indifference which prevail regarding it stand me in justification and excuse. As bulky as it will appear, it is not a tithe of what might be adduced from these and other high authorities in support of the existence of the evils charged and the necessity for remedial relief. Let us hearken to their warning and give that relief to the fullest extent of our constitutional powers. As transcendently important as I believe it to be, I would not have this House go one step beyond to accomplish the end in view under "the general-welfare" clause.

APPENDIX.

I.

Some thirty years ago the London Lancet, the leading medical and surgical journal of the world, owing to the repeated exposures of Dr. Postgate, determined to employ at its own expense one of the best analytical chemists of the age to investigate the subject. For that purpose Dr. Hassall, a man of national reputation and fellow of a dozen learned societies, was selected. He devoted several years to the work and collated his researches in a large sized volume. His book constituted the basis of subsequent Parliamentary investigation, which gives it quasi-official character. From it will be found below copious extracts bearing upon a few of the most glaring abuses:

During the course of the last six years the author has examined minutely and scrupulously, microscopically and chemically, over 3,000 samples of the principal articles of consumption, as well as many drugs; and as the one great result of this somewhat extended experience he affirms that some short time back there were few articles of consumption the adulteration of which was practicable, and which, at the same time, could be rendered profitable, which were not extensively subjected to adulteration.

* * * * * * *

Dr. Normandy, one of the highest authorities of the age, concludes his evidence before the parliamentary committee with this remark:

"Adulteration is a widespread evil which has invaded every branch of commerce; everything which can be mixed or adulterated or debased in any way is debased."

* * * * * * *

The subjoined table contains not only the names of the substances used in adulteration possessing more or less injurious properties, but also the names of the articles in which they have been discovered. It will be perceived that the number of injurious substances thus employed is very great.

Injurious substances actually detected in adulterated articles of consumption.

SUBSTANCES.	ARTICLES.
Cocculus indicus	Beer, rum.
Arsenic of copper, emerald green, or Scheele's green.	Colored sugar confectionery.
Sulphate of copper, or blue vitriol, and acetate of copper, or verdigris.	Pickles, bottled fruits, and vegetables, preserves, dried and crystallized fruits.
Carbonate of copper, or verditer	Colored sugar confectionery and tea.
The three chromates of lead	Custard powders, sugar confectionery, tea, and snuff.
Red oxide of lead	Cayenne, curry-powder.
Red ferruginous earths, as Venetian red, bole Armenian, red and yellow ochers, umber, &c.	Red sauces, as shrimp, lobster, anchovy, and tomato sauces, and in potted meats and fish, cocoa, chicory, anchovies, annatto, cheese, tea, and snuff, &c.
Carbonate of lead	Sugar confectionery.
Plumbago, or black lead	In certain black and Li teas.
Bisulphuret of mercury, or cinnabar	Cayenne, sugar confectionery.
Sulphate of iron	Redried tea, and in beer.
Sulphate of copper	Bread, rarely; annatto.
Cayenne	Gin, rum, ginger, and mustard.
Gamboge	Sugar confectionery.
Chromates of potash	Tea and snuff.
The three false Brunswick greens, being mixtures of the chromates of lead and indigo, or Prussian blue.	Sugar confectionery.
Oxychlorides of copper, or true Brunswick greens.	Sugar confectionery.
Orpiment, or sulphuret of arsenicum	Sugar confectionery.
Ferrocyanide of iron, or Prussian blue	Sugar confectionery.
Antwerp blue, or Prussian blue, and chalk.	Sugar confectionery.
Indigo	Sugar confectionery.
Ultramarine	Sugar confectionery.
Artificial ultramarine	Sugar confectionery.
Hydrated sulphate of lime, mineral white, or plaster of Paris.	Flour, bread, sugar confectionery.
Alum	Bread and flour.
Sulphuric acid	Vinegar, gin.
Bronze powders, or alloys of copper, and zinc.	Sugar confectionery.

These disclosures, be it recollected, were made nearly thirty years ago, and when food-poisoning was but yet in its infancy. It was long anterior to the day when tallow and suet supplanted legitimate and normal butter by most abnormal and disgusting process, or glucose cane-sugar, or scores of other improvements had been made upon the recognized time-honored processes of our fathers. In this, as in other things, the world has moved since then.

II.

Dr. Hassall concludes his general introduction on the subject of food adulteration in the following pertinent and impressive words:

Legislation on the subject is required—

First. For the protection of the public health. The evidence given before the parliamentary committee on adulteration proves that the deadliest poisons are daily resorted to for purposes of adulteration, to the injury of the health and the destruction of the lives of thousands. There is scarcely a poisonous pigment known in these islands which are not thus employed.

Second. For the protection of the revenue. This will be readily acknowledged when it is known that nearly half the national revenue is derived from taxes on food and beverages. It has already been shown that not long since adulteration was rife, and it still exists to a large extent in nearly all articles of consumption, both solid and fluid, and including even those under the supervision of the excise.

Third. In the interests of the honest merchant and trader. The upright trader is placed in a most trying and unfair position in consequence of adulteration. He is exposed to the most ruinous and unscrupulous competition; too often he is undersold, and his business thus taken from him. It is therefore to the interest of the honest trader that effective legislation should take place, and not only is it to his interest but we can state that it is his most anxious desire that adulteration should be abolished. In advocating the suppression of adulteration we are therefore advocating the rights and interests of all honorable traders.

Fourth. For the sake of the consumer. That the consumer is extensively robbed through adulteration, sometimes of his health, but always of his money, is unquestionable. It is, however, the poor man, the laborer and the artisan, who is the most extensively defrauded; for occupied early and late with his daily labor, often in debt with those with whom he deals, he has no time or power to help himself in the matter, and if he had the time he still would require the requisite knowledge. The subject of adulteration, therefore, while it concerns all classes, is eminently a poor man's question; the extent to which he is cheated through adulteration is really enormous.

Fifth. On the ground of public morality. Adulteration involves deception, dishonesty, fraud, and robbery, and since adulteration is so prevalent, so equally must these vices prevail to the serious detriment of public morality and to the injury of the character of the whole nation for probity in the eyes of the world. We repeat, then, that some prompt, active, and efficient legislative interference is demanded for the sake of public morality and the character of this country among the nations of the world.

Hassall's adulteration of food.

From an examination of this table it appears:

1. That of the thirty-four coffees, thirty-one were adulterated.
2. That chicory was present in thirty-one of the samples.
3. Roasted corn in twelve.
4. Beans and potato flour, each in one sample.
5. That in sixteen cases the adulteration consisted of chicory only.
6. That in the remaining fifteen samples the adulteration consisted of chicory and either roasted corn, beans, or potatoes.
7. That in many instances the quantity of coffee present was very small; while in others it formed not more than one-fifth, fourth, third, half, and so on of the whole article.

We are satisfied that the gross aggregate of the adulterations detected did not amount to less than one-third of the entire bulk of the quantity purchased.

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Speaking of the articles used in the adulteration of tea, the author says:

"The principal of these substances are Dutch pink, rose pink, logwood, turmeric, carbonate of lime, carbonate of magnesia, stealite, soapstone or silicate of magnesia, chromate of lead, the chromates of potash, ferrocyanide of iron, indigo, carbonate of copper, acetate of copper, arsenic of copper."

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Thus it has been shown that exhausted tea-leaves are sometimes made up with gum, &c., and resold to the public as genuine black tea, and, when artificially colored and glazed, even as green tea.

That the substances employed in the coloring are in many cases very much more objectionable and injurious than those used by the Chinese, being sometimes highly poisonous.

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Out of seventy-two samples of brown sugar, as procured at different shops, subjected to examination, fragments of sugar-cane were present in all but one. These were usually so small that they were visible only by the aid of the microscope.

Sporules and filaments of fungus were present in nearly all the sugars. The acari were present in sixty-nine of the samples, and in many in very considerable quantities.

Grape-sugar was detected in all the sugars.

Four of the sugars contained proportions of starch so considerable as to lead to the inference that they were adulterated.

Eleven other samples of brown sugar, as imported from the East and West Indies, furnished nearly similar results. Two only could be regarded as pure and fit for human consumption.

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Concerning Bread.—We have already referred, to some extent, to the adulteration of bread with water. Bread naturally contains a large quantity of water, estimated at sixty-six parts in every one hundred and fifty of bread, sixteen of these only being natural to the flour, but it is frequently made to contain greater amounts. One principal means by which this is effected is by the addition of rice or rice flour to bread; this, swelling up, absorbs much more water than wheat flour. Potatoes used in any quantity probably have, to some extent, the same effect. In the introduction of rice, then, into bread there is a double evil; first, a substance is put into the bread which does not possess nearly so much nourishment as wheat flour; and, second, by its means a larger quantity of another substance is absorbed by the bread, and which has no nourishing properties whatever. While wheat flour seldom contains less and often much more than 12 per cent. of gluten, rice has only about 7 per cent. of that nutritious substance, and potatoes are equally deficient in gluten.

The public, then, in judging of the quality of bread by its color, by its whiteness, commits a most serious mistake; there is little or no connection between color and quality; in fact, very generally, the whitest breads are the most adulterated. The public, therefore, should lose no time in correcting its judgment on this point.

Again, the mistaken taste of the public for very white bread, which, be it known, can not be obtained even from the finest and best flour except by the use of alum or some other substance similar in its operation, tends to the serious injury of the bread in another way.

After proving that alum enters injuriously in almost all bought bread, he adds:

Further, alum is very apt to disorder the stomach and to occasion acidity and dyspepsia.

Vinegar.—The principal adulterations of vinegar are with water, sulphuric acid, and burnt sugar, and sometimes with acid substances, as chillies and grains of paradise, and also with pyroligneous or acetic acids.

The water is added to increase the bulk, sulphuric acid and acid substances to make it pungent, and burnt sugar to restore the color lost by dilution.

Vinegar is not unfrequently contaminated with arsenic, this being introduced through the sulphuric acid used in its adulteration.

A mixture of muriatic acid and soda has been used in bread, and I have seen muriatic acid containing a very fearful quantity of arsenic.

The following evidence in regard to the use of corrosive sublimate was given by Mr. Gray before the Parliamentary committee:

"Corrosive sublimate has been used for years and years in some houses, and not a cask has gone out without a certain proportion of corrosive sublimate."

"CHAIRMAN. Do you believe that corrosive sublimate was mixed with the vinegar in injurious proportions?"

"I do; it was done to give strength to the vinegar. When the D. W. and O. V. have been used the corrosive sublimate is put into it to give it a tartness again in the mouth."

CHAIRMAN. "Are these technical expressions in the trade—O. V. for oil of vitriol, and D. W. for distilled water?"

"Just so. Corrosive subtimate is called 'the doctor.'"

White or distilled vinegar, as it is called, is usually made with water and acetic acid, what is sold is rarely distilled at all.

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That nineteen out of twenty of the vinegars submitted to analysis, poor as they were, yet owed a portion of their acidity to sulphuric acid the amount of which varied in the different samples from 38 to 252 in the 1,000 grains, the largest quantity of this acid being detected in the vinegars in which the red cabbages were pickled. That in the whole of the sixteen different pickles analyzed for copper that poisonous metal was discovered in various amounts.

On the adulterations of cayenne.—Of twenty-eight samples of cayenne submitted to microscopical and chemical examination no less than twenty-four were adulterated, and four only were genuine. Twenty-two contained mineral coloring matter.

In thirteen cases this consisted of red lead, which was present in very considerable quantities, while in the remaining seven samples it was some red ferruginous earth, Venetian red, or red ocher. Vermilion or sulphuret of mercury was present in one of these cayennes.

Six of the cayennes consisted of a mixture of ground rice, turmeric, and cayenne colored, with either red lead, vermilion red, or ocher.

Six of the cayennes contained large quantities of salt, sometimes alone, but mostly combined with rice and the red earths or red lead.

One of the samples was adulterated with a large quantity of the husk of white mustard-seed.

Lastly. Two were adulterated with rice, and were colored in addition, the one with red lead, and the other with a red ferruginous earth. The object of the use of red lead and other red coloring matters is twofold. First, to conceal other adulterations, and second, to preserve the color of the cayenne, as when exposed to the light for any time it usually loses part of the bright red color which it at first possesses, and therefore it becomes deteriorated in the eyes of the purchaser. The red lead, &c., added does not of course preserve the color of the cayenne, but simply supplies the place of that which it loses in consequence of exposure.

Salt is employed for the same purpose. This substance has a remarkable effect in bringing out the color of the cayenne. It is, however, also used to increase its weight.

The adulteration of cayenne with such substances as red lead and mercury is doubtless highly prejudicial to health. It has been stated that colic and paralysis have both been produced by the use of cayenne containing red lead.

The salts of lead and mercury are characterized by the circumstance that they are apt to accumulate in the system, and finally to produce symptoms of a very serious nature. Thus no matter how small the quantity of mercury or lead introduced each day, the system is sure in the end, although it be slowly and insidiously, to be brought under the influence of these poisons, and to become seriously affected. The quantity of red lead introduced into the system in adulterated cayenne is, however, by no means inconsiderable.

III.

[From Chambers's Encyclopedia.]

ADULTERATION.

The adulteration of food of almost every kind is unfortunately so common a custom that our limited space will merely allow of our noticing a few of the leading points in regard to it.

Wheat flour is not infrequently adulterated with one or more of the following substances: flour of beans, Indian corn, rye, or rice, potato starch, alum, chalk, carbonate of magnesia, bone-dust, plaster of Paris, sand, clay, &c. The organic matters—the inferior flours and starch—do little or no serious harm. Most of the inorganic matters are positively injurious, and of these, alum (one of the commonest adulterations) is the worst. The beneficial action of wheat flour on the system is in part due to the large quantity of soluble phosphates which it contains. When alum is added, these phosphates uniting with the alumina of the alum and forming an insoluble compound, the beneficial effect of the soluble phosphates is thus lost.

Coffee, in its powdered form, is not merely largely adulterated with chicory, but additionally with roasted grain, roots, acorns, sawdust, exhausted tan (termed croats), coffina (the seeds of a Turkish plant), burnt sugar, and (worst of all) baked horses' and bullocks' liver. In the Quarterly Journal of the Chemical Society for April, 1856, there is an excellent report by Messrs. Graham, Stenhouse, and Campbell on the mode of detecting vegetable substances mixed with coffee. Even whole roasted coffee is not safe from adulteration, a patent having been actually taken out to mold chicory into the form of coffee-berries.

Cocoa and chocolate are adulterated with flour, potato-starch, sugar, clarified mutton-suet, and various mineral substances, such as chalk, plaster of Paris, red earth, red ocher, and Venetian earth, the last three being used as coloring matter.

Vinegar is adulterated with water, sulphuric acid, and sometimes with chillies, grains of paradise, and pyroligneous acid. It appears from evidence taken before the parliamentary committee on adulterations that arsenic and corrosive sublimate are no uncommon ingredients in vinegar. In connection with vinegar we may place pickles. Dr. Hassall analyzed sixteen different pickles for copper, and discovered that poisonous metal more or less abundantly in all of them; "in three, in a very considerable quantity; in one, in highly deleterious amount; and in two, in poisonous amount."

Preserved fruits and vegetables, especially gooseberries, rhubarb, green gages, and olives, are often also contaminated largely with copper. In these cases the copper, if in considerable quantity, may be easily detected by placing a piece of polished iron or steel in the suspected liquid for twenty-four hours, to which we previously add a few drops of nitric acid. The copper will be de-

posited on the iron. Or ammonia may be added to the fluid in which the pickles or fruit were lying, when, if copper is present, a blue tint is developed. We should be suspicious of all pickles, olives, preserved gooseberries, &c., with a particularly bright-green tint.

Milk is usually believed to be liable to numerous adulterations, such as flour, chalk, mashed brains, &c. It appears, however, from Dr. Hassall's researches on London milk, that as a general rule water is the only adulteration. The results of the examinations of twenty-six samples were that twelve were genuine, and that fourteen were adulterated, the adulteration consisting principally in the addition of water, the percentages of which varied from 10 to 50 per cent., or one-half water. If space permitted we might extend the list of alimentary substances liable to adulteration to a much greater length.

Beer is adulterated in many ways. Burned sugar (caramel) is added to give color; cocculus indicus, to supply an intoxicating agent which will give an appearance of strength to the beer; quassia, to impart bitterness in place of hops; grains of paradise and cayenne pepper, to communicate pungency; coriander and caraway seeds, to yield flavor; liquorice, treacle, and honey, to supply color and consistence. To stale beer there is sometimes added green vitriol (sulphate of iron) or alum and common salt, which when agitated with the beer communicate a fine cauliflower head.

IV.

[Report of select parliamentary committee 1855–1856, upon inquiry into the adulteration of food, from the Westminster Review, volume 91, page 195.]

In the process of their investigations they examined some sixty witnesses, who gave answers to near eight thousand questions, all of them tending more or less distinctly and directly to prove that the practice of adulteration was very prevalent and most injurious in its effects upon the health, morality, and prosperity of the country. Upward of thirty of the witnesses were physicians, surgeons, analytical chemists, and druggists, and the remainder were gentlemen who occupied responsible positions in the fiscal and sanitary departments of government, of persons acquainted with the manufacture and sale of the larger proportion of such commodities as are in most general use.

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Though the witnesses differed both as to the extent to which adulteration is carried on and as to its nature and effects, your committee can not avoid the conclusion that adulteration widely prevails, though under circumstances of very various character. As regards foreign products, some arrive in this country in an adulterated condition, while others are adulterated by the English dealer. Other commodities again, the produce of this country, are shown to be in an adulterated state when passing into the hands of the dealer, while others undergo adulteration by the dealers themselves.

"Not only is the public health thus exposed to danger and pecuniary fraud committed on the whole community, but the public morality is tainted and the high commercial character of this country seriously lowered both at home and in the eyes of foreign countries. Though very many refuse under every temptation to falsify the quality of their wares, there are unfortunately large numbers, who, though reluctantly practicing deception, yield to the pernicious contagion of example or to the hard pressure of competition forced upon them by their less scrupulous neighbors."

And then they proceed to give the following summary:

"Without entering into voluminous details of the evidence taken, your committee would enumerate the many articles which have been proved to be more or less commonly adulterated. These are: Arrowroot, adulterated with potato and other starches; bread, with potatoes, plaster of Paris, alum, and sulphate of copper; bottled fruits and vegetables, with certain salts of copper; coffee, with chicory, roasted wheat, beans, and mangel-wurzel; chicory, with roasted wheat, carrots, sawdust, and Venetian red; cocoa, with arrowroot, potato flour, sugar, chicory, and some ferruginous red earth; cayenne, with ground rice, mustard, husk, &c.; alcohol, with red lead; lard, with potato-flour, mutton suet, carbonate of soda, and caustic lime; mustard, with wheat flour and turmeric; marmalade, with apples and turnips; porter and stout (though sent out in a pure state from the brewers), with water, sugar, treacle, salt, alum, cocculus indicus, grains of paradise, nux vomica, and sulphuric acid; pickles and preserves, with salts of copper; snuff, with various chromates, red lead, lime, and powdered glass; tobacco, with water, sugar, rhubarb, and treacle; vinegar, with water, sugar, and sulphuric acid; jalap, with powdered wood; opium, with poppy capsules, wheat flour, powdered wood, and sand; scammony, with wheat flour, chalk, resin, and sand; confectionery, with plaster of Paris and other similar ingredients, colored with various pigments of a highly poisonous nature; and acid drops purporting to be compounded of jargonelle, pear, ribston, pippin, lemon, &c., with essential oils containing prussic acid and other dangerous ingredients."

V.

[Extracts from English statutes bearing on the subject, 11th August, 1875.]

Whereas it is desirable that the acts now in force relating to the adulteration of food should be repealed and that the law requiring the sale of food and drugs in a pure and genuine state should be amended:

Be it therefore enacted, &c. * * *

SEC. 2. The term "food" shall include every article used for food or drink by man, other than drugs and water. The term "drugs" shall include medicine for internal or external use.

SEC. 3. No person shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state; and no person shall sell any such article so mixed, colored, stained, or powdered, under a penalty in each case not exceeding £50 for the first offense; every offense after a conviction for a first offense shall be a misdemeanor, for which the person shall, on conviction, be imprisoned for a period not exceeding six months, with hard labor.

SEC. 4. No person shall, except for the purpose of compounding, as hereinafter described, mix, color, stain, or powder any drug with any ingredient or material so as to affect injuriously the quality of such drug with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, colored, stained, or powdered, under the same penalty in each case, respectively, as in the preceding section for a first and subsequent offense.

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SEC. 6. No person shall sell to the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding £20, &c.

SEC. 7. No person shall sell any compounded article of food or compounded drug which is not composed of ingredients in accordance with the demands of the purchaser, under a penalty not exceeding £20. (Glen's Law of Public Health, 38 and 39 Victoria, chapter 63.)

You will thus see, Mr. Speaker, the estimation in which the offense is held by our cousins across the water. It is meet that the two great Anglo-Saxon nationalities should profit, each by the teaching of the other. May not the younger profit by the lesson here laid down by the elder?

I have letters, Mr. Speaker, from some of the leading grocers and druggists of the country, offering to come on and testify before a properly accredited committee at their own expense, to give cause and adduce proof why like legislation is imperatively demanded on Capitol Hill. Let them be heard for our sake, if not for theirs.

Reduction of Import Duties and Repeal of Internal Taxes.

SPEECH

OF

HON. WILLIAM R. COX,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 2, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. COX, of North Carolina, said:

Mr. CHAIRMAN: I listened yesterday with interest, as I always do, to the remarks of my distinguished friend from Connecticut [Mr. EATON]. In some things I agreed with him, and regretted that in others I was compelled to differ. I heard with surprise remarks from him which were susceptible of a sectional interpretation, and would have concluded they were intended to embarrass this measure with such an issue but for my knowledge of the public and private views of the speaker, whom I have ever found frank, fearless, and eminently national in his character.

I was surprised to find how bitterly he assailed the Morrison bill, while declaring himself in favor of a tariff for revenue and low taxes; but when he informed us he represented one of the largest manufacturing districts in New England, I concluded that his mind, upon the principle of evolution, which moves in lines of least resistance, was leaning to the protected industries of his district. I appreciate the force of a preconceived opinion, which, when once formed, however unsubstantial its foundation, pride rushes to the rescue, and unconsciously we seek for reasons to sustain as realities mere personal predilections. That is one of the troubles the Morrison bill has encountered. The opinion of some members had crystallized against it before it was presented to the House, and they were ready to antagonize without investigation whatever was recommended, with no better argument than—

I do not love thee, Doctor Fell,
The reason why I can not tell;
But this alone I know full well,
I do not love thee, Doctor Fell.

One of the most important issues in the last Congressional election was tariff reduction, and it was the chief question calling for action when this Congress met. The question of free trade, of which we have heard so much in this debate, strikes me more like dodging the real issue than an argument against reducing the burdens of the tax-payer. Reduction and not revolution is what is sought by the measure now presented, and until something more acceptable is proposed I will give it my support. The able Committee of Ways and Means, after a long and laborious investigation, reported this bill, and requested the House to go into Committee of the Whole to consider it, but gentlemen on this side of the Chamber sought to slam the door in their faces and deny them even a hearing. Such treatment on the part of colleagues was at least unwise. "Strike, but hear me!" exclaimed the noble Athenian. "If you must oppose a measure of this importance, at least let us hear the views of its friends," will be the response of every fair-minded constituent. While not wedded to the bill, we have an earnest desire to see taxes reduced, and if not able to get all we wish, statesmanship dictates the acceptance of that which at least approximates one's wishes.

No one denies that there is a surplus in the Treasury of probably $150,000,000, and this is increasing at the rate of more than $50,000,000 per annum, exclusive of a sinking fund of $40,000,000. We collected in 1883 $398,287,581 for the ordinary expenses of the Government, including interest; an excess of $132,879,444 over the amount expended. In addition we are burdened with the support of State and municipal governments. Nor can we forget that the Republican party has exhibited a wonderful talent to impose, but none to remove, unnecessary taxes from the shoulders of a patient and long-suffering people.

How is it proposed to decrease this annual surplus except by the bill now before the House? Where is the proposition for relief if not found here? Would gentlemen on the other side of this Chamber have us, like the ass in the fable, stand starving between two bundles of hay, not knowing which to take, "Letting I dare not, wait upon I would?" We can not reduce it by paying off the bonded debt not yet due, for if we go into market to buy these bonds they will so enhance in value as to compel the payment of exorbitant premiums as well as greatly embarrass our national banking system. If a reduction of taxation will accomplish our purpose, we should not by experiment embarrass the

business interests of this country. It is well said by the Secretary of the Treasury, in his report to the Forty-seventh Congress, that—

In view of the large sum that has already been paid by the present generation on the debt, and the heavy taxation that now bears upon the industries and business of the country, it seems just and proper that another generation should meet a portion of the debt, and that burdens now laid upon the country should be lightened.

Whether this suggestion is wise or not, this side of the House is not responsible for that legislation which placed it beyond our power to pay off the public debt. I do not consider a public debt a public blessing, nor favor its continuance longer than is absolutely necessary. It is opposed to public policy and dangerous to liberty, it creates a species of slavery to a bonded aristocracy, which, while contributing nothing toward the maintenance of the Government, fattens upon its revenues and dwarfs its energies.

In the same report the Secretary makes this appropriate inquiry:

Is it a beneficial exercise of governmental power to raise money by taxation in greater sums than the lawful demands upon the Government require, when these demands are of themselves a heavy burden upon the industry and business of the country?

Nor is this all; it tends to questionable expenditures, the multiplication of unnecessary offices, and with a certain class of legislators, brings economy into ridicule, and produces extravagance and waste.

The President, in his message to the Forty-seventh Congress, called attention to the necessity of revising the tariff to accomplish a reduction of the surplus annually collecting in the vaults of the Government, which should have been left with the people. While these officials are entitled to our respect, they should command the undivided confidence of those by whose instrumentality they were chosen. I therefore prefer to quote from them, as it should divest this discussion of a partisan character as well as present to the doubting reasonable assurance of the necessity for this conservative legislation.

At the meeting of the Forty-seventh Congress the President, in adverting to a necessity for a revision of the tariff, suggested that—

If a careful revision can not be made at this session, a commission, such as was lately approved by the Senate and is now recommended by the Secretary of the Treasury, would doubtless lighten the labors of Congress whenever this subject shall be brought to its consideration.

In furtherance of these recommendations, a bill was immediately introduced in the last House providing for the appointment of a commission of nine experts, whose duty it should be to visit different parts of the country, inquire into the necessities of trade, the wishes of the people, and report to Congress at its second session such information as might be gathered during their investigations. It was anticipated by the then minority that this body would be composed exclusively of representatives of the high protected industries, and their natural bias would color their report in favor of those by whom they were appointed, therefore they resisted its appointment. The tariff reformers insisted that tariff legislation was peculiarly the province of members of Congress, and that they must be presumed capable of legislating for the greatest good of all, without the interposition of an extra-constitutional commission. Nevertheless the commission was appointed, and after traveling some 9,000 miles, and examining over four hundred witnesses, representing the various interests of the different sections visited, it recommended a reduction of the tariff from 20 to 25 per cent. In their report they used the following language:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of a public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. No rates of defensive duties, except for the establishment of new industries, which more than equalize the conditions of labor and capital with those of foreign competitors can be justified. Excessive duties or those above such standard of equalization are positively injurious to the interests which they are supposed to benefit.

Further on they say:

If the reduction reaches the amount at which the commission has aimed and if there is any truth in the allegation of the opponents of the present economic system that a duty on articles such as are produced in this country, whether in manufactures or agriculture, enhances the price to the consumer, not only of what is imported but of the whole domestic production, to an amount of which the duty is the measure, the reduction proposed by the commission would benefit consumers to the extent of hundreds of millions of dollars.

It will be remembered this commission was the creature of a Congress devoted to the doctrines of high protection; and so careful was the President to see that it conformed to their views, not only was every tariff-reformer excluded from it, but the very president of the commission resigned employment in a manufactory to accept a place upon this board, and it is said since his duties terminated has been reinstated in the same factory from which he came. Yet, strange as it may appear, the commission's recommendations were virtually repudiated by the very Congress appointing them. Instead of reducing taxation from 20 to 25 per cent., as recommended, Congress was satisfied with a reduction of less than 1½ per cent. Therefore out of its own lips we condemn it as but sounding brass and a tinkling cymbal.

When the Forty-eighth Congress assembled we were informed by the Secretary of the Treasury that a large surplus was still on hand. In speaking of the legislation of the previous Congress he uses the following language:

The estimated receipts for the current year from customs are $195,000,000, a reduction of less than $20,000,000. Considering that there has been some depression of business during the past year, it is probable, should business revive, that the revenues from customs under the present law will in succeeding years increase rather than diminish.

We are likewise informed by the Secretary—

That by reason of the legislation of the last Congress the repeal of internal-revenue taxes were expected to effect a reduction of about $55,000,000, whereas the aggregate reduction and the augmentation from the receipts from distilled spirits together will be only about $25,000,000 less than the preceding year; altogether the absolute reduction will be actually $30,000,000 less than was contemplated by the legislation of last winter.

What, then, is proposed by the Morrison bill? Why, follow in the direction of the recommendation of the President and do what the other side failed to do, namely, reduce taxes in accordance with the wants of the Government. We now are collecting annually from tax-payers over $50,000,000 more than is required, notwithstanding the advice of the President "that only such taxes ought to be levied as are necessary for wise and economical administration of the Government," and notwithstanding the Supreme Court of the United States (20 Wallace, 657) has denounced protection for protection's sake in the following emphatic language:

To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build fortunes, is none the less robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

To escape a dilemma into which a law and the facts have placed them, the friends of protection and class legislation have sought to break its force by appeals to the fears of the laboring classes. That party, which is nothing if not sectional, and whose slogan of success has so long been abuse of the South, finding her fertile fields, magnificent water-power, rich mines, and genial climate had invited capital and capitalists to go among them, and that these persons sent to their friends through the North such intelligence of the law-abiding character of Southerners as to remove all fears of sectional uprising and no longer hoping to achieve success in that direction, now seek to arouse the laboring classes by appeals to their fears and prejudices against England's pauper labor.

I was surprised to find my friend from Chicago [Mr. FINERTY], who informed us his eyes had first embraced the sunlight upon foreign soil, should be training in the same direction, especially when he can but remember that in the not far distant past there was a Know-Nothing party in this country, whose watchwords were "Place none but Americans on guard," and that the Roman Catholic owing allegiance to the Pope should not be allowed either to vote or hold office. This cry against pauper labor on the part of high protectionists is but the song of the siren, and if necessary to effect their object they are ready to renew a war upon all foreigners.

Now, what is pauper labor? As Mr. Lincoln would say, "I desire to speak to plain people," and insist the term itself is an insult to the laboring classes. Labor is capital as much so as manufacturing, and a man, though poor, should not be arraigned as a pauper simply because he fails to possess that wealth which gives him immunity from toil. The principles of the Democratic party compel it to oppose encroachments upon the Constitution, high protective tariffs, and class legislation; to discountenance sectional parties; to maintain the rights of the poor against the aggression of power, and preserve the polls from military usurpation. All tariffs should be levied in a spirit of equity, caution, and compromise, and the great interests of agriculture, manufactures, and commerce be equally favored; and an intelligent ballot cast by intelligent freemen is "the right preservative" of these rights. What Democracy has most to fear is the persuasive eloquence of the purchasing power, wielded by a corrupt party or a privileged class.

Many of those now crying out against pauper labor are descendants from those very pauper laborers who by their intelligence and enterprise cut loose from the ties which bound them to their former home, and collecting money enough to transfer themselves and families to our shores, have peopled the great Northwest, added to our wealth, filled our armies in times of greatest peril, and added to the glory and greatness of this Government. Where, then, is the justice or sincerity of such appeals. The very class who are making the greatest outcry against pauper labor is that class whose wealth and disposition bring this foreign labor in competition with the labor of this country. What we oppose is foreign contract labor brought over by the protected industries and monopolies to compete with native labor, but not that labor which seeks to improve its condition by immigration.

We know it is claimed that protection enhances the wages of the laboring classes, yet we find more complaints, more rioting, and more disturbances in the peculiarly protected sections than in any other portions of this country. Hon. Robert J. Walker, in his celebrated report of December, 1845, uses the following language:

When the number of manufactories is not great the power of the system to regulate the wages of labor is inconsiderable; but as the profit of capital invested in manufactures is augmented by the protective tariff there is a corresponding increase of power, until the control of such capital over the wages of labor becomes irresistible. As this power is exercised from time to time we find

it resisted by combinations among the working classes by turning out for higher wages or for shorter time, by trades-unions, and, in some countries, unfortunately, by violence and bloodshed. But the Government by protective duties arrays itself on the side of the manufacture system, and, by thus augmenting its wealth and power, soon terminates in its favor the struggle between man and money. A protective tariff is a question regarding the enhancement of the profits of capital and not the augmentation of the wages of labor. It is a question of percentage, and is to decide whether money invested in our manufactures shall, by special legislation, yield a profit of 10, 20, or 30 per cent., or whether it shall remain satisfied with a dividend equal to that accruing from the same capital invested in agriculture, commerce, or navigation?

It is estimated that at the present time the amount of foreign labor employed in our mills is not less than 66 per cent. If so, where then is the much vaunted protection given by manufacturers to the American against the foreign labor of Europe?

The honorable gentleman from Pennsylvania [Mr. KELLEY], in support of his high tariff views, speaks of what he observed in free-trade England during his visit to that country the past summer; of the great hardships and destitution he saw among the laboring classes in the manufacturing districts. What he says may be true, though we could but wish that it was otherwise. He failed to point out, however, the great dissimilarity between the character of the institutions of that country and our own. England is a purely commercial and manufacturing state. Her population is dense and crowded, and her laws and her institutions, derived from the Middle Ages, are devised to promote the favored few at the expense of the many. It is estimated that among her landholders in England and Wales there are little more than one-hundred and fifty proprietors having half an acre each. Nearly one-half of the land is owned by 2,250 proprietors, averaging more than 6,000 acres each, and four-fifths of all of her lands are in the hands of 7,000 owners. Hence you may see that not as a matter of choice but of necessity the great body of her people have no choice as to the character of their pursuits.

In this country we have still a boundless domain, where every one may engage in agriculture whose means and inclinations may prompt him to follow this ennobling occupation. It is true that the legislation of the Republican party has transferred the most valuable part of this domain into the hands of great railroad corporations, and they have disposed of it in vast bodies to wealthy syndicates, both foreign and native, whose princely estates eclipse the grandeur of every other part of the world. The effect of this policy has been to concentrate population in and around our large cities, and wherever the people are thus congregated; poverty and crime are the consequences for it is truthfully said that when you place a policeman on the street you will find a beggar around the corner. It may seem ungracious to call attention to the destitution and poverty that obtains in one's own country, but as we are dealing with facts and not sentiment we should see whether our own people are cared for before going abroad to shed tears at the misery of those in other lands.

In the May number of the North American Review, under the caption of "Workingmen's grievances," I find the following statement:

To-day throughout our whole country, on the plains and in the mountains, in the densest populations and on the most advanced frontiers, in town, county, and mining-camp, are found armies of homeless wanderers, that can be numbered only by hundreds of thousands, if not by millions, vainly seeking work, begging or stealing their subsistence wherever they can find it, and rapidly sinking to the condition of the most callous vagabondage and crime. And among those who are now doing the work of the country assured and constant employment is the exception, while uncertain and inconstant work is the rule.

The same article, in treating of the density of the population and the destitution that prevails in the city of New York, uses the following language:

Fully three-fourths of the population of the city of New York are living in from one to three small rooms to a family. There are blocks upon blocks in that city where the people are packed at the rate of 486,000 souls to the square mile. While the extreme density of the population in New York rises to 760 per acre, in London it stops at 222. At the close of 1883 the board of health of the city of New York reported the existence of 25,946 distinctive tenement-houses, occupied by 907,000 souls, as estimated. * * * Therefore it is fair to assume that in New York twelve per thousand is the death-rate of comfort, while all above that rate, or nineteen per thousand, is the mortality of destitution. This gives 22,925 as the number of those who are yearly destroyed by want in one city. The 23,000 thus annually sacrificed to Moloch are as clearly the victims of the war that wealth wages against society as are the slain found upon the fields of battle victims of a conflict of arms. The horrors here pointed out are not confined to the city of New York, but exist, more or less modified, in every city and town in our country.

In visiting protected France and Germany even more destitution was seen by me than in England, and in writing a letter last summer for publication I thus spoke in regard to the capital of Austria:

At Shönbrunn we saw the emperor's summer palace with its 1,500 apartments and the zoological garden beautifully situated in a large, handsome park. The winter palace is in the city. We also saw the arsenal filled with its missiles of destruction, of nearly every age and kind, and of such magnitude is this building, that one hour is required to walk around it. The soldier here is seen everywhere, for the army numbers 800,000. To defray the enormous expenses the government has many and peculiar monopolies, such as lotteries, tobacco, &c. Everything and everybody are taxed except those most able to bear its burdens. The stranger on entering the city must pay for the privilege, and when he departs he must pay a tax for registering his baggage.

Amid such surroundings what is the condition of the laboring man? The story is briefly told. We have seen him toiling on Sunday as if there was no day of rest. Women are employed in heaving coal, mowing hay, carrying mortar on high buildings, grinding hand-organs, knitting, and sewing on the Sabbath, and working in carts with dogs. In the market there are offered for sale for food things which in our country are thrown among the garbage, while in the morgue is daily found the bodies of those who, no longer able to bear "the slings and arrows of outrageous fortune," seek oblivion in a watery grave. You may inquire why these things are suffered to exist. We answer: the press is muzzled; the masses have never breathed the air of freedom, but are taught rather to fear foreign invasion than to inquire into their own condition.

These examples are given not for the purpose of reflecting upon the institutions of this country, but to show that there is more apparent poverty and destitution among the protected states of the continent than in free-trade England. Woman is driven to perform these menial labors in consequence of vast standing armies which these governments support, and the soldier's labor is not only lost to the state, but the expense of supporting him likewise falls upon the government. Some one must labor, or all would starve, and as so many men are in these armies, woman must engage in even unwomanly work to drive the wolf from the door.

How different is the situation with us. Our Army is so small a soldier is never seen in many parts of the country. Therefore there is less excuse for poverty and want among us than among any other people. While the area of territory of most civilized nations is circumscribed and their population crowded together, here we have an unlimited domain not yet reclaimed from the deer and the savage. With the disappearance of illiteracy and the diffusion of knowledge among the masses, under our free institutions we may hope to achieve still greater triumphs in alleviating the hardships of all classes. In a government where universal suffrage prevails, education is necessary to defeat the blandishments of the political corruptionist, who, like the snake among flowers, is continually imperiling our liberties through the wayward and unsuspecting voter.

I would like to dwell upon the effect of a protective tariff on the agricultural interest and the wages of the laborer. But as my object is to present some views in regard to the internal taxation I will only add that, by the census of 1880, $2,790,223,506 capital is invested in manufacturing enterprises in the United States, their gross product is $5,369,667,708, and to produce this result 2,738,930 persons are employed. Engaged in farming, we find that we have value of farm implements and live-stock, $12,104,081,440. The gross production is $2,212,540,937, and persons employed 7,670,493. The manufacturing enterprises yield an average of over 70 per cent. upon the capital invested, while farming pays only 19 per cent. Yet the farmer, by his labor, must contribute to the support of the manufacturers through taxes imposed by a high tariff.

It is insisted this measure ought not to be agitated at this time because the present tariff has only been in operation eight months, and has not been sufficiently tested to ascertain how it will succeed; that a continued agitation of these economic questions tends to depress business and interfere with the industries of the country. While acknowledging the force of this argument, we can not ignore the fact that there is already a large surplus in the Treasury, annually augmented by our present system of taxation. We are not in favor of free trade, and if we were we could not forget that so long as the annual expenditures of this Government are about $300,000,000 the imposts collected for this amount alone must give all the protection to the manufacturing interest to which it is justly entitled. The Morrison bill does not propose to destroy the present tariff, but simply to lessen taxes by reducing them horizontally 20 cents on the dollar, and provides a maximum and minimum rate beyond which the reduction shall not go.

It is true that there is placed on the free-list coal, lumber, and salt, and those who assert that it is an illogical bill because it provides for a horizontal tariff I am confident would resist any reduction that may be proposed. Like one of the ablest advocates on the other side [Mr. RUSSELL], they are at heart protectionists for the sake of protection, but more prudent in the declaration of their purposes.

While I should have preferred to reduce the surplus now in the Treasury, and that which is annually collected, by repealing the internal-revenue law, yet from the action taken by the House I know nothing is to be done during this session toward a reduction of the tax upon whisky. Wishing to be practical in all legislative matters, I would have been content to have kept silent on this subject but for the remarks made in relation to this tax by gentlemen who have discussed the Morrison bill, for they were calculated to produce the impression that the advocates for a repeal of the internal-revenue laws were *per se* in favor of cheap whisky, that they were protectionists in disguise, and the general sentiment of the country was in favor of continuing them in force. I therefore feel it a duty to place the State I have the honor in part to represent in her true light, and will endeavor to show her people occupy a far more elevated and patriotic position than her opponents ascribe to her.

In urging a repeal of the whole excise system she is but doing what the people of the United States have heretofore uniformly done in regard to excise laws whenever the exigency that called them into existence had passed. And not only so, but the people from whom we descended, from the time of Oliver Cromwell to the present day, held such laws in abhorrence. In his Commentaries upon the common law, Mr. Blackstone, a high-prerogative lawyer, uses the following language in regard to this system of taxation:

The rigor and arbitrary proceedings of excise laws seem hardly compatible with the spirit of a free people. It is necessary to give the officer power of entering and searching the houses of such as deal in excisable commodities at

any hour of the day and (in many cases) of the night also; and the proceedings are so summary and sudden that a man may be convicted twenty times by a commissioner, to the total exclusion of trial by jury and in disregard of the common law. * * * Such was the opinion of their general unpopularity, that when in 1642 aspersions were cast by malignant persons upon the house of commons, that they intended to introduce excises, the house for its vindication therein did declare that these rumors were false and scandalous, and that their author should be apprehended and brought to condign punishment.

In regard to the charge that a removal of the tax will lessen the price of whisky and thereby lead to drunkenness, I beg leave to call the attention of the committee to a few facts which should dispel any prejudice on that score. It is stated that after the enactment of the statute of George I, affixing a license of £50 on the sale of spirits in quantities less than two gallons, and a tax of 20 shillings on the gallon, which it will be remembered was in those days a large sum, this effort in the cause of temperance utterly failed of its purpose, although 12,000 people were convicted of a violation of the law; and the consumption of spirits in England and Wales rose from 13,500,000 gallons in 1734 to 19,000,000 in 1742, and there were 20,000 houses where gin was sold by the retail. We find from the report of the Commissioner of Internal Revenue for 1883 that, so far from the quantity of distilled spirits diminishing by reason of the high tax, the amount now on hand would seem to have increased, and that the number of persons who took out licenses under the internal-revenue law to retail liquors in the different States and Territories is continually increasing. In 1879–'80 there were 163,523; in 1880–'81, 170,640; in 1881–'82, 168,790; in 1882–'83, 187,871.

In the discussion of this question in 1816 Governor Troup, of Georgia, an able and distinguished statesman, used the following language:

It is said the excessive use of ardent spirits is immoral. It is true, sir. It is a vice, a deep-rooted vice, but it finds soil in the passions and propensities of man. But will you suppress it by imposing upon it a tax? No, sir. He who indulges in it knows that it leads directly to disease, poverty, and disgrace. If these are not sufficient restraint upon his appetite, vain will be the attempt to restrain him by increasing the price of the article.

Experience proves that these observations are unfortunately too true. No one has more respect for those philanthropists who seek to remove the blight and curse of drunkenness from among us than I have. Their intentions and efforts are entitled to our highest respect, and I am far from intending to oppose them in their effort to redeem our fallen brothers; but many of them agree with me that the continuation of this excise law is not the proper means of promoting the cause of temperance.

Its immense profits to capital increase its production, and the temptation to fraud increases adulteration, and its victims fall a more easy prey to its dangerous influences.

The Woman's National Temperance Union in their report in regard to the spirit tax, employed the following true and eloquent language:

In every place where this liquor crime is found the Government divides with it the spoils of its prey; however the money comes, a part goes into the public Treasury, and so the nation lives on the destruction of its own sons and daughters.

And they recommend the repeal of all laws touching the traffic in these beverages. So much in way of reply to those who, oblivious of the true principle underlying the motives of those who advocate the repeal of this law, are content to speak of such as being actuated only by a desire for cheap whisky. To them we commend the logical reasoning and touching eloquence of the noble ladies composing the union.

This discussion has revealed the fact that those who have opposed the repeal of this law, and expressed opinions that the general sentiment of the country demands its continuance, are advocates of the bonded, or in other words, high protected whisky.

In reply to these gentlemen who, coming from the great whisky manufacturing districts, are so anxious to retain this tax, and which places them in the novel attitude of begging the Government to continue to tax them, I will again call to the witness-stand the eminent Georgian from whom I have above quoted. In the discussion in Congress in 1816 he said:

A high tax on whisky would not tend very much to reduce the quantity which is made; on the contrary, the large distiller would profit by it. He would extend his business with immense profit, for by driving the small distiller from the business he would be enabled to regulate both the article manufactured and the material of which it is made.

Thus we see what was clearly predicted over half a century ago is verified by what is daily occurring. The Government is made virtually a copartner with the whisky monopolist, for she exempts him from the payment of his taxes for three years, while his wealth and influence shield him from prosecution and annoyances. He regulates the grain market, secures the most expensive plants for his business, and the Government permits him to keep his whiskies in bond for three years, without a payment of a cent of tax or interest on the use of the money, while it ripens and mellows and becomes more and more valuable. The bonded-whisky interest is one of the great monopolies of this country, and if those who oppose it are to be known as the advocates of cheap whisky, then let those who favor it be known as the advocates of protected whisky.

In reply to the charge that those seeking the repeal of the internal-revenue system are covertly favoring a protective tariff, I need only remind gentlemen that the strongest opposition to the law in 1792 arose from anti-protectionists. The New England rum,* with which the manufacturers of whisky in those days were competing, was made from imported sugar and molasses and the duties of those subjects elicted an able debate. In the discussion on the subject, Mr. Steele, of my State, said:

He begged the House to remember this was the first attempt to introduce the system of excise in the United States; that it was, too, the first attempt to tax an article of American growth and manufacture; that the law required at least one-fourth part of the value of the thing excised, and that not only the justice of the measure was denied but its policy doubted.

In summing up his objections he stated:

First. Excise laws are novel in the United States and novel in their nature.
Second. Articles of American manufacture are not proper articles of taxation, and if they were the rate was too high.
Third. Because it operates and is in fact a tax upon this occupation and agriculture, as they stand connected in one part of the Union, while manufactures in other parts are not only rewarded by high protective duties but in some instances by specific bounties.

The first excise law enacted in the United States went into operation in 1792. It met with opposition in North Carolina, Georgia, Virginia, Maryland, and Pennsylvania, and it is somewhat singular that these States and Tennessee, the daughter of my State, stand together in their opposition to the internal-revenue system of the present day; thus showing that history often repeats itself.

I again quote from the speech of Mr. Steele, a Representative in Congress in 1792 from North Carolina. He said:

The opposition to this law has not proceeded from a restless and disorderly spirit among the people, but from an aversion which freemen in all countries ever had and perhaps ever will have to this mode of taxation. Let ingenious theorists refine as they please upon the nature of internal taxes, it must always be admitted that excises retrench the liberty of the citizens on whom they operate, and that they are subject to solid as well as plausible objections.

The views expressed by this distinguished Representative in 1792 were reaffirmed by the Legislature of my State in 1883, when it declared:

If Congress should deem it impracticable to modify the present tariff, and at the same time abolish the internal-revenue taxes, as a less of the two evils we prefer the retention of the former and the abolition of the latter.

The impression that this measure is in some way connected with the protection idea arises from a knowledge that the people in Pennsylvania are bitterly hostile to an excise system, while they are in favor of a protective tariff. Yet we should not forget that the bitterest opposition to this character of law was manifested in that State in 1793, when it was first sought to enforce it in this country. It led to the verge of civil war, and involved among those engaged in its resistance her governor, judges, and many distinguished citizens. Judge Breckenridge, in his History of the Whisky Insurrection, gives the following graphic account of the situation of the people and their unrelenting hostility to the measure:

The farmers, having no market for their produce, were from necessity compelled to reduce its bulk by converting their grain into whisky. A horse could carry two kegs of eight gallons each, worth 50 cents per gallon on this, and $1 on the other side of the mountains, while he returned with a little iron and salt, worth at Pittsburgh, the former from 15 to 20 cents per pound, the latter $5 per bushel. The still was therefore the necessary appendage of every farm where the farmer was able to procure it; if not, he was compelled to carry his grain to the more wealthy to be distilled. In fact, some of these distillers on a large scale were friendly to the excise laws, as it rendered the poorer farmers dependent upon them.

Such excise laws had always been unpopular. Among the small farmers in Great Britain they excited hatred, which they brought with them to this country, and which may be regarded as hereditary. Scarcely any of the causes of complaint which led to the Revolution had so strong a hold on the people of Pennsylvania as the stamp act, an excise regarded as an oppresive tax on colonial industry. Every attempt of the Colony or State to enforce the excise on home-distilled spirits had failed, and so fully were the authorities convinced that they could not be enforced, that the last law on the subject, after remaining a dead letter on the statute-book, was repealed just before the attempt to introduce it under the Federal financial system by the Secretary of the Treasury, Alexander Hamilton.

There were, moreover, circumstances necessarily attending the collection of the tax revolting to the mind of a free people. Instead of a general assessment, a license system, confined to a few dealers on a large scale, or an indirect tax on foreign imports while in the hands of the importers or retailers, this tax created a numerous host of petty officers, scattered over the country as spies on the industry of the people, and practically authorized at almost any moment to inflict domiciliary visits on them, to make arbitrary seizures, and commit other vexatious acts.

I have seen an illustration of the moonshiners of Pennsylvania in those days which is both striking and amusing. They have an exciseman or revenue officer clothed in a coat of tar and feathers, whom they are marching out of the town to the tune of the "Rogue's March," accompanied by an escort of citizens of all sizes and sexes as well as dogs of small degree.

The Federalists attempted to fix upon the Democratic clubs responsibility for the indignation felt by the people against domiciliary visitations and the disreputable employment of spies and informers. But

* This rum, it may be added, was made mainly from molasses imported from the West Indies, and from 300,000 to 500,000 gallons were sent annually from that section to Africa for the purchase of slaves.
Official documents show that from 1804 to 1807, inclusive, 202 cargoes of negro slaves were brought into Charleston, S. C. Of these slaves, 3,914 were sold for account of persons residing in Bristol, R. I.; 3,488 for Newport, R. I.; 556 for Providence, R. I.; 280 for Warren, R. I.; 200 for Boston, Mass.; and 250 for Hartford, Conn. This was, it will be observed, at only one port in the South and during a period of only four years.—*Princeton Review*, March, 1884, page 194.

the feeling was innate and could not be resisted. Nothing but the extraordinary equanimity of President Washington prevented the precipitation of a civil war. When a public meeting was held to express their opposition to this law, the Federalists, who regarded such meetings as levying war against the United States, sought to secure from the Attorney-General (Mr. Randolph) an opinion that the promoters of the movement were guilty of treason and indictable, and expressed indignation at his declining to concur in their construction of the law. Mr. Jefferson, in a letter written about this time to Mr. Monroe in regard to this insurrection, used the following language:

> The people in the western part of this State have been to the excise officer and threatened to burn his house, &c. They were blackened and otherwise disguised so as to be unknown. He has resigned, and H. says there is no possibility of getting the law executed there, and that probably the evil will spread. A proclamation is to be issued; another instance of my being forced to appear to approve what I have condemned uniformly from its first conception.

And he subsequently denounced it as an "infernal tax."

In a document supplied to the members of this House during the present session, entitled "Arguments before the Committee of Ways and Means on the Morrison tariff bill," under the title "Internal-revenue taxation on tobacco and fruit brandy," I find that certain members of the House and Senate appeared before the committee to express their views as to what course should be done.

Mr. DIBRELL, of Tennessee, a prominent churchman and temperance leader, said he was in favor of taking the taxes off tobacco and fruit brandy, if the internal-revenue laws were not entirely repealed. In the course of his remarks he presented a letter from Judge Key, of the United States district court, in which he inquires:

> Is there any hope for the repeal of the internal-revenue laws? In this State these laws have become the means by which a very large number of disreputable people live, by making themselves spies, witnesses, guards, &c., at the public expense. Men too lazy to work manage to live at the expense of the Government.

He also produced another letter from Judge Baxter, of the United States circuit court, who said:

> The public service of the United States is, I regret to say, in very bad hands in a majority of cases in Tennessee, and it can never be corrected until it is actively disfavored by the authorities at Washington.

Mr. DIBRELL also called the attention of the committee to the great hardships to the small distillers in rural districts in procuring stamps, securing gaugers, and the prosecutions to which they were exposed.

Mr. CANDLER, of Georgia, also bore testimony to the great hardships practiced upon the people of his State, and expressed his opinion as to the necessity for the repeal of these laws.

Mr. CABELL, of Virginia, informed the committee that "If this law had been carried out in your respective States in the oppressive way in which it has been carried out in my State and in other States that I know of, you would not have tolerated it a week longer than you could have got to Congress and accomplished its repeal."

I have given the views from these various sources to show the unpopularity of this law among an independent and enlightened people. An unpopular law is apt to be a bad law. The object of taxation, it is respectfully submitted, is not alone to raise revenue, but it should bear as equitably as possible upon all citizens, without heaping unnecessary burdens upon any particular class. What may be borne by one man can not be sustained by another without great hardship and inequality. It is said that the tax imposed by Mehemet Ali upon the date-tree caused the Egyptian fellahs to cut down their trees, but twice the amount imposed on the land produced no such result. A tax of 10 per cent. imposed on all sales by the Duke of Alva in the Netherlands would, had it been continued, have stopped exchange, while yielding little revenue.

The tax imposed on brandy distilled from fruits has caused the destruction of many orchards and prevented the planting of others, while the revenue derived from this source scarcely exceeds the cost of collection. The conversion of grain into whisky is a conversion of a necessity into a luxury; the conversion of fruit into brandy is the conversion of a luxury into a luxury. Grain can be preserved and used for many of the purposes of life; fruit is perishable, and if not immediately used will decay and be lost. While the rich and the poor have orchards, it is the poor man usually who distills. His orchards are planted upon a thin, sandy soil or broken hill-side, and his little distillery is the most profitable source of support. He converts his fruit into brandy for the purpose of exchanging it for the necessaries of life, and if deprived of this means you leave him poor indeed. If spirits must be manufactured, wise statesmanship would dictate that its production from fruit should be encouraged rather than prevented, as fruit is perishable.

The same argument urged for the repeal of the whole internal-revenue tax applies to tobacco as well as to spirits. If you should remove the tax from one you should certainly remove it from the other. The people of my State are perfectly willing to pay this internal-revenue tax provided the method of collecting could be changed. They are ready to meet all taxes imposed by the Government which are just and equitable. They appreciate the fact that while the war is over its debt has not been paid, and are conscious that the Government intends to deal honorably and justly by them. At the same time they demand that the law for collecting the taxes be so modified as to secure the freedom of persons and the sancity of their homes and families, and if this can not be done and the revenue law be enforced, then they ask that the whole system be abolished as early as possible. With an overflowing Treasury and a reasonable prosperity they fail to see why some relief can not be given, and I, as their representative, ask it at your hands.

Pensions.

SPEECH

OF

HON. LEONIDAS C. HOUK,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 11, 1884,

On the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885.

Mr. HOUK said:

Mr. CHAIRMAN: As this is a bill making an appropriation to pay pensions and to provide for the incidental expenses of making the payments, it is proper, as I think, to look into the machinery and practical workings of the pension agencies of the country and ascertain as far as possible whether the bill under consideration will accomplish the purpose intended. I find a woful lack of correct information among members as to the machinery and labor in the pension offices of the country. I find a vast amount of misinformation on this subject. I therefore desire to call attention to the organization of a pension agency and to the kind and method of labor to be performed in paying pensions. The Clerk is asked to read the statement I now send to his desk on that subject, showing what the steps are in the Pension Office after the certificate of the pensioner has been presented for payment.

The Clerk read as follows:

> UNITED STATES PENSION AGENCY,
> *Knoxville, Tenn., January*, 31, 1884.
>
> SIR: * * *
>
> First. The certificate, when originally received, is entered on the rolls at the proper alphabetical place and in the proper book. This enrollment requires very great care, the pensioners being divided into classes, and in many cases the certificates are "reissues," "increases," and "corrections."
>
> Second. After the certificate has been enrolled a proper voucher is prepared, and, along with the certificate, forwarded to the pensioner. Along with the certificates comes a letter of advice to the pensioner, a letter of advice to his attorney in some cases, and sometimes special instructions to the pension agent.
>
> Third. After the pensioner's voucher is matured it is critically examined by the pension agent to see if it is properly executed. Many vouchers have to be returned for correction. The pensioner's signature may not correspond with his certificate name; the voucher may not be duly witnessed; the probate officer may be unknown to the agency and not duly certified; the receipts may not be correctly signed or may be unwitnessed; the guardian's official character (in guardian cases) may not be correctly certified or there may be a discrepancy between the name of his ward or wards in his guardianship letters as compared with the certificate; the guardian's bond may be wanting or may be deficient in form, in penalty, or in solvency of sureties; the pensioner may fail to give his post-office address; the voucher may be written with a lead-pencil or with illegible ink; witnesses may sign by mark and be themselves unwitnessed; the date in the jurat may be, and frequently is, omitted, or may be false, its falsity being evidenced by the post-office stamp on envelope antedating the jurat, and in various other particulars the voucher may be fatally defective without correction by the pensioner. This agency returns fully 4 per cent. of the vouchers for correction one time, and many in the aggregate for correction a second time.
>
> Fourth. The roll is then examined to see whether the voucher is correctly made out; if so, the date and amount of the payment is entered on the roll in the proper column. This is a very critical process, and is intended to see that the voucher corresponds in name, number of certificate, and rate of pension with the roll, and that the voucher is for the proper period and the proper amount.
>
> Fifth. The check is then drawn for the amount due, properly dated according to the preceding audit, and signed. The name in the voucher must be spelled, letter for letter, according to the orthography of the rolls; and the name in the check must to the same extent correspond with the name in the voucher. The nomenclature of the rolls is "fearfully and wonderfully made," the various ways of misspelling names being almost incredible.
>
> Sixth. The check is then stubbed, the stub showing its amount, date, and number, and the name and post-office address of the payee. All this has to be done with great care, the stubs being exceedingly valuable for reference,
>
> Seventh. The check is then forwarded to the pensioner by mail, along with his voucher for the next installment. But pensioners frequently neglect to give their post-office address, and it then is assumed to be their last address, which frequently proves erroneous, and the check is retained until we can hear from the pensioner. When we hear, it is frequently in the shape of an indignant remonstrance against our delay.
>
> Eighth. The voucher receipts (duplicates) are then dated so as to conform to the date of the checks and the check number entered in the receipts. Exact conformance must exist between the audits, checks, and receipts.
>
> Ninth. The voucher receipts are then so indorsed as to show on what United States assistant treasurer the corresponding checks were drawn. This agency draws some checks on New York and some on New Orleans, according to the convenience or request of the pensioner.
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> Tenth. The date, number, and amount of the check are then entered in the check-register. This register also gives the daily total of checks issued; and when we are notified that the check has been cashed the date thereof is also entered in the register.
>
> Eleventh. An abstract of payments is then prepared for each class of pensioners showing all the payments made during the month. This abstract gives the name of each pensioner in alphabetical order, the number of the corresponding voucher, the rank of the pensioner, the rate of the pension, the period paid for, the amount of payment, the number of his certificate and special "remarks." This abstract, along with the vouchers (less the said duplicate receipts), is transmitted to the honorable Third Auditor, by whom it is most critically audited, and all errors against the Government must either be duly corrected according to the facts, if correctible, and if not the pension agent makes good the loss out of his own pocket.

Of course it is not necessary to detail the various reports required each month, including the accounts current and the monthly statements.

Mr. HOUK. This brief and imperfect statement will very clearly show that the machinery and work inside a pension agency is arduous and complicated. Some gentlemen seem to think it a small matter to pay off fifteen or twenty thousand pensioners and guard the rights of the Government as well as those of the pensioner. And now, in order to illustrate some of the workings of this system of making payments, I call attention to these four vouchers—invalid, widow, ward for minors, and arrears of pension. This bill proposes to pay 5 cents apiece for the preparation of these vouchers. And it will be understood, as I have already stated, that these fees are allowed under the law for the payment of clerk-hire and office expenses. Heretofore, and as the law now stands, 15 cents apiece is allowed for making these vouchers. That is to say, $15 a hundred is now allowed for preparing them, and this money goes to pay clerk-hire and office expenses.

I want gentlemen to examine these vouchers, complex and difficult to understand and make up, and consider how much they could make in their preparation. Gentlemen talk on this subject as though they ought to be filled out as rapidly as chaff is blown off from a thrashing-machine. And yet I doubt whether these gentlemen could fill out and properly make up one of these vouchers per hour, if it were to save their lives. I will simply exhibit these vouchers to you here and ask to insert them in the RECORD as part of my remarks. I send them to the Clerk's desk for that purpose, and ask that the face and indorsements be printed in the order in which I present them.

The vouchers are as follows:

[3—820.]

A. INVALID. A.

Be it known that I, —— ——, do solemnly swear that I am the identical person named in pension certificate in my possession No. ——, dated — day of ——, 18—, and whose name is inscribed on the rolls of the Knoxville agency at the rate of —— per month, ——.

That I have not been employed or paid in the Army, Navy, or Marine service of the United States from [1] — day of ——, 18—, to the present time, and that my present P. O. address is ——, county of ——, State of ——.

(Two witnesses:)
—— ——.
—— ——.

(Pensioner's signature:) —— ——.

STATE OF ——, *County of* ——, *ss:*

Subscribed and sworn to before me this — day of ——, 18—; and I certify that —— ——, above named, exhibited to me his pension certificate, No. ——, and was fully identified as the pensioner described therein, and that he signed the following duplicate receipts in my presence.

(Magistrate's signature:) —— ——,
(Official character:) ——.

[1] If the first payment, insert the date of the commencement of the pension. If not first payment, the date from which the payment is claimed.

*When there is a change in the rate, either by an increase, reissue, &c., note the former rate at which paid.

$——. [Original.] —— —, 188-.

Received of Henry R. Gibson, United States pension agent at Knoxville, Tenn., —— 100 dollars by check No. ——, dated ——, 18—, being for —— months' and —— days' pension, due me on pension certificate No. ——, from the —— day of ——, 18—, to the —— day of ——, 18—, for which I have signed duplicate receipts.

—— ——.

Witness:
—— ——.

The pensioner will sign these receipts in the presence of the magistrate.

[Duplicate.]

$——. (A.) —— —, 188-.

Received of Henry R. Gibson, United States pension agent at Knoxville, Tenn., —— 100 dollars by check No. ——, dated ——, 18—, being for —— months' and —— days' pension due me on pension certificate No. ——, from the —— day of ——, 18—, to the — day of ——, 18—, for which I have signed duplicate receipts.

—— ——.

Witness:
—— ——.

[13031—18,000.]

(A.) Army voucher No. ——.

INVALID.

—— ——, —— —, 188-. $——.

NOTE.—By act of Congress, approved July 8, 1870, these vouchers are furnished free of expense to the pensioner, and all payments of pension are required to be made thereon. One will be forwarded to every pensioner immediately before the 4th day of March, June, September, and December of each year. On or after the 4th day of the months above mentioned, the pensioner, with his pension certificate, will, with two witnesses, go before a magistrate and sign and execute the oaths and sign the receipts. The executed voucher will then be returned by mail to the U. S. pension agent mentioned below, who, upon its receipt, will forward to the sworn address of the pensioner, given within, a check for the full amount of pension due.

Return this voucher for payment to

——,
U. S. Pension Agent, ——.

STATE OF ——, *County of* ——, *ss:*

I, —— ——, clerk of the —— court of the county and State aforesaid, do hereby certify that —— —— is ——, duly commissioned and qualified; that his commission was dated on the — day of ——, 18—, and will expire on the — day of ——, 188-; and that his signature within written is genuine.

Given under my hand and the seal of said court this — day of ——, 188-.

——, *Clerk.*

[3—281.]

B. WIDOW. B.

Be it known, that I, —— ——, do solemnly swear that I am the identical person named in pension certificate in my possession No. ——, dated — day of ——, 18—, and whose name is inscribed on the rolls of the Knoxville agency at the rate of —— dollars per month. That I am the widow of —— ——, who was a ——, and that I have not remarried since his death; that my P. O. address is ——, in the county of ——, State of ——.

(Two witnesses:)
—— ——.
—— ——.

(Pensioner's signature:) —— ——.

Deposition of two witnesses.

We, the undersigned witnesses, do solemnly swear that we are well acquainted with the above-named pensioner; that she is the identical person that she represents herself to be; and that, to our best knowledge and belief, she has not remarried since the death of her late husband, above named; and that our acquaintance with her is such that, if she had resumed marriage relations, the fact would have become known to us.

(If mark is made one witness is sufficient, in addition to magistrate's jurat).
(Witness' signature:) —— ——.
(Witness' signature:) —— ——.

STATE of ——, *county of* ——, *ss.*

Personally appeared before me this — day of ——, 188-, the above witnesses, —— ——, of —— and —— ——, of ——, whom I believe to be credible persons, and the pensioner, —— ——, and made oath in due form of law to the truth of the foregoing statements subscribed by them; and I certify that the aforesaid pensioner exhibited to me her pension certificate, No. ——, and signed the following duplicate receipts in my presence.

(If mark is made one witness is sufficient, in addition to magistrate's jurat.)
(Magistrate's signature:) —— ——.
(Official character:) ——.

$——. [Original.] —— —, 188-.

Received of Henry R. Gibson, United States pension agent at Knoxville, Tenn., —— 100 dollars by check No. ——, dated ——, 188-, being for —— months' and —— days' pension, due me on pension certificate No. ——, from the — day of ——, 188-, to the — day of ——, 188-, for which I have signed duplicate receipts.

(Witness:)
—— ——.

—— ——.

The pensioner will sign these receipts in the presence of the magistrate.

[Duplicate.]

$——. (B.) —— —, 188-.

Received of Henry R. Gibson, United States pension agent at Knoxville, Tenn., —— 100 dollars by check No. ——, dated ——, 188-, being for —— months' and —— days' pension, due me on pension certificate No. ——, from the — day of ——, 188-, to the — day of ——, 188-, for which I have signed duplicate receipts.

(Witness:)
—— ——.

—— ——.

(B.) Army voucher No. ——.

WIDOW.

—— ——, —— —, 188-. $——.

NOTE.—By act of Congress approved July 8, 1870, these vouchers are furnished free of expense to the pensioner, and all payments of pension are required to be made thereon. One will be forwarded to every pensioner immediately before the 4th day of March, June, September, and December of each year. On or after the 4th day of the months above mentioned, the pensioner, with his pension certificate, will, with two witnesses, go before a magistrate and sign and execute the oaths and sign the receipts. The executed voucher will then be returned by mail to the United States pension agent mentioned below, who, upon its receipt, will forward to the sworn address of the pensioner, given within, a check for the full amount of pension due.

Return this voucher for payment to

——,
U. S. Pension Agent, ——.

STATE OF ——, *County of* —— *ss:*

I, —— ——, clerk of the —— court of the county and State aforesaid, do hereby certify that —— —— is ——, duly commissioned and qualified; that his commission was dated on the — day of ——, 18—, and will expire on the — day of ——, 188-; and that his signature within written is genuine.

Given under my hand and seal of said court this — day of ——, 188-.

——, *Clerk.*

[3—286.]

G. FOR ANY WARD. G.

Be it known, that I, —— ——, do solemnly swear that I am the guardian of —— ——, who is still living, and the identical person named in pension certificate in my possession, No. ——, dated —— —, 18—, and whose name is inscribed upon the rolls of the Knoxville agency at the rate —— dollars per month [1] ——); that my post-office address is ——, in the county of ——, State of ——.

(Guardian's signature:) —— ——, *Guardian.*

(Two witnesses:)
—— ——.
—— ——.

Deposition of two witnesses.

We, the undersigned witnesses, do solemnly swear that the above oath of identity has been read to or by us, and that, to our certain knowledge, the ward and pensioner declared therein by the guardian, —— ——, to be alive, namely (given name), —— ——, who is personally known to us, is still living, [2] —— ——.

(Witnesses when mark is made:)
—— ——
—— ——

(Witness' signature:) —— ——.
(Witness' signature:) —— ——.

STATE of ——, *County of* ——, *ss:*

Personally appeared before me, this — day of ——, 18—, the above-named witnesses, —— —— and —— ——, whom I believe to be credible persons, and the guardian, —— ——, and made oath in due form of law to the truth of the foregoing statements subscribed by them; and I certify that the aforesaid guardian exhibited to me the pension certificate of his ward, No. ——, and signed the following duplicate receipts in my presence.

(Magistrate's signature:) —— ——,
(Official character:) ——.

[1] For an invalid ward, add "and that he has not been employed or paid in the Army, Navy, or Marine service of the United States from the — day of ——, 18—, to the present time, not since the date of his last pension certificate." For a widow, add "that she has not intermarried since the death of the above-named —— ——." For a mother, add "that she has not intermarried since the date of the death of her son —— ——, and that she is still dependent on her pension for support." For a father, add "that he has not, by marriage or otherwise, acquired property or been provided with support, but is still dependent on his pension therefor."

[2] If a widow or mother, add "and has not remarried."

$——. [Original.] —— —, 18—.

Received of D. T. Boynton, United States pension agent at Knoxville, Tenn., —— 100 dollars, by check No. ——, dated —— —, 18—, being for —— months'

and —— days' pension, due me on pension certificate No. ——, from the — day of ——, 18—, to the — day of ——, 18—, for which I have signed duplicate receipts.

—— ——, *Guardian.*

Witness:
—— ——.

The pensioner will sign these receipts in the presence of the magistrate.

(G.)

$—. [Duplicate.] —, 18—.

Received of D. T. Boynton, United States pension agent at Knoxville, Tenn., —— 100 dollars, by check No. ——, dated —— —, 18—, being for —— months' and —— days' pension, due me on pension certificate No. ——, from the — day of ——, 18—, to the — day of ——, 18—, for which I have signed duplicate receipts.

—— ——, *Guardian.*

Witness:
—— ——.

(G) Army voucher No. ——.

FOR ANY WARD.

—— ——. Class ——. —— —, 18—. $——.

NOTE.—By act of Congress approved July 8, 1870, these vouchers are furnished free of expense to the pensioner, and all payments of pension are required to be made thereon. One will be forwarded to every pensioner immediately before the 4th day of March, June, September, and December of each year. On or after the 4th day of the months above mentioned, the pensioner, with his pension certificate, will, with two witnesses, go before a magistrate and sign and execute the oaths and sign the receipts. The executed voucher will then be returned by mail to the United States pension agent mentioned below, who, upon its receipt, will forward, to the sworn address of the pensioner, given within, a check for the full amount of pension due.

Return this voucher for payment to
—— ——,
U. S. Pension Agent, ——.

STATE OF ——, *County of* ——, *ss:*

I, —— ——, clerk of the —— court of the county and State aforesaid, do hereby certify that —— —— is ——, duly commissioned and qualified; that his commission was dated on the — day of ——, 18—, and will expire on the — day of ——, 18—, and that his signature within written is genuine.

Given under my hand and the seal of said court this — day of ——, 18—.

—— ——, *Clerk.*

CERTIFICATE OF COURT AS TO GUARDIANSHIP.

When the guardian is not named in or has been changed since the pension certificate was issued, this certificate will be required:

STATE OF ——, *County of* ——, *ss:*

I, —— ——, clerk of the —— court in and for said county, do hereby certify that —— ——, whose signature appears to the within oath of identity as guardian of —— ——, was appointed guardian of said ward on the — day of ——, 18—, as appears on record in the office of said court, and is still the legal and acting guardian of said ward.

In witness whereof I have hereunto set my hand and affixed the seal of said court this — day of ——, 18—.

[SEAL.]

—— ——, *Clerk.*

O. FOR ARREARS DUE DECEASED PENSIONERS. O.

By act of March 3, 1873, payable only to a widow, or to children who were under 16 years of age at the death of the pensioner.

I, (claimant:) —— ——, (service:) (1) —— (pensioner's name:) —— ——, ——, do solemnly swear that the said (pensioner's name:) —— —— was the identical pensioner to whom certificate No. —— was issued (which is herewith surrendered (2) ——), payable at the pension agency at ——, at $—— per month; and that he died at —— on the — day of ——, 187-; (3) ——, that my post-office address is (town:) ——, (county:) ——, (State:) ——.

(Claimant's signature:) —— ——.

(Witnesses:)
—— ——.
—— ——.

STATE OF ——, *County of* ——, *ss:*

Subscribed and sworn to before me this — day of ——, 187-.

(Magistrate's signature:) —— ——,
(Official character:) ——.
(Post-office address:) ——.

CERTIFICATE OF COURT AS TO DEATH.

STATE OF ——, *County of* ——, *ss:*

I, —— ——, clerk of the —— court in and for the county aforesaid, do hereby certify that satisfactory evidence has been exhibited to said court that —— —— was a pensioner of the United States, residing at ——, in the county of ——, State of ——, and died on the — day of ——, 187-, and that he left (4) ——.

Given under my hand and seal of said court this — day of ——, 187-.

—— ——, *Clerk.*

(1) Insert "widow of" or "guardian of minor children of," &c.
(2) If lost or destroyed, so state, and erase "is herewith surrendered."
(3) When an invalid, insert "that he has not been employed or paid in the Army, Navy, or Marine service of the United States from — day of ——, 18—, to the day of his death." For a widow pensioner, add "that she has not intermarried, but continued the widow of the above-mentioned (husband's name) until her death." If the pensioner was drawing two dollars per month additional for minor children, give the names of those under sixteen years of age who at the date of the last payment were alive. If any one of the children has died or been abandoned since the last payment, add (—— in this space) the name and the date when. For a dependent mother, add "that she has not intermarried since the death of the above-mentioned (son's name), and was dependent on her pension for support until death." For dependent father, add "that he was dependent on his pension for support until his death."
(4) If a widow survives, add "a widow, —— ——, whose genuine signature appears above." If children are claimants, add "no widow, but the following-named children, who were under sixteen years of age at the death of the pensioner (giving names and ages), and of whom —— ——, whose genuine signature appears above, is the legal guardian."

[Voucher No. ——. Original.]

Paid by check No. ——, dated —— —, 187-.

$—. —— —, 187-.

Received of —— ——, United States pension agent at ——, —— 100 dollars, being for —— months' and —— days' pension due on pension certificate of —— ——, deceased, No. ——, from the — day of ——, 187-, to the — day of ——, 187-, for which I have signed duplicate receipts.

(Witness:) —— ——. —— ——.

The claimant will sign these receipts in the presence of the magistrate.

[Voucher No. ——. Duplicate.]

Paid by check No. ——, dated —— —, 187-.

$—. (O) —— —, 187-.

Received of —— ——, United States pension agent at ——, —— 100 dollars, being for —— months' and —— days' pension, due on pension certificate of —— ——, deceased, No. ——, from the — day of ——, 187-, to the — day of ——, 187-, for which I have signed duplicate receipts.

(Witness:) —— ——. —— ——.

STATE OF ——, *County of* ——, *ss:*

I, —— ——, clerk of the —— court of the county and State aforesaid, do hereby certify that —— —— is ——, duly commissioned and qualified; that his commission was dated on the — day of ——, 18—, and will expire on the — day of ——, 18—, and that his signature within written is genuine.

Given under my hand and the seal of said court this — day of ——, 187-.

—— ——, *Clerk.*

(O) No. ——. —— ——, deceased, act of —— —, 187-. $——.

Mr. HOUK. Now, then, examine these vouchers in connection with what I have said as to the machinery and workings of a pension agency, and see the amount of work involved, and then as practical business men decide whether or not 5 cents is a sufficient compensation for making them out. But suppose it was, why reduce the compensation, while the Government gets the benefit of it, unless it amounts to more than enough to defray the expenses of running the offices? These fees are allowed for clerk-hire and office expenses instead of making a direct appropriation for that purpose. This is the mode of paying clerk-hire and office expenses, and is much cheaper to the Government than any other possible system of making payment. All experience proves this to be the wisest and cheapest mode of running the agencies and providing for the payment of the pensioners of the country.

If gentlemen would inform themselves as to the workings and expenses of the pension system and compare the different policies of making payment, they would learn that the present system is the cheapest and most expeditious of any that has yet been proposed for adoption.

And this bill is objectionable in almost every line. I do not wish to be offensive to any one, and certainly not to the members of the Appropriations Committee, whose wisdom conceived and genius brought forth the remarkable bill under consideration; but justice and candor require that every friend of the soldier, and particularly every friend of the pensioner, should pronounce this bill a legislative monstrosity. It is bold in its assumptions and monstrous in its application and force; and yet it is covert in its designs, though none the less mischievous in purpose. It ought not to pass.

And while I am neither a prophet nor an alarmist, I beg leave to place the prediction on record that whoever shall vote to pass this bill in its present shape will by that vote put himself in direct opposition to the soldier element of the country, and that element will accept the issue thus tendered, and sooner or later punish those who thus trifle with their interests. This should have been called an anti-pension-appropriation bill, for I think I will be able to show that it is the first step in the direction of undermining and destroying the whole fabric of our liberal, enlightened, and humane pension system. First of all, it is a stingy bill. It is niggardly in its provisions. It does not appropriate enough money to pay the pensioners. The amount it grants is for less than the sum which will be required for this purpose during the next fiscal year, and much less than asked for by the Department.

But I leave this obnoxious feature of omission to the criticism of others more capable than myself. And now I propose to examine some of the positive enactments of this bill. The new legislation ingrafted upon it is neither germane nor in the line of economy, and will, I take it, be ruled out on a point of order, which of course will be made. To adopt the latter portion of section 1 of the bill, commencing at line 23, on page 2, and including line 39, on page 3, will virtually stop the whole machinery of the pension offices of the country and leave this branch of the public service entirely inadequate to meet the ends for which it was established. The fees and other allowances under the law as it exists are barely sufficient to defray the necessary expenses of paying the pensioners. And yet this bill proposes to take from the pension agents two-thirds of the amount now allowed by law for clerk-hire and other office expenses, thus in effect abolishing the pension agencies, or, to say the least, destroying their effectiveness. Whereas the pension agents are now paid $15 a hundred for the preparation of vouchers, it is here proposed by this bill to cut this rate of compensation down to $5 per hundred for the preparation of these vouchers.

To do this, I say again, will be equivalent to closing up at least some of the agencies. Take the agency at Knoxville, Tenn., my own home, and of which I know more than of other agencies. To reduce the fees as proposed by this bill will be to wipe out that agency. Under the present law, the agent receiving 15 cents apiece or $15 per hundred for vouchers, the agent is barely able to run the office. Let me give you some facts and figures in regard to this matter. There is not a more competent business man in the public service than this pension agent. And to show you that he is economical in his management of the office I will state that he employs nine regular clerks, who work from 7 o'clock in the morning to 5 in the afternoon, and their salaries, as will be seen, range from $50 up to $110 per month. So it is seen that the salaries paid are small and the time devoted to labor in the office much greater than the usual time employés of the Government devote to their duties.

But let me give the organization of this office, the money now allowed with which to run it, and the actual expenses incurred and paid. As already stated, the regular force of this office consists of—

Nine clerks: one at $110, one at $100, one at $75, three at $60, and three at $50 each per month, making the monthly clerk-hire $615, and for three months	$1,845
Extra clerk-hire during the three months	80
Printing 16,000 vouchers during the three months	24
Printing 20,000 envelopes for this three months	52
Printing two thousand white envelopes for the same time	15
Two thousand letter-heads for the three months	20
One thousand indorsement slips, same period	5
One thousand blotting-pads for same time	5
Three hundred lost-check directions, same period	6
Four hundred guardian directions	4
Two thousand directions for executing vouchers	8
One thousand two hundred error slips to call attention to errors in vouchers returned	6
Binding five volumes of extracts for Third Auditor	3
Binding two volumes of abstracts for agency, extra-good	2
Eight hundred postal cards, printed	4
Six bottles of ink, six quarts	4
One bottle of ink for copying	1
Two bottles of red ink	1
Four gross of rubber bands	4
Five gross of pens	4
Four hundred sheets of linen paper for copying abstracts	4
Rent of post-office drawer	2
Two spools of tape, use of rubber types, Postal Guides, large copying-press, mucilage, inkstand, figuring paper—items making	14
Total expenses for three months	2,112
Pension agents' salary for three months	1,000
Fees for making vouchers, at 5 cents each	695
Total allowance, including salary and fees	1,695

Subtract this sum which goes into the hands of the agent from the amount he pays out for expenses, thus:

Expense account	$2,112
Allowances to the agent	1,695
This leaves a balance against the agent of	417

every three months, after exhausting the fees which accrue from making the vouchers (now paid for at 15 cents a piece, but proposed to be cut down by this bill to 5 cents each), and likewise every cent of his salary.

These figures are official and accurate. They are based upon statistics taken from the record as made to the Pension Office under oath by a faithful and competent officer. And I wish to emphasize the folly and practical effect of this bill by impressing the fact upon this House that to pass this measure at once vacates and wipes out this agency which pays the pensioners of ten States of the Union. The figures which I have given show that to reduce the fees as proposed by this bill will leave the pension agent $417 worse than nothing at the end of every three months, or making him hold the office at an annual loss of $1,668. Fortunately the bill does not propose to compel any one to hold the office of pension agent, nor is it made a felony for those now in office to resign, and if the distinguished Committee on Appropriations should amend this bill so as to compel men to serve and make good this deficit, which I have shown will certainly exist, I shall then want the writ of habeas corpus enlarged so as to release them from this service and loss. If this bill passes the President will have no scrambling before him for appointment, but he may have to call on Congress and upon the Committee on Appropriations to devise a bill for a law to enable him to conscript pension agents and compel them to serve.

Let me here show the income and outgo of the pension agent at the Knoxville (Tenn.) agency under the present law giving $15 per hundred for vouchers: Total income for three months, $3,086; total expense for three months, $2,112. This leaves the net income of $974 as the quarterly payment of the agent. The statute fixes the agent's salary at $4,000 per annum, but even under the present law, by which he gets $15 a hundred for preparing vouchers, the agent at Knoxville, Tenn., only receives, after paying the expenses of the office, the sum of $3,896, which is $204 less than the amount given him by the law as it stands. In order to enforce the absurdities and hardships of this bill, I ask the attention of members to a restatement of the effect it will have if it shall become a law. Remember, under the present law the Southern agent will and does receive the sum of $3,896 as an annual salary. By crippling the efficiency of his office he could make his salary the full $4,000, for the law authorizes him to draw and keep that sum as his yearly salary. But he prefers to apply even a portion of his own money to the payment of office expenses rather than have an inefficient clerical force, and thus fail to meet the wants and expectations of the pensioners of the country.

But to pass this bill you take from him every cent of his compensation and force him to furnish $417 every three months, or, in other words, to pay an annual sum of $1,668 for the honor or the fun of holding the office. This bill forces an individual to pay the expenses of transacting the Government's business and to throw in his own services for nothing. Need I comment further on the absurdity of this feature of this unique bill? I think not.

This bill also proposes to reduce the number of agents after the 1st of July next from eighteen, as now, to twelve, and makes it the duty of the President to consolidate the agencies, and thus reduce the number of agents to twelve. This is the first step in the direction of abolishing the present system of paying pensions through pension agents and agencies.

The Appropriations Committee, at least that portion of it reporting this bill and advocating this new legislation, really desire the abolition of the present system of making payments through agencies, and would have readily reported a bill for that purpose if they had believed it could be passed. Feeling that they could not abolish the agency system, they have resorted to the next best thing as leading, looking, and pointing to the final accomplishment of their purpose. This is the entering-wedge by which they hope to finally succeed in destroying the present agency system; and it would be perfectly legitimate to pause here and show the inconvenience, danger of loss to the Government, and additional cost of paying the pensioners from Washington; but I will barely call attention to the fact, and turn to other features of this anti-pension and anti-soldier bill. But I will add that the fewer the agents the greater the chances of fraud and loss to the Government.

For instance, it is a statistical fact that the great majority of frauds are committed in the localities most distant and remote from the place of payment. It is well known that obedience to law is more universal in those localities where the presence of the Government is seen and felt. Thus it transpires that where the officers of the Government are in the midst of the people, near to and overlooking them, the people are less inclined to commit wrongs, and the officers more likely to detect the wrong if it was attempted. And while the present system of paying pensions through bonded agents secures the Government against fraud, mistake, and overpayments, to abolish the agency plan of payment and pay the pensioners from Washington the Government would lose from all these sources.

Another and still more serious objection to the reduction of the number of pension agents is the inconvenience and delay it will occasion in making payment to the pensioners. With the number of agents which are now scattered over the country situated in convenient localities, through the aid of our improved mail facilities the pensioners are rapidly paid, and usually receive their money from one to fifteen days after it is due. Of course, the fewer agents there are the farther they will be stationed from the pensioner, and the more distant the pensioner may be from the agency the more delay and trouble in paying him. It does not require elaboration to enforce this proposition. It is self-evident on the mere statement.

But the most objectionable portion of this bill is found in the second section, where it as loudly and emphatically pronounces the pensioners and claimants for pension "fools," "idiots," and "imbeciles" as if it said so in express language.

The greatest mistake Congress ever made in its legislation in regard to the rights and interests of the soldier element of the country was when it assumed their incapacity to take care of themselves, and sought to make the United States their guardian, by providing just how much they should give and what sort of a contract they should make with their attorneys. These men were free agents when they enlisted. They were free when fighting the battles of the country and incurring the disabilities for which they are now seeking pensions. They at least thought they were free, except in so far as military discipline required obedience in the prosecution of their military duties. They could do as they pleased with the money they received in payment for their services. They could buy and sell. They could give or take. They could convey property, make bequests, and receive in return. And they are recognized as freemen now in all transactions, except where the Government has given them the small reward of a pension, and this bill proposes to carry this guardianship a step further and apply it in all cases of bounty, back-pay, and claims for horses lost in the service. Of course I am now making reference to that provision which limits the attorney's fee in pension and these other cases to $10 and makes it unlawful for him to be paid any greater compensation, regardless of the character of the case.

We may all have our opinion of the claim agents. Much can be truthfully said against them, or at least against a portion of them. But it will be found that this question of limiting attorneys' fees to $10 has at least two sides to it, so far as the rights and interests of the soldier are concerned. That is, it has two sides provided there is any substantial reason on which to base this limitation law with respect to fees, for there are certainly many reasons against it.

If it is a one-sided question at all, it is on the side permitting the pensioner to employ whom he will and contract in his own discretion to such an amount as will secure the services of an attorney competent to prosecute his claim.

Now, what has been the effect of this ten-dollar limitation of fees in

pension cases? There is not a member of this body who does not well know that the great majority of these cases involve such an amount of work that no competent attorney can afford to do it for the sum of $10. And still, under the pretense of friendship for the pensioner, these same members of Congress sit here and vote to limit the attorney's fee to $10 when they know it embarrasses the prosecution of the claim and in many instances actually involves its final rejection. This is humbug legislation. It is the product of demagogy. And the result of it is that nearly all the capable and honest attorneys have been driven out of this kind of practice. Why, sir, in my own section I have seen the evil effects of this law, and it is my observation and experience that this limitation has caused the dishonest and incompetent attorneys to reap a perfect feast of fees, for the reason that the honest and capable attorneys of the country absolutely refuse to continue in the practice of prosecuting this kind of business. There is not a member of this body who has a soldier constituency and who has taken an interest in the procurement of pensions who does not know full well that the greatest difficulty in the way of obtaining pensions is the informal, or, to put it plainer and stronger, the imperfect and improper manner in which the papers are prepared.

My own experience is that a very large proportion of the pension cases which are rejected would be allowed if prepared by a competent attorney. But competent and honest attorneys will not take these cases for a ten-dollar fee. I have used the words "honest" and "competent" in conjunction, because there are but few "honest" attorneys who are "competent" who can be induced to take these cases and prepare them for $10. But the "dishonest" attorney will take them for that sum, provided he can collect it, and never give the claim any further attention. And so will parties who are "incompetent," and yet "honest," plunge into these cases and prepare them with zeal and lose them with alacrity.

I know that much can be said as to the way Washington and other claim attorneys have acted and would act again if the opportunity was given them. But let me say to gentlemen that, like all other men engaged in wrongful pursuits, the claim agents have run their course, and it will be an utterly impossible matter for them to ever regain the confidence of the people. Originally they found it easy to impose on the soldier; but now the country is educated up to understand their "ways that are dark," and hereafter their "tricks" will be "vain." They can never ingraft themselves back into the confidence of the public. Their fraudulent circulars will no more deceive the "unsuspecting" soldiers, because there are no longer any of this class. They are changed into a class of "suspecting" characters.

But the limitation law has forced the soldier into an undesirable and in fact helpless and pitiable condition. He has learned that there are but few reliable attorneys in Washington who will take his case for the legal fee, and yet he can not find such a one where he resides and he is forced to run the risk of selecting one in Washington who is dishonest or taking one at home whom he knows to be incompetent. What the soldier needs is not the protection of a guardian statute but competent help in the prosecution of his claim. And in order to give this aid to the soldiers of the country several things are demanded. If, instead of undertaking to forbid the pensioner by law from employing dishonest attorneys, the law would forbid the dishonest attorneys from practicing, the rights of all would be more secure. Instead of limiting and prescribing inadequate compensation to attorneys, and thus offering a premium for dishonesty, the law should erect a standard of qualifications for claim attorneys which would command men of character who would be stimulated by professional pride as well as honesty of purpose, and then the claim business would be conducted upon such a plan that dishonesty would be comparatively unknown among this class as well as other attorneys.

In conclusion I want to say that it may be that gentlemen are right in urging this extreme legislation in regard to pension matters; but, I believe they are wrong; and I will risk saying that they may think they reflect the sentiment of the soldier and are doing the soldiers a service, but they are sure to learn to the contrary. The soldiers are not all, nor any considerable portion of them, fools; they are not idiots, nor are they imbeciles. They have a keen sense of their rights, and do not thank either pretended or real friends for taking an interest in them because of their supposed incapacity to take care of themselves. They can penetrate the gauze of an assumed friendship. And I will suggest that they will not be deceived by the pretension of words when actions in the character of legislation are telling them in thunder-tones that their real interests are being sacrificed on the altar of selfishness by a false use of sentiment. I warn the pensioner to beware of those who so zealously proclaim their interests but clog their rights.

The idea of prescribing one fee, and that limited to $10, without regard to the amount of labor to be performed, is a self-evident absurdity. We all know that in pension cases, like in all other legal proceedings, they each rest on a wholly different state of facts, one case often involving great labor and much trouble, while another involves but little labor and scarcely any trouble. For instance, one soldier has a full military and hospital record, and his claim for pension is easily made out, because very nearly every item of proof is a matter of record; while another soldier may have no military record beyond enlistment and muster; he may have no hospital record, and his surgeon may be dead, or post-office address unknown, and his claim for pension may have to be made out entirely by proof not of record. In one case the soldier's officers, including his regimental surgeon, are living and of easy access; in another case the soldier's officers are all dead or their whereabouts unknown. In one case the company and regimental books and records were well kept, while in another things went "slip-shod," and drifted along at "odds and ends," in looseness and without order. Now, anybody knows that pensioners of the one of these classes have much less trouble in prosecuting their claims than pensioners belonging to the other class; and yet the existing and proposed law fixes the attorney's fee alike and at the same amount in each class of cases.

The right thing to do is to recognize the soldier as capable of taking care of himself and protecting his rights in making contracts with his attorney. The Government does not pretend to guard the pensioners' money as against anybody but his attorney, and the attorney is repelled to find him falling into the hands of some more desperate character.

Let the pensioner know that he is expected to guard his own interests, and my word for it the great majority of them will demonstrate their capacity for self-protection. I have made this plea in behalf of the freedom of the pensioner. I do not believe they will need guardians. If any one class of people should have more freedom than another it should be the ex-Federal soldier, and still he is the only class whose liberty to contract with reference to his rights is abridged. Give him the same freedom you do other citizens and let him take care of himself like other people, and my word for it he will be satisfied.

If the soldier is content who has any right to complain? Certainly not the politician. And the soldiers of the country will yet make it a condition precedent to giving any candidate their votes for Congress, that he shall promise if elected he will not vote to embarrass their rights. Just think of the idea of Congressmen sitting here voting that the average pensioner is incapable of knowing his rights, of knowing right from wrong, when the intelligence of the average pensioner qualifies him to make more than an average Congressman. I protest against this sentimental nonsense and demand the same right of judgment for the pensioner that the Congressman reserves to himself. I demand freedom of action and equality of privileges for the ex-Federal soldiers of the country.

Pensions.

SPEECH

OF

HON. FRANCIS B. BREWER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES.

Monday, April 21, 1884,

On the bill (H. R. 6535) to regulate the granting of pensions in certain cases.

Mr. BREWER, of New York, said:

Mr. SPEAKER: In the limited time allowed the members of the committee to speak on the bill now before the House it will hardly be expected we can do more than hastily and briefly call attention to some of the reasons which have decided the Committee on Payment of Pensions, Bounty, and Back Pay to ask a suspension of the rules this morning.

And now we desire to put upon its passage this very important bill which has just been read. It will bring relief to thousands of worthy soldiers who, as yet, have been unable to establish their claims, because they could not obtain the requisite proofs in accordance with the existing laws. Now, sir, it is twenty years since most of the soldiers received their disabilities. Most of them kept no memoranda of the daily occurrences, can hardly give a correct account of the times and places where they were exposed to danger or disease, the names of the hospitals even where they were temporarily placed; the names of the surgeon and the nurse have gone from them; their commissioned officers may be dead, or not to be found.

It has been necessary heretofore to prove that the applicant was healthy and free from disease when he enlisted. Some have no hospital record, preferring to remain with their regiment to being confined in the sickly wards of a malarious hospital. Perhaps in the early years after the war these restrictions were necessary and proper, and the class who could procure this evidence are now receiving their pensions, but we are told there are 185,000 claims still back, awaiting evidence which the claimant is unable to obtain, and the bill we present for your action this morning is framed to cure these evils, as far as they can be cured, and give to these men their just dues.

We provide for no new classes. We have tried to so modify the rules of evidence as to give all deserving disabled soldiers, who have seen actual service, a chance. So that cases of disability, where it is reasonable to suppose the disability was incurred in the service, and is not the

result of bad or vicious habits, or other known cause since the war, are under this act entitled to a pension. This seems to be right and just and safe. Of course, there are many things left out of this bill which the committee would gladly have put in; but inasmuch as they are incorporated in other bills which will be called up later in the session, it was deemed advisable to bring measures which would do the most good into as small a compass as possible, and take this occasion and this method to at once get the action of the House.

We have had the advice and counsel of the honorable Commissioner of Pensions, who has given us his time. We have availed ourselves of his experience and have his hearty co-operation and indorsement, and after the clear and eloquent presentation of the subject which has been made to you by my colleague on the committee, the gentleman from Ohio, I hope and expect to have a large vote recorded in favor of the immediate passage of the bill. If this bill becomes a law by the early action of the Senate, it will almost immediately carry relief to thousands of deserving soldiers now in abject want and distress, unable to procure their pensions on account of legal technicalities which by the provisions of this act are wiped out. Think of the boon it must be to the long-suffering soldier and sailor who has waited long and is waiting still for the Government to recognize his claims.

How long, Mr. Speaker, can we afford to turn our eyes away from the outstretched hands of the disabled and distressed soldier? How long shall we turn our ears away from the cry of the once gallant and brave but now broken-down and diseased sailor, when from the depths of their disappointments, their bitterness, and their withered hopes they cry out for the pittance which the nation has promised them and for the relief which the Government owes them? In the dark days of the war, when at times it seemed uncertain whether the Stars and Stripes or the Stars and Bars should float over this Capitol, whether we should continue to be a nation or not, we were profuse in our promises of golden bounties and of liberal pensions to those who enlisted. Shall we go back on our part of the contract when they executed their part at such fearful expense, such terrible sacrifices? They stood a living wall on a thousand battlefields to secure to us and to our children what we enjoy to-day. Can we as citizens, as patriots, as Christians, as legislators withhold a moment longer the requisite legislation which shall relieve their distress and the distress of their wives and their children? Better far to close up the doors to our halls of legislation and leave the walls of this Capitol to molder and crumble back to its original dust than to break faith with our soldiers and refuse the relief to which they are so justly entitled.

When the swelling floods of the Ohio carried upon its turbid waters widespread desolation and calamity to the inhabitants who dwelt along its borders; when want and distress came upon the people who occupy the broad savannas of Mississippi and Louisiana, did they make their appeal in vain? Did not this House and the Senate and the Executive vie with each other to hasten the work of relief? Did we hesitate to thrust back the bolts of the locks, and open wide the doors of the Treasury, and dispatch, with telegraphic speed, succor to those ready to perish? And shall we now, because it is an oft-told tale, and because it is the old, old story, refuse to heed the cry of the soldier and shut up our vaults and push home the bolts of our overflowing Treasury, when distress and the cold hand of penury is upon them?

One hundred and eighty thousand soldiers, their wives and children, stand with hands outstretched toward this Capitol to-day, and ask you to pass this bill. They ask not for your sympathy and good talk; they want what they have a right to demand—justice. Shall they have it? They ask us to fulfill our promises. Shall we do it? And every day we delay there goes up to Heaven the cry from this long-suffering, wounded, and distressed multitude, "How long, oh Lord, how long?" And to many of the disabled sufferers the pendulum of the old clock of Time has ticked out their answer; as it swung backward and forward it said, "Forever, forever!" Too true! To many who looked for the promised relief it will come too late. They will have died without the sight.

How long shall we sit here and haggle over whisky bills and over public-building and tariff and internal-revenue bills, and leave these men and their families to perish? Hundreds are in poor-houses—to the disgrace of the nation I say it—and hundreds more are on their way thither. Let us make no longer delay.

How enthusiastically we cheered the boys when they came forward and enlisted and filled up the ranks, and the regiments started for the front! How we presented them with flags, and how we presented the officers with swords, and bid them Godspeed! Have we displayed the same eagerness at their return, and been careful that they were made comfortable in sickness and the wolf kept from their door?

How the mother in her loyalty gave her son! How the wife in unselfish and patriotic love for her country could say to her husband, "Go!"

> Take your gun and go, John,
> Take your gun and go;
> Rose can drive the oxen, John,
> An' I can use the hoe.

They left their teams in the field, their plows in the furrow, their ax at the root of the tree, and buckled on the armor of battle. In the storms of winter, in the stifling heat of summer, in the battle of the wilderness, in the malarial swamps of Carolina, in the rifle-pits, in the trenches, on picket, in the fever-infected hospital, in the inhuman, insufferable, and infernal prisons of the South—in all these places our brave soldiers stood up like men and did their duty like soldiers. The sun by day shone upon the heaps of the dead slain in battle, and at night the pale moon shone down upon the new-made graves of those carried off by pestilence and disease. Worn and weary, and disheartened they sank into their graves believing that the nation would not forget their brave deeds or hesitate to take care of their widows and children.

Can any man on the floor of this House mistake the duty of the hour? I trust this bill may receive not merely a two-thirds, but the unanimous vote of the members present. Need I say more? The wants and the necessities of the soldier are well known, and I appeal to the gentlemen of this Congress to take such immediate action as will afford them the quickest and most effectual relief.

Bureau of Labor Statistics.

SPEECH

OF

HON. RICHARD GUENTHER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. GUENTHER said:

MR. CHAIRMAN: I consider the bill under consideration a step in the right direction. The statistics to be gathered by a bureau of labor will greatly aid the legislator in this country in framing wise and proper laws for the benefit of those of our citizens who earn their daily bread by manual labor. It is the duty of the lawmakers to legislate in their favor; it is our duty to do everything in our power to better their condition, to promote their financial, social, and general welfare. Too little has heretofore been done for them, practically at least. While it is true that almost every legislative measure for the benefit of the capitalist has been paraded before the country as being solely in the interest of the laboring man and "for his higher glory," it is also true that not only its result but its object has been to protect capital.

Under the guise of protection to labor the capitalist has secured all he wanted; the workingman has formed the bridge over which cunning capital has reached the shore of wealth and abundance. I have always voted, Mr. Chairman, for every measure which I thought would benefit the working classes, and I will continue to do so whenever I will have the opportunity. I voted in the Forty-seventh Congress to exclude Chinese laborers from our shores, because I am opposed to allowing any class of people to come here and underbid American labor or force the laboring man of this country down to the low plane of these Mongolians. My vote shall only be cast in the direction of elevating the condition of our workingmen, and for that reason I will oppose the introduction of all people under the contract system, be they Caucasians or Mongolians. I do not propose to allow even a semblance of human slavery in our midst. I want to make manual labor more and more respected, not the reverse.

Last summer, Mr. Chairman, I visited Europe, and when I saw how the laborer is treated there I understood why it was that almost every European country is in a state of continuous fermentation, ready to explode at almost any time. That lesson ought to be a warning to us not to fall into the same gross error and to disregard those who labor. There is already too much of that even. The sons of the well-to-do farmer feel ashamed to follow the respectable calling of their father because they have to perform manual labor; the son of the prosperous, honest mechanic wants to become, as he foolishly says, something better. They want to be "gentlemen," as they call it; they enter a dry-goods store, a lawyer's or doctor's office, and end their career usually as lightning-rod peddlers or book agents.

Mr. Chairman, one need not be a profound statesman to conceive that the perpetuity of our free institutions depends upon the prosperity of our working classes—the farmers, the mechanic, the laborer, and that it is not only right, but wise and politic to do everything reasonable for their advancement. We must make manual labor respected. We must see to it that it is well paid; we must devote a fair share of our time to the consideration of measures affecting the vital interests of the laborer. When you protect labor, when you make it remunerative and prosperous, capital will be correspondingly benefited. Make capital dependent upon labor by legislating primarily in the interest of the workingman, and capital will be more secure than by pursuing the opposite policy. I hope that every bill reported by the Committee on Labor will be considered and passed by this House. Let us pass laws

which will enable the workingman to provide properly for his family, so that his children can enjoy the blessings of a pleasant home and a good common-school education, and not be obliged to work to earn money to help support the family while they should be in school.

Let us do everything we can to lift the laboring man to a plane of prosperity and contentment, and the result will be the perpetuity of a happy, peaceful, and prosperous nation.

Chinese Immigration.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 3, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882—

Mr. SUMNER, of California, said:

Mr. CHAIRMAN: What is the object of this bill? It is a proposition to amend; it is entirely so in form, and it can not be said to have more than two provisions that are supplementary in their character. It is to make more nearly perfect that which Congress has already placed upon the statute-book. It is born of observation and experience.

For the most part it has its text precisely indicated by the decisions of courts, and by exigencies that have arisen since the passage of the original law on the subject; so that its foundation is upon past and approved legislation; its additional clauses come according to the natural order of trial and test and demand. By every relevant consideration it is here legitimately; on a basis to invite eager and careful attention and to command respect.

With what grace or propriety is this measure assailed as one exhibiting effrontery on the part of its introducers? Under the circumstances, in the course of events, some such bill was to be looked for, as the result of an active and faithful effort to administer the Chinese treaty law of 1882.

This being an amendatory bill, and the original act having been passed at so recent a date and after full and searching discussion, it was to be expected that debate upon it would be confined with some degree of strictness to the words of amendment. Certainly that was the reasonable expectation, in view of the history of Congressional action in the premises and having regard to the dignity and ability of the gentlemen who were announced as spokesmen for the opposition. At least that was my understanding and anticipation. Instead of this, most of the speech from the other side, so far, is a revival in some sort of the long-ago stereotyped tirade—sneering and scolding and denouncing—against the people of the Pacific coast, because of their temerity in petitioning for, and through their Representatives urging the passage of, such sections as are now before us. There has been a high pitch of voice in aspersing our community character, and in sweeping criticisms of our alleged conduct with respect to the Chinese race. And then the action of our Pacific coast delegations has been referred to in such a manner as would lead a stranger to believe or suspect that the council here which first considered this measure, in December last, was composed of superannuated old men and feeble-minded youths.

Such terms as "petty" and "puerile," "frivolous" and "contemptible," "absurd" and "ridiculous" are unhesitatingly employed by the distinguished gentleman from Massachusetts [Mr. RICE], who has not the excuse of precipitancy for his harsh words or his sarcastic suggestions. The honorable gentleman from my native State, who leads off in the championship of Mongolian immigration to-day, has had many weeks in which to prepare for this contest, and he has been supplied—as I have been authoritatively informed—with all the ammunition which the ability and cunning of the Chinese consulate in San Francisco could give him. Yet in his derisive passages we find this gentleman on this occasion at his best. Must it not be a sorry cause that has such speech at such a time from such a man?

All this is to be regretted. We wished to meet pertinent and skillful comment and analysis. We are by no means averse to amending the amendments, if good cause can be shown by any person for such action on the part of this House; but for the general integrity of the propositions here submitted, as amendatory, we stand ready to explain and answer and aggressively advocate. For the credit of the opposition, insignificant in numbers as it is, it could on all accounts have been desired that more strength had been developed. There is not much of an enemy in sight; and what there is of a foe appears to be equipped with stale cartridges of powder and wadding. It is almost tormenting, it is vexatious, to brace one's self for an actual encounter, and then find yourself face to face with an opponent who devotes himself principally to calling you and your people bad names, and repeating the erroneous assumptions and the ancient exploded arguments, so called, against the original "cause of war,"—assumptions and arguments that have been repeatedly met and overthrown in discussion in this Hall and largely in this very presence. But the situation is as it is; and so far as absolute necessity is concerned we might believe that we have the comparatively slight duty of recalling the minds of the members to the plan of this measure—taking our turns as Representatives in our limited time, in selecting sections or lines for special reference and commendation, and urging a speedy conclusion to the whole matter by a vote of the House.

What was the aim of the bill of which this is amendatory? To keep the Chinese out of this country. There was no disguise about that; no lack of definite particularity in announcing the purpose. It was not to persecute, but to prohibit the incoming of a race. We may forget if we like, and without loss to this advocacy, that California and Nevada are upon the record with an almost unanimous vote for the enactment of such a bill. Congress has upon principle granted the prayer, and the President, after the amplest opportunity for deliberation and reconsideration, signed the bill. The original law has been in existence since 1882, and the question is, Are these new provisions or is this new phraseology desirable and wise? Are these amendments the just product of reflection upon the practical operation of the law that the Forty-seventh Congress framed and the present Chief Executive approved?

This bill provides that it shall not be lawful for any Chinese laborer to come "from any foreign port or place;" it provides for the punishment by fine and imprisonment of any master of any vessel who shall "attempt to land or permit to be landed" any Chinese laborer; and it explicitly provides that Chinese laborers bound to ports not within the jurisdiction of the United States, meeting with tempestuous weather while off our borders, "shall not be permitted to land except in case of absolute necessity," and must depart with the vessel in which they came on its leaving port. There is a provision in the fourth section for a more thorough and complete registry; therein supplying a deficiency in the present statute to which attention has been called by every person who has officially observed the progress of trials arising under the act; and in a later section there is an explanation as to the meaning intended to be given to the word merchant—an amendment framed by my colleague, Mr. GLASCOCK—a construction by legislation appropriately offered to meet and cancel or cover the interpretation of a court that has had and will continue to have to do with the enforcement of this measure.

Now, to all these proposed amendments inclosed in the clauses quoted, with a single exception—to which reference is about to be made—we have had no serious objection worthy of extended consideration or reply; hardly any direct objection at all, save that which exists in general declamation, and in such pointless assertions as that these clauses are more stringent in their single or combined effect than the passport systems of any monarchical nation. Why, Mr. Chairman, who is it that talks in this relation about the "petty" and the "puerile" and the "frivolous?" This is no time or place to bandy epithets; and it would very ill become us who are so assuredly in the right to condescend to anything of that kind for one moment. But in searching for something to which we can make reply, we have continually to mourn the weakness of our adversary. According to the report of this debate, does not the treasury of the adjectives tossed against us belong rather to the private work of self-introspection than to utterance against fellow-members upon this floor who favor the passage of this bill? To the discriminating reader let the record answer.

But with respect to the provision that no Chinese laborer shall come here from "any foreign port or place," in connection with the provision in the fifteenth section—"that the provisions of this act shall apply to all subjects of China, and Chinese whether subjects of China or any other foreign power"—it is said that there is danger or threat of war! "England will not tolerate that." Why not? Is not the honorable gentleman from Massachusetts, by his very positive language on this point, apparently undertaking or assuming the rôle of prime minister to her majesty Queen Victoria? Will England ever put herself in the position of forcing or attempting to force Chinese slavery into this country? For that is the proposition, neither more nor less. Where again, we might venture to inquire, is the "absurd" and the "ridiculous?" As England dealt with one of our American colonies of old—thrusting negro slavery upon it against the almost unanimous protest of the people inhabiting the land she thus afflicted—will she endeavor to do in this day and generation, as against the American nation with its 55,000,000 of inhabitants? Such would be the position and the action or effort of Great Britain in the event supposed and even conditionally prophesied by the honorable gentleman from Massachusetts.

This is not the case of a single Chinese subject of Great Britain, engaged in mercantile pursuits or possessing or seeking professional attainments. It is the "Chinese laborer." And reference is undoubtedly made, and intended to be understood as made, to the exportation or the importation from an island on the Chinese coast over which there is a nominal or, if you please, an actual English protectorate or jurisdiction. "Sufficient unto the day is the evil thereof." I will not think

so poorly—I had almost said absurdly—of the English Government as to believe for one moment that she will even intimate a design or a desire to attempt anything of the kind. I think I appreciate and understand her proverbially jealous care of the rights of her subjects in foreign lands; but the apprehension does not apply to any case that is altogether supposable in the light of history and existing facts. England never will place herself in the position which the gentleman would have us believe she is likely to assume; for, leaving entirely out of consideration the weight of her own colonial record, which has already been cited, as rising against her in such an event, the moral sense of her people would not permit the declaration that the gentleman affects to dread. For there is always a moral sentiment—which is sometimes called public opinion—which does largely exist and control in Great Britain—(in this respect, by the way, presenting a lamentable contrast to our nation, which often has no public opinion on important questions, consisting in or founded upon the moral sense of the whole people; owing to the fact of the monopoly of the Western Union Telegraph Company and its Associated Press).

Mr. Chairman, we have no hint, after much and sufficient test in this direction, that either Great Britain or any other civilized power will ever come to such a rescue as has been imagined in behalf of schemes to transplant the Mongolian serfs. It is unnecessary, it would not be appropriate, to suggest here that England or any other nation would do such a thing at peril! There is no likelihood of such a thing, and I had almost let slip again the suggestion that such a bugaboo is "petty" and "puerile" and "frivolous."

This bill does provide that no Chinese laborer shall come to this country from "any" foreign port or place, except as herein provided. And we insist that that is a good provision under the arguments that have been repeated over and over again, here and elsewhere, in support of the law of which this is amendatory.

But the portion of this bill to which I especially wish to call attention is to be found in section 12. It is the provision at the conclusion of that section: that all peace-officers of the several States and Territories of the United States are invested with the same authority as a marshal or deputy marshal of the United States in reference to the carrying out of the provisions of this act, and shall be entitled to like compensation, to be audited by the same officers. This is a clause which constituted the main portion of the bill which I brought with me to this Congress, and which I drafted nearly two years ago, and read to my constituents in most of the counties of California during the summer and autumn of 1882. I promised that I would introduce that bill into this body and urge its passage. Here it is, in substance as I prepared it, though I think the phraseology has in one or two lines been changed without improvement. The substance is here. I have always regarded this as the most important amendment, in view of the threatened incursion—I should now say the actual incoming of—the Chinese over our northern boundaries from British Columbia. Subsequent to my presentation of this proposed amendment, the attention of one Department of the Government was drawn to the matter, and some formal communications on the subject have been published as a result of that notice. My honored colleague, Mr. BUDD, who drew most of the other amendments that are here proposed—all the other amendments except one, I believe—will probably give this House some detail of description in reference to the creeping in of these cunning peons from the British Territory.

If I was scanning the horizon for a speck of war, in connection with this subject, I should rather (sooner than take the fright of the gentleman from Massachusetts) consider the possible foolish temerity of the Chinese themselves—on which I once before gave a passing hint—or a protest originating with our own Government against collusion on the part of local British authorities in a scheme to smuggle companies or squads of Mongolians into our borders.

The delegations from the Pacific coast, having been called together at the suggestion of one of the Senators from California, agreed to frame a bill that should embrace all matters of amendment in favor of which we could harmonize; and to those delegations I submitted this proposition, as it is to be found, in effect, on page 10 of this number.

At the time when I was speaking to my people on this subject, it was rumored that there were about to be discharged from the construction works of the Canadian Railway not less than 15,000 Chinese; a report which I believe has since been confirmed by persons who have had occasion to make an estimate as to the force employed for such service in British Colombia. So it was that I was led to emphasize my pledge, and that it acquired great importance among the few who at first regarded it with indifference, as many thousands of my listeners during the campaign of 1882 will well remember.

The propriety of this amendment, considered on general principles, seems to me so obvious that I shall not speak upon that question, but rather briefly direct your attention to the merits of efficiency and economy which I have claimed that it possesses.

The local peace officers, well acquainted with their respective districts, constantly "on guard," stimulated by every motive of public and personal interest, are in the very nature of the case the best adapted for the service required. And here is not a section authorizing the employment of a corps or line of extra United States deputy marshals, at a great or considerable expense to our Government, but a provision for attention and action as needed, and payment only for the particular official labor undertaken and performed.

But it has been said that humanity revolts against this species of law!

Mr. Chairman, it might be asserted, and with unction, that we appear here as the real "humanitarians"—in the secularized sense of that word—against a hostile camp. "Humanitarianism" for us, for our people, especially for our laboring classes: to defend our fellow-citizens and ourselves against the incursions of an inferior race, whose members with few exceptions have proved to be incorrigible in their heathenism; devoted to their idolatry with a stolid bigotry that is even amazing; whose civilization, if you will persist in calling it such, is in conflict with all our ideas of acquiring and maintaining the comforts and conveniences, not to speak of the refinements, of our civilized life. And right here I might say, in opposition to their continued coming—since the broad question has been dragged into this discussion—right here I might say, by way of parenthesis, and with a respectful request for attention on the part of pious people residing east of the Rocky Mountains, who have not been accustomed to hear but one side of this question: the Episcopalian dignitaries of our churches and many of the leading preachers and laymen of our Protestant denominations on the Pacific coast have formally and repeatedly protested against this immigration. Men no less eminent than Archbishop Alemany, Bishop Kip, and Doctors W. A. Scott and T. K. Noble have petition-signatures and personal letters, of record in the archives of this House, which being interpreted by the light of events can only be read in support of this identical measure.

Yes; humanitarianism for our own people. And tell me with what consistency gentlemen upon the other side of the House can call for the maintenance or the establishment of a high tariff on the ground of protecting our laborers against the poorly paid workmen of Europe, while at the same time opposing a measure that would prevent the Chinamen from taking up a temporary residence in our midst. Please to tell me that. The Mongolian comes here without a family and never intending to have wife or children so long as he remains in this nation, almost all of them indulging in practices that are not so much as to be once named among you, and sets himself down to compete with our laborers and mechanics, until such time as he shall have acquired a few thousand dollars, which is to him not merely a competence but a great fortune. And must it be said again that the Chinaman can live, and when working in gangs with his fellow-workingmen does live, at a cost ranging from one-fourth to one-tenth of the amount required to support the workingman of Caucausian parentage and habits, taking the average of expenses, and attributing to both the good qualities of frugality and sobriety?

Humanitarianism! I challenge you upon that score! It is YOU—you who would reopen the doors to Mongolian invasion, or fail to close up the loop-holes in the present statutory fencing; it is YOU who are inhumane towards your own people by this very token and in this very respect. We will meet you in Massachusetts and before your own constituency, face to face, on this proposition.

The majority of our fellow-citizens in these Eastern Commonwealths faintly realize the debt of gratitude they owe to the citizens of the Pacific coast for their persistent appeals, representations, and protests and championship against Mongolian importation.

And I hesitate not to say that we plead in the cause of humanitarianism toward the Chinese themselves. For this business of legislation that we are about is the peaceable method of keeping them out of our country, from this time forth to the end of this chapter. And if resort be not made to this method, we might as well confess that the stay will or would be secured in ways that are unusual and even revolutionary.

But it is said that there is no direct appeal from the people for this amendatory legislation—that this proposed amending is the gratuitous proffer of demagogy; and to sustain this assertion our attention is called to the fact that marked copies of a certain weekly journal of limited circulation in California have been sent to members of this House—I presume to every member—within the past few weeks. And from this journal the honorable gentleman from Massachusetts has seen proper to read a paragraph, deprecating in effect the attempt to pass such amendments as are before us, and indulging in abusive reference to the press of California that has prominently suggested and taught otherwise. From the entire newspaper issue of the Pacific coast the gentleman has only this one article to quote. And what is it? A slur, a diatribe from the San Francisco Argonaut, particularly directed against other papers in California because of their support of such a measure as this.

Some of the gentleman's beloved adjectives will persist in coming to mind again, as applicable to those who have betrayed the distinguished Representative from Massachusetts into the use of such authority. "Authority" did I say? Does he know Frank Pixley, the editor and publisher of the Argonaut? Manifestly he does not know him, or he would not read from his types on this occasion. Whoever, on this floor or elsewhere, knowing Frank Pixley, would willingly or under constraint do that individual the personal favor to notice him at all, if he speak

fairly must state the simple fact, that no person of Pixley's acquaintance in San Francisco pays any respectful attention to anything that he says on this or any other important subject. I would not dignify him by mention here, but for my earnest and proper anxiety that no gentleman on the other side of the House should be misled or influenced by such an "authority." His inconsistencies with respect to this and other matters have gone so far as, in earlier days, to have afforded general amusement; he was for years the central figure of the large cartoons of our local Punch, when it was sought to illustrate the extreme of miserly mendicancy and reckless mendacity, until in very truth, as regards himself, he wearied and wore out the vitality of popular contempt. I did purpose, when his paper was first mentioned, sending to the Clerk's desk for reading a short, compendious notice of his life and character, delivered to a great audience in Union Hall, San Francisco, by George C. Gorham, for many years Secretary of the United States Senate and until recently editor of the Washington Republican. Since the thing has been touched it is proper to add that Pixley's subserviency to the interests of corporations that fee him is the one line of reliability in his biography. It is notorious on the Pacific coast that he is a flunkey of the Central Pacific Railroad Company; the greatest local monopoly with which we have to deal; and I am sure I need hardly add the statement of the fact, that the Central Pacific Railroad Company has always been and now is an interested advocate of Chinese importation.

I apologize for saying so much about this person; but it is perhaps well that the people of my State should be informed in this way—at the same time that you are enlightened as to the individual—that he is quoted here, in behalf of this day's opposition. No other paper on the Pacific coast is produced in such a service. It may possibly be of public benefit for some of my constituents to remember all this on some future occasion.

In the paragraph quoted Pixley appears as denouncing with especial emphasis the daily papers of San Francisco, with an exception in favor of a journal that has recently been purchased by the Central Pacific Railroad Company. The papers so denounced are fully competent to make fit reply, where it could be called for. They need no defender in me on this occasion. Very likely this day's publication from hence, may be the first notice they have of the sentence of defamation referred to. Whatever may be at any time justly said to the disparagement of the San Francisco secular press, the great ability of its managers and editorial writers, and its practical unanimity in hearty support of this proposed legislation—in manifest sympathy with and obedience to the will the people of our coast—can not be denied. And as for the interior press of California—which comes under the ban of the Argonaut's editor, by reason of its commendation of this measure without exception or qualification—it is the best in the world.

The Tariff.

SPEECH

OF

HON. CASEY YOUNG,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. YOUNG said:

Mr. CHAIRMAN: In respect to the bill now before the committee I feel myself placed in a most unpleasant and embarrassing dilemma—one from which I can see no deliverance except by yielding my individual opinions to the aggregate judgment of the majority of my party and by subordinating my personal convictions to my sense of public duty. This I shall have to do, for I have presented to me for my consideration and action a measure affecting a great question of political economy which does not meet my approval, but for which I shall feel it my duty to vote when it comes before the House for action. While I shall do this, however, I conceive it to be equally a duty which I owe to myself and that part of the public that sent me here as their representative to give some reasons why I am opposed to this bill, and why at the same time I propose to give it my support. To give these reasons intelligently, and to avoid the liability of being misunderstood, it will be necessary to state some facts and call attention to some general principles which are too frequently lost sight of and overlooked in tariff discussions.

The question of taxation and the methods of providing public revenue are so important in their connection with every interest and every branch of industry which contributes to the prosperity and wealth of the whole country that they need to be fairly and honestly treated, whether in discussion or in legislation. The people of the country who have intrusted us with the guardianship of their interests have a right to expect at our hands reliable and truthful information, so far as we can give it, concerning the effect upon these interests of the present tariff or revenue system, and also as to what changes should be made in order to render it more equal in its operations, as applied to every pursuit in which our 50,000,000 of people are engaged.

The fact that our tariff system has been too frequently treated as a partisan question, instead of a great economical and financial problem requiring for its solution the most thoughtful and painstaking investigation, has wrought infinite injury to the business interests of the country whenever the subject has been agitated. And perhaps no question that has been discussed so much and legislated upon so often has been so little understood as this one, and certainly none has given rise to such conflicting opinions and such a variety of discordant views. This has not been confined alone to our own country, but has been observable in every one where tariff laws and regulations have existed. It occupied the public mind of England to the exclusion of almost every other topic of public interest for a long period of time, and it was only after an exciting and often bitter discussion of more than two centuries that the public thought of that country reached anything like a common conclusion.

Even now the judgment of English statesmen is not in entire accord in respect to the tariff system of Great Britain and its dependencies, for some hold that the policy of free trade which has been pursued in that country for more than a third of a century is not the wisest one that could have been adopted. The same differences of opinion, the same heated discussion, and the same partisan zeal, in a greater or less degree, have marked the history of tariff legislation in France, Germany, Belgium, and Holland, and in almost every other civilized nation of Europe. In all countries and in all periods of its history there have been those who denounced it as the vilest system of robbery and oppression ever devised, while there have been others who defended it as the wisest and best method ever adopted for raising revenue and protecting the industries of a country.

Strange as it may seem it is nevertheless true that among the most intellectual men and profound thinkers of the world there is scarcely more unanimity of opinion upon this important question to-day than there was a hundred years ago. But this young and growing country of ours, with its boundless resources, its resistless enterprise, its new principles and functions of government, has been the field of the bitterest controversy in respect to this vexed and discordant question. Here there has been the widest divergence of opinion and the most hostile antagonism between the advocates of one or the other of the two distinctive features of tariff legislation—free trade and protection.

The terms "free-trader and protectionist," when applied to the supporters of the two theories into which the question of the tariff is usually divided, have for fifty years been regarded as epithets of opprobrium and reproach, and when a man has been denounced as the one or the other it is generally conceded that he stands charged with the gravest political crime of which an American citizen could be guilty, judged from the standpoint of opposing party predilections. Yet both theories have at different times been advocated by the most distinguished men our country has ever produced, and have often been alternatively incorporated in the accepted creed of both the great political parties into which our people have been divided from the beginning of the Government up to the present time.

These vagaries of political opinion, these inconsistencies in political thought and action concerning this particular question grew no doubt very largely out of the fact that it is one more elastic than almost any other, and more adjustable, if I may use that phrase, to local interests and more subordinated to local influences than all others. So that the declarations at a recent period of a very distinguished man, that the tariff was a mere local issue, was, in the light of history, a true if not a wise assertion. The history of the tariff discloses the fact that for the most part men form their opinions concerning it under the influence of local surroundings and the pressure of local interest, and the greatest of our public leaders have not been wholly free from these influences. But sometimes, however, one has made his appearance strong and brave enough to discuss the question from a national standpoint, and if our leaders of to-day could be brought to emulate this praiseworthy example they could, I think, easily formulate a tariff bill that would meet with general public approval, and thus end this unnecessary agitation and fruitless discussion.

We might, I think, with great profit to the public interest, lay aside some of the bitterness and asperity which has characterized this discussion, and consider the grave question before us in the light of how far and in what way it will affect the well-being and prosperity of the whole country, without regard to its influence upon isolated and local interests. No tariff law could be enacted that will injuriously affect any established interest or tear down any industry that has grown up under the present or any former system, if we keep in view the cardinal principles upon which a tariff system should rest. To build up, however, or foster one interest at the expense of another would be to inflict by legislative action an injustice which should not find a place

in any public law; but this effect is never attendant upon a properly adjusted tariff.

In formulating any tariff bill two fundamental ideas should be kept constantly in view and should control our action, namely, a reduction of the amount of revenue now received, and to derive a sufficient amount to meet the demands of the Government from a duty on commodities used by those best able to bear the burdens of taxation rather than from a duty on the articles consumed by the poorer classes of the people. It is conceded by everybody that we must have a tariff of some kind until we shall devise some better system for raising revenue to meet the annual expenditures of the Government. The truth of this proposition being admitted, another conclusion equally true necessarily follows, which is that any tariff inevitably carries with it, as one of its active functions, a protective feature to the extent at least that it is laid upon articles of foreign importation either in the raw or manufactured state which are also the products of our own country.

Thus the phraseology of a tariff for revenue with incidental protection, so often found in Democratic platforms and in declarations of Democratic principles, describes the true theory of all tariff laws, and the only one upon which they can be based in a country like ours with any hope of meeting with popular approval. It is a fair compromise between the opposing dogmas of free trade and protection, neither one of which should, when considered alone as distinctive theories, be controlling factors in tariff legislation, for the reason that the one is wholly impracticable at this time, and the other is one not warranted by the Federal Constitution under any of the terms of that instrument as I have been taught to construe it.

I hear others declare themselves to be in favor of the doctrine of free trade, and I learn from the public press that there is a free-trade party in this country, but I do not see how such a theory can be put in practical operation unless we do one of two things: either repeal all laws for the imposition and collection of import duties and adopt some other method for raising revenue, or bring our Government to that degree of perfection at which we will require no money to carry it on. Are either of these thing possible of accomplishment? Everybody will answer in the negative as to the latter proposition, and the former is almost equally impossible. Suppose we should conclude to abolish our present revenue system, what one would we adopt in its stead? Would we resort to direct taxation, with all its odious features and methods, its espionage, its invasion of every man's household, and total disregard of every man's rights and feelings? Nobody would want this.

Even the direct tax now levied upon two single articles has become most offensive and distasteful to the public, and there is a growing feeling for a repeal of the law which authorizes it, though it rests alone upon two articles which of all others are considered the least necessary in promoting the public good. We must, then, as a matter of necessity, adhere for the present at least to the system we now have, and the all-important question we are called upon to determine is its proper adjustment. But when we come to consider this we are confronted with difficulties not easily overcome, and we encounter differences of opinion equally hard to reconcile. This has been made but too apparent in the progress of the discussion that has already been had upon this bill for any one to doubt it.

We have had the relative doctrines of free trade and protection discussed from every possible standpoint and with as much eloquence and learning as if both these questions were living issues and their respective merits were being submitted to public judgment. But in reality neither one of them is practically before this House or the country, and their discussion in connection with this bill is a mere waste of time and a departure from the real question with which we have to deal. I speak of course of free trade and protection as constituting of and within themselves a distinctive tariff theory, and not as mere incidents to or parts of one, and in this light they can alone be considered as connected with the bill now under consideration.

The advocates of these theories have presented them with great force and in most attractive form, but their arguments have tended more to mislead the public mind than to elucidate any sound principle of tariff legislation. The advocate of protection paints his theory in glowing colors, makes it a beautiful picture, and holds it up to the merchant, the manufacturer, and the artisan as his shield and safeguard against the destructive competition of foreign goods and the invasion of foreign labor. They declare for the fostering of American industries and the dignity and protection of American labor. These phrases embody a popular idea, and they are willingly accepted by those to whom they are addressed without even inquiry as to the extent of their truth or the strength of the logic with which they should be credited.

While the protectionist advocates this doctrine, the free-trader is equally zealous and industrious in presenting his theory to the public for support. By him we are told that the current of trade should flow without hinderance in its natural channels, that commerce between all the nations of the world should be free and untrammeled by legislation, and that any restraint placed upon it is a blow at those natural rights of mankind which no government can lawfully abridge. He says that a tariff is a species of robbery, that it fosters some industries at the expense of others, that it lays burdens upon the labor of one man and offers a premium for that of another, and yet he does not deny that a tariff is necessary. He denounces protection, but must admit that it is a feature and attribute of any and all tariffs which necessarily attaches to their operations. He denounces tariff for revenue, but fails to show that even this does not embrace practically the same principle and carry with it the same effect as a tariff for revenue with incidental protection. There is practically no difference between the two.

If to raise revenue you lay a duty upon any commodity imported from a foreign country, to the extent of the duty so laid you protect the same commodity raised or manufactured in our own country, for it will hardly be contended that we can raise a sufficient amount of revenue by laying a duty only upon commodities of foreign production. Unless we can do this there can be no such thing as a tariff for revenue only. It will have the same effect whether you add to it the words "incidental protection" or not. It is not my purpose at the late stage we have reached in the consideration of this bill to indulge in any unfair or improper criticism of the manner in which it has been treated by any gentlemen who have spoken upon it; many of them have displayed great learning and ability as forensic combatants; but I must say that to my mind their premises have been for the most part unsupported by facts, while their conclusions are illogical and untenable.

In my view of the question it has not been discussed on either side in a manner calculated to elicit all the facts which would aid in its proper solution or to lead the public mind to any definite and correct conclusion in respect to its merits. It has been treated thus far in a great measure as a mathematical rather than as a political problem, if I may judge of the matter by the array of figures which garnish many of the arguments. Some gentlemen have favored us with an amount of statistical information that would puzzle and bewilder the most accomplished experts in that branch of learning to be found in this or any other country. While we have had presented to us long columns of figures and elaborate, complex statistical tables, it is not clear that many of them have any direct or even remote bearing upon the question which we are considering, and it will be very difficult in some instances to discover the purpose for which they were offered or the propositions which they were intended to prove.

Most gentlemen who have addressed the committee upon this measure have discussed abstract principles that are now dormant and theories that have no present force or vitality. The gentleman from Pennsylvania [Mr. KELLEY], with his usual earnest force and ability, urges the theory of protection in its broadest sense as vital to American interests, while the eloquent gentleman from Ohio [Mr. HURD], with equal earnestness and devotion to his own convictions, denounces it as a vicious and wicked political heresy, and holds up the doctrine of absolute free trade as the only wise and just policy which a government can adopt in its commercial relations. This course of discussion has tended to unsettle the public mind of the country and impair public confidence in the effect of any bill which may be passed. The extreme and impractical views expressed and insisted upon by some leading members of the House are calculated to subject to unjust criticism those who hold to more moderate and temperate opinions.

The people, who are after all the most deeply affected by tariff legislation, have been so misled by unfounded misstatements, so deceived by shallow fallacies and ingenious sophisms, that a man who does not laud free trade to the exclusion of every other feature connected with the tariff is forthwith called a protectionist; and if, on the other hand, he does not proclaim himself in favor of protection he is without any ceremony pronounced a free-trader. Thus it is that men who base their convictions upon the safe conservative ground that lies between dangerous extremes are not infrequently called trimmers, without courage or convictions. But no public representative should be driven by such harmless missiles as these from the discharge of his duty as it is presented to him in the light of his convictions.

It is another unfortunate circumstance which has been attendant upon tariff legislation that it has too often been treated as a purely sectional question; and even up to a period quite recent the advocates of one theory were found mostly in the East and the North, while the followers of the other were in a great measure found in the West and the South. But this has not always been so, and ought not to be so now. Men governed by principles, inspired by honest convictions, can defy the mere local sentiment of any section, especially when that sentiment rests alone upon local interests. Should a New England student of this branch of political economy be led by his convictions to the advocacy of free trade, and in consequence be denounced for his defection from the accepted doctrine of that locality, he might point to the fact that in the very first Congress that assembled under the Constitution Mr. Madison introduced a tariff bill avowedly for protection, and out of the fourteen New England members nine of them voted against it, while of the twenty-four members from the Southern States twenty-one voted for it.

So, too, if a man from the South or the West should offend against local opinion by declaring for protection and bring upon himself an adverse popular judgment, he might bring to his defense not alone the fact that twenty-one members from the South voted in the First Congress for a protective tariff, but also the further fact that Andrew Jackson was

elected President upon a platform of which the following resolution was a part:

Resolved, That an adequate protection to American industries is indispensable to the prosperity of the country, and that an abandonment of that policy at this period would be attended with serious consequences to the nation.

He might cite the additional fact that in 1821 a bill was introduced in Congress entitled "An act to increase tariff duties," and that upon the motion of the celebrated John Randolph of Roanoke to admit cotton goods free of duty Mr. John C. Calhoun, of South Carolina, certainly one of the most gifted statesmen the South ever produced, said:

The matter assumes a new aspect in the motion under consideration, it having been introduced professedly on the ground that manufacturers ought not to receive any encouragement. Coming, as I do, from the South, and having in common with my immediate constituents no interest but in the cultivation of the soil, no motives can be imputed to me but such as are disinterested. * * * If the mere statement of facts does not carry convictions to any, what additional arguments might be drawn from the general nature of wealth? Neither agriculture, manufactures, nor commerce, taken separately, are the source of wealth. It flows from the three combined, and can not exist without each. The wealth of any single nation, it is true, may not immediately depend upon three, but such wealth always presupposes their existence.

This bill for the increase of tariff became a law, and in his message to the succeeding Congress President Monroe said concerning it:

On full consideration of the subject in all its relations, I am persuaded that a further augmentation may now be made of the duties on certain foreign articles in favor of our own, and without unjustly affecting any other interest.

Following this line of defense still further, it might be shown that in all the Democratic platforms adopted since that time by Presidential conventions in which the subject of tariff was mentioned at all, some protective feature was recognized, except in the platform of 1880, and finally attention might be called to the recent able speech of Mr. Hilary A. Herbert, one of the most distinguished members of the Ways and Means Committee of the present House, in which he says:

The Democratic party has always raised revenue by tariff taxation. That tariff always necessarily afforded incidental protection; and yet we are called free-traders.

It will thus be seen that one's belief in respect to the tariff has not always been and can not now be taken as a test of either sectional or party loyalty under ordinary circumstances; but I hold it to be the duty of every Democrat to give his earnest support to this bill for reasons which I shall present before I close. I do not want to be misunderstood, and I hope it will not be concluded from what I have said that I am an advocate of tariff for protection *per se*, but I am an advocate of that degree and kind of protection which is necessarily brought about by a tariff for revenue properly adjusted. By this I mean a tariff conformable to a revenue standard and laid upon such commodities as are used in the main by those consumers who are best able to pay the tax thus imposed, and which also compete with our domestic products. A tariff thus adjusted would conform to the ideas which the Democratic party has held upon this question from time immemorial. That is, a tariff for revenue with incidental protection. I have already stated as true the general propositions, and nobody can deny them, that in our present condition a tariff is an indispensable necessity, and as every tariff must and does carry with it a certain degree of protection, it will strike every one as an indisputably just conclusion that this protection, which is inevitable, should reach alike all interests and afford the same benefits and advantages to every section of the country.

I would not make this question a sectional one, but I would treat it as eminently national in its character. I would have a tariff that afforded the same protection to the interests of the South and the West that it does to the North and the East. I would have the fire in the furnaces of Georgia, Alabama, and Tennessee burn as steadily and brightly as those of Pennsylvania and Ohio, and I would have the cotton-mills erected in the cotton fields, which under the fostering influences of a wisely adjusted tariff would keep pace with those in busy operation all over New England, and which made that sterile region of fruitless valleys and frowning mountains the most opulent section of our whole country. I would give to the sugar of Louisiana, the rice of South Carolina, and the tropical fruits of Florida the same protection under a tariff for revenue that I would to the wool of Tennessee, Texas, California, and Ohio, to the lead of Missouri, and the hemp of Kentucky.

I am giving no sectional caste to this question when I insist that the locality from which I come shall share equally in all the benefits which any tariff can bestow, but I am only meeting my obligations as a public representative in doing so. I should be criminally negligent if I were to permit a mere abstract principle in political economy, wholly impossible of practicable application at this time, to prevail against the advancement of the great interests just being developed in my section and among my constituents. We of the South have, I fear, sacrificed too long the material results which we might have gathered from practical efforts to a mere sentiment, which is of no value now in this country except to the students of political metaphysics. In consequence of thus following a sentiment instead of practical politics we have paid tribute long enough to a mere idea of political economy, and should now avail ourselves of all the benefits of the system of legislation which circumstances impose upon us, whether we want it or not.

The present tariff has been denounced in every quarter of the Union by fair-minded men of both parties for its unjust discriminations, unequal operation, and oppressive effect. This denunciation and attendant discussion have informed the people of its objectionable features, and a large majority of them, and especially of Democrats, are firm and fixed in the belief that it ought to be reformed and readjusted. Two-thirds at least of the Democratic members of this House came here under pledges as distinct and strong as were ever given in a political canvass to effect some such reform and readjustment in the present tariff system as is clearly demanded by the public interest, at the same time bringing it in nearer conformity to the Democratic idea upon this subject.

But this bill is in no way calculated to effect a correction of the inequalities so prominent in the present law, and I doubt very much whether or not it will even bring about a reduction of the revenue at present derived from import duties. If it should effect this, it is certainly the only result which can be accomplished by it. The people demand a different character of tariff legislation from this, if we should have any at all, and I am one of those who believe that it is both proper and wise to have it. I am not strongly impressed with the wisdom of that timidity which whispers constant warning against tariff agitations, whether it comes from my political friends or adversaries.

We owe a duty to the public from which we should not shrink, but, with a courage which honest convictions always bring, we should seize with a strong hand upon this vicious system so marked with political deformity that no man can successfully defend it. I have no apprehension about disturbing and unsettling the business interests that we hear so much of from gentlemen who are opposed to any change in the tariff. No interests will be hurt by the passage of a proper bill. On the contrary, every business interest will be promoted and placed on a surer basis. I would have a radical change or thorough reconstruction of this bill, for as it is it only perpetuates, with a very few exceptions, all the evils of the old system which we have all denounced so much.

Glancing over our present schedule of tariff duties I find these glaring absurdities, these palpable evidences of the injustice which it inflicts. It may be well said, as it often has been, that it is a tariff which favors the rich and oppresses the poor, and the truth of this charge would seem to be established by the comparisons I shall make.

By an examination of paragraph 362 of the present tariff law it will be seen that shawls made wholly or in part of wool, worth not more than 80 cents per pound, pay a specific duty of 35 cents per pound and an ad valorem duty of 35 per cent. On one of these shawls weighing five pounds, and worth $5 at the custom-house, the specific duty would be a dollar and seventy-five cents and the ad valorem duty a dollar and forty cents, making a total of $3.15 on an article costing but $4, which amounts in the whole to 79 per cent. of tariff charges. This is the character of goods that would be worn by the wives and daughters of the poorer classes, and on which there is imposed a tax of 79 per cent. Then take a silk embroidered shawl of the same weight, worth $50, such a one as the more wealthy could purchase, and on this the specific duty is 45 cents per pound, amounting to two dollars and a quarter, and 40 per cent. ad valorem, making a total of $20, and aggregating a duty of $22.25, or 45 per cent., paid upon the more valuable shawl, as compared with 79 per cent. paid upon the commoner and cheaper one. Next, take the costliest of these articles, a camel's-hair shawl, weighing five pounds, and worth $500. The duty on that is 40 per cent. ad valorem and 45 cents per pound, that is $202.50, making an aggregate duty of 40.9 per cent. So that the duty decreases as the article upon which it is laid gets further and further from the reach of the poor man, and the rich man is given that degree of favor found in every feature of the present tariff, as appears from the foregoing, the poor man paying 79 per cent. of tax upon the value of the article which he buys, while the rich man pays scarcely one-half that much. Is there any justice in such a system of taxation? And, besides, if we want a tariff for revenue only, which some of my friends demand, then the tax should be entirely upon the camel's-hair shawl, as that is an article which can only be afforded by the rich, and none of them are manufactured in our own country.

Now, sir, we are expected by the people as tariff reformers to correct just such injustice as is shown in the above statement. Are we proposing to do it? Is it just to tax one man, and a poor man too, 79 per cent. upon the articles which he purchases, and only 40 per cent. upon those which the rich one buys? Ten yards of common cloth or dress goods, partly of wool, worth 20 cents per yard, pay a specific duty of 50 cents, 5 cents for each yard, and an ad valorem duty of 35 per cent., aggregating 70 per cent., and making a total of $1.20 on an article costing but $2, while on the same quantity of cloth of finer quality, costing $1 per yard, there is imposed a specific duty of 8 cents per yard and an ad valorem duty of 40 per cent., amounting in all to 48 per cent. of taxation. Thus the cheaper and commoner cloth is taxed 70 per cent., and the finer and more costly only 48 per cent. Cotton laces, such as the poor buy, pay a duty of 35 per cent. Linen laces, which are used by the rich, pay but 30 per cent.

Common table ware, such as is used in the household of the poor, pays 60 per cent., while encaustic tiles, used for flooring in the houses inhabited by the rich, pay 35 per cent., and alabaster vases to beautify and adorn their rooms pay but 10 per cent. On diamonds and other

precious stones which sparkle upon the person of his wife and daughters the millionaire pays but 10 per cent. Yet salt, without the use of which neither man nor animal can live, pays 73 per cent., and watches, worn by gentlemen of ease and leisure, pay but 25 per cent. Attar of rose, jasmine, and other delicate perfumes, found alone in the boudoirs of the rich, are admitted free of duty, while spelling-books pay 25 per cent. Cabinets of rare coins, collected by wealthy numismatologists, come in free, but castor-oil, a therapeutic agent of universal use, pays a duty of 80 cents per gallon.

Fashion-plates and furs, purchased alone by ladies of wealth, are admitted free, but on a ten-dollar suit of clothes, worn by an artisan or farm laborer, a duty of six dollars and a quarter is paid. Parchment and vellum, upon which are written the license of lawyers, the diploma of doctors, and the wills of millionaires, are also admitted free; but printing-paper, by the use of which valuable information is diffused throughout the world, pays 25 per cent. Spar statuary and ornaments pay 10 per cent., while palm-leaf, straw, or chip hats or bonnets, worn by country rustics or laborers, pay 30 per cent. Silk buttons pay 10, while cheap ones pay 25 per cent. Epaulettes, galloons, laces, knots, stars, tassels, and wings of gold and silver or other metals, so profusely worn by our young soldiers, pay a duty of 20, while horseshoe-nails pay 36 per cent. Ginger ale, the beverage of idlers, pays a duty of 20 per cent., while twice that sum, or 40 per cent., is collected on the handsaws used by the mechanic and on the farm; and while dice, chessmen, and billiard-balls, used for the amusement and recreation of gentlemen having no need for more valuable employment, pay 30 per cent., the common article of cut tacks pays 91 per cent. Hair bracelets and rings, ornaments for the rich, are taxed 35 per cent., while the trace-chains of the farmer are taxed 58 per cent.

Papier-maché, used in the manufacture of articles purely ornamental, and which are without value in practical use, is only taxed under the present tariff law 30 per cent., while bicarbonate of soda, an article used for culinary purposes in every household in the land, has imposed upon it a duty of 60 per cent. Ivory, an article almost exclusively for the use of those possessed of ample means, comes in free; while the cheap glazed hollow-ware used by the poor housekeeper is taxed 33 per cent., and so, too, the most costly woods, such as cedar, rosewood, mahogany, and satin-wood, used entirely in ornamental work, in the manufacture of furniture, construction of buildings, &c., and which can only be afforded by those in affluent circumstances, are all admitted free of duty; while the wooden material used for the building of the substantial parts of houses and in the construction of wagons, drays, carts, &c., pays a duty of 20 per cent.

Stuffed birds, prepared for the cabinets of the rich, come in free, while cement for building purposes, used every day by a vast army of busy mechanics, pays 20 per cent. The material that strings the harp and the guitar, only to be touched by delicate fingers unused to toil, is admitted free of duty, while spirits of turpentine, an article in daily use for a multitude of purposes by every class of poor people, is taxed 20 cents per gallon. The slender bamboo canes that dandies flourish on the street are allowed to pass through our custom-houses free for the benefit of the useful and reputable class of people who use them, but colors and paints, articles in constant demand for useful purposes, must bear the burden of 25 per cent. of taxation. Musk, that scents with rich perfume the dainty belle of the ball-room, is on the free-list, while mustard, more generally used in the kitchen, on the table, and in the sick-room than almost any article found on our present tariff schedule, pays a duty of 10 cents per pound. Genuine diamonds, costing from hundreds to many thousands of dollars, and none of which are worn by the 17,000,000 people in this country who live by daily labor, are also on the free-list, but if the farm rustic or factory girl should aspire to an imitation diamond, the genuine being wholly out of their reach, they have to pay a tax of 40 per cent. to gratify their taste or vanity.

And so, Mr. Chairman, I might go through the entire schedule, and every page and almost every sentence would furnish additional evidence of how unjust and unequal our law is in its effect as between the rich and the poor. I hazard nothing in saying that the tariff law now in existence is the most iniquitous one ever enacted, clearly violative in all its features of every sound principle that should underlie a tariff suited to our conditions and surroundings. No man can look for a moment at these comparisons which I have hurriedly made, showing, as they do, the glaring injustice and inconsistencies of this tariff which we are undertaking to revise, and with truth say that it is a just or fair one. I have other objections to the present system quite as potent, in my judgment, as those I have already pointed out, and which grow out of local and sectional considerations.

Ever since the formation of our Government the South has been the victim of tariff laws vicious in their character and partial in their operations, paying yearly tribute to other sections that have made them rich and prosperous to a degree far beyond any expectation warranted by their natural advantages. Against this policy of discrimination I here enter my protest, and the reason that I complain of this bill is that it perpetuates in only a somewhat modified form the very evils that have existed so long. When the North and the Northwest abounded in timber valuable in foreign commerce, and when the supply from that region was exported to almost every foreign country, there was a tariff on lumber; but now, when these forests have fallen under the ax of the lumbermen and disappeared, and when the timber regions of the South are beginning to take the place of those that have been exhausted in other sections, it is proposed to put lumber upon the free-list.

The gentleman from Iowa [Mr. COOK], where there is little or no timber, devoted the most of his strong and vigorous argument to the denunciation of the tariff on lumber. Perhaps his theory in the abstract is correct; but taking as true the propositions "that we must have a tariff, and that every tariff necessarily carries with it a certain degree of protection," is it exactly just, after the regions so long protected against competition have exhausted their timber, to take the duty off lumber just as the extensive pineries of Arkansas, Louisiana, Mississippi, Alabama, and Florida are beginning to furnish it for exportation. As an effectual remedy against tariff evils he suggests the probability of an entire repeal of the whole system within a short time. I would willingly assist in the accomplishment of this result if it could be reached and a better system of taxation for revenue could be substituted, but everybody knows that such an idea is visionary and impracticable in the extreme.

A general system of direct taxation as a method of raising revenue would not be tolerated a single day in this country, and the little of it we have left remaining of a war policy would be instantly abolished if it affected any other articles except distilled spirits and tobacco. But too many people think as I do, that we had better have cheap commodities that everybody is compelled to use than to have cheap whisky and tobacco, articles which nobody is obliged to consume, for the tax to be taken off these two things for some time to come at least. For myself I should deem it wiser to add to instead of reducing the amount now collected from this source, and relieving as far as possible from all taxation those things which the poorer classes are compelled by necessity to use. I might present innumerable illustrations of how the West, and especially the South, have been discriminated against by former tariff laws, and how they have enriched other sections by submitting to tariff exactions that effectually guarded the East and the North against all foreign competition, while their own products and industries have been left to struggle against the rivalry of every other producing or manufacturing country.

The Western people, owing partly to circumstances, and quite as much perhaps to their quicker apprehension of their own interests and greater energy and sagacity in pursuing them, have within the past decade entered swiftly upon the race of enterprise and development with the East and the North, and have very far outstripped their more laggard brethren of the South. They have demanded and obtained their just share of all the benefits which flow from Federal legislation, and the result is manifest in their fruitful farms, growing cities, and the vast and rapidly increasing wealth of their mines and factories. While the farmer of the South was tilling the soil with implements of husbandry made of iron and steel taken from the mines east of the Alleghanies he was steadily taxed from 40 to 75 per cent. under a tariff admitted to be for the protection of Eastern manufacturers; but now, when the inexhaustible beds of iron ore which underlie vast regions in Alabama, Georgia, and Tennessee have been discovered, and shafts are being sunk and furnaces being built for its manufacture, it is proposed to put iron on the free-list. Eastern manufacturers have grown rich by protection. They have large sums of money invested in extensive plants and improved machinery; they have skilled artisans and trained operatives, with everything nicely adjusted for the successful prosecution of their business, so that to give them the raw material free of duty, and thus cripple or destroy the recent and newly established manufactories in the South, they could contend against competition from other countries.

And so, too, with coal. Upon this article there has always been a duty imposed; but now, after the largest deposits on the continent have been found in the South, and when mining it is growing into a large and profitable industry, it is proposed to put that on the free-list along with most other valuable Southern products. I am told that the iron and coal interests South require no protection against foreign competition, and possibly this may be so; but that fact does not seem to have been discovered in some localities until within a very recent period.

Another striking evidence of the tendency of tariff legislation to discriminate against the South is found in the commercial treaty between this country and Mexico, negotiated by a commission authorized by Congress, and which was recently ratified by the Senate, and is now before this House for such further action as may be necessary to carry it into effect.

Attached to and constituting a part of this instrument there are two schedules, the one embracing all articles coming from Mexico, which are admitted free of duty into this country, while the other one contains those which go from this country, and are admitted at Mexican ports free of tariff charges. By an examination of the Mexican articles to be put upon the free-list it will be seen that nineteen out of the twenty-eight come in direct competition with commodities of the same kind produced in the South and West, while scarcely a single one of them affects any product of the North or the East. Then examine the schedule embracing the articles that are to be admitted into Mexico

from this country free of duty, and it will be found that scarcely one of them is produced or manufactured in Mexico, and all of them find in that country an eager market.

Cotton-seed oil, which is becoming one of the most valuable of all our Southern products, and its manufacture one of the greatest industries of the South, while it is used for mechanical, scientific, culinary, and many other purposes, is constantly increasing, until now there is a demand for it from almost every country in the world. Mexico presents one of the best known markets for its sale; but it is practically excluded from that country by a tariff of $1.50 per gallon, while petroleum oil, found nowhere in the South, is put upon the free-list. Unjust and unfair as all the provisions in this treaty evidently are, it found favor enough in the Senate to secure ratification; but that only furnishes additional evidences of how easy any tariff law can be passed under the guise of promoting free commerce so long as it discriminates against no section but the South. And I want to say here to my fellow-Representatives from that section that the South will never attain that degree of opulence or prosperity easily within her reach until we oppose a solid front to the system of discrimination to which our people have so long and so unwisely submitted.

Perhaps this question of the Mexican treaty does not properly enter into the discussion of this bill; but I have referred to it for the purpose of directing attention more forcibly to the perverted course of legislation on the subject of the tariff, and as an additional argument in favor of turning it into a different direction and into a broader and more natural channel. And I allude to it in this connection for the further reason that my opposition to this particular measure has brought upon me the criticism that I was opposed to a freer and more unrestrained commercial intercourse between our own and all other countries, when in fact my opposition was confined to those features of the treaty which imposed burdens upon the commercial products of my own section, while those of other localities are protected at home and allowed to seek a free market everywhere else. Whatever may be said in commendation of enlarging our commercial relations and of removing all the obstacles that may stand in the way of their extension, I shall not consent for it to be done to the manifest injury of one section for the benefit of another, especially when the section chosen to suffer the injury to be inflicted is the one to which I belong and the interest of which it is my duty to protect as far as I can with proper regard for the public well-being of every one.

Another new industry just beginning to attain sufficient proportion and importance to attract public attention is the production of raw silk, which is being prosecuted in different parts of the country, and especially in the South, with great success, though with little profit, for the reason that it is wholly unprotected by any tariff, and has to contend with the powerful competition of Italy, France, Spain, and other countries. If this industry had been afforded the same protection that has long been given to the other domestic products used in the manufacture of other fabrics it would before now have reached a degree of strength which would have enabled it to stand alone against any competition and to meet if not exceed our entire home demand.

In calling attention to this unprotected industry I am proceeding upon the same theory on which all I have said in support of protection of any kind is based, that is that we are compelled to have a tariff which of necessity carries with it a certain degree of protection, and this I want equally distributed; that is all. When we can get rid of a tariff altogether then I shall be willing for all industries and interests to stand upon their own merits and their own intrinsic values. I have stated frankly and more in detail than I intended the objection that I have to this bill, and I shall now state with equal frankness, but with greater brevity, the reasons that influence me in giving it my support.

The Democratic party of the country is pledged to a reform in our present tariff system, and has sent its representatives here charged with the duty of effecting it. Eight distinguished Democratic members of this House, distinguished not only here but throughout the country, constituting a majority of the Ways and Means Committee, have devoted three months to careful investigation of the whole subject, with every facility at their command to obtain all possible information concerning it, and have presented this bill to the House as a Democratic measure. It has been urged by most of the Democratic press of the country, and though I do not approve of it for the reason I have given, yet I will not follow a faction of my own party in aiding the Republicans to defeat a Democratic measure.

I have the fullest confidence in the capacity and the integrity of the gentlemen of the Ways and Means Committee who favor this bill. They were in a position to obtain more accurate information than was accessible to me, and they are of opinion that this is the only character of bill that can at present become a law. It is certainly conservative enough for the most timid and to defeat it now could do no good. We may at the proper time so amend it as to make it more acceptable to a larger number of Democrats. At least let us make the effort, and not join with the enemy in destroying it in embryo. What better bill is offered either by the Republicans or our Democratic friends who are acting with them in the effort to destroy this one? Better show us a better method of meeting the popular demand for tariff reformation before trying to thwart the one proposed, and then we might reach a common ground upon which every Democrat can stand.

Our tariff system is so complex and difficult of adjustment to all our varied industries that the work of reforming it must necessarily be of slow growth and should be proceeded with in a conservative and cautious spirit, so that as little injury as possible may result from the change which must come sooner or later.

Considerations of this character have no doubt in some measure influenced the majority of the Ways and Means Committee, who thought it wiser to take one step at a time in a great reformation which it is the mission of the Democratic party to accomplish and for that this bill is intended; but to defeat it would emphasize the fixed intention of its opponents to prevent any interference with the present tariff law. The Democratic party of the country can not afford after all its pledges to be put in this attitude, and I will not aid the Republican party in placing it there. No party can very much longer uphold and defend such tariff regulations as we now have and successfully appeal to the public for a favorable judgment upon its action.

The people of all sections are being educated on this subject and can not be further misled and deceived by shallow sophisms and meaningless platitudes. They will soon demand practical legislation, based upon the necessities of the hour, for the advancement of material interest, and not for the propagation of abstract theories of political economy.

The Tariff.

SPEECH

OF

HON. D. H. SUMNER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. SUMNER said:

Mr. CHAIRMAN: In 1850 the differences between radicalism and conservatism ripened into open strife, resulted in a victory for radicalism in 1860, and finally, in 1861, plunged the country into that terrible conflict known as the great "civil war of America." During that period of crimination and recrimination the study and discussion of the all-important subjects finance and taxation were almost entirely abandoned. Then followed four years of war, filled with the booming of cannon and clashing of swords, drowning out even the recollection of anything relating to the science of civil government based upon conditions of peace. The war, so far as active hostilities were concerned, having ended, ten years of reconstruction ensued, during which time radicalism asserted its grinding power by inciting race prejudices, fomenting sectional animosity, and enforcing partisan despotism.

WAR TAXES IMPOSED.

During that whole war period the taxing power of the Government was run at its utmost capacity. Direct taxation was revived and an internal-revenue system imposed. Tariff taxes were increased to the highest limit, and all the revenue powers of the Government placed upon a war footing. The people worked as industriously at home as the soldiers fought bravely on the battlefield. Patriotism and zeal felt not the burdens, and all reckoned it not only a duty, but a pleasure to make every possible sacrifice for the Union and the Constitution. During the reconstruction period radical selfishness and ambition worked the revenues of the Government at the same high-pressure rates, and scouted the idea that peace should bring relief from the burdens of war taxation. It proved to be about as expensive to maintain Radical partisanship in peace as to support the Army in war.

MONOPOLISTIC SPECULATIONS.

The high rates of tariff taxation cut off competition and brought about a series of monopolistic speculations never before equaled. Whoever secured a Government contract of any considerable proportions was more sure of a fortune than the sole heir at law and legatee of a millionaire, provided he made a thrifty use of the rules of addition, subtraction, and silence. It is not my purpose, however, to review at this time the speculations, jobbery, and corrupt practices carried on under Radical rule and official connivance during that period except as they belong to this field of inquiry, but to bring you face to face with the main fact that all these practices were carried on under and made possible because of the high rates of taxation imposed on account of the war, called at the time war measures, and that no practical reduction has been made from those high-tariff rates of war taxation up to the present time.

SURPLUS REVENUES.

The result of this vicious system of collecting war taxes in time of peace has been that the party in power has collected from the earnings of the people annually a hundred million dollars more than has been re-

quired for all legitimate uses. To get rid of this surplus revenue they have concocted all kinds of schemes, encouraged unlimited extravagance in the several departments of the Government, and debauched the public service beyond all calculation. Notwithstanding all this extravagance and waste of the public revenues, from one to two hundred million dollars have been withdrawn from the business of the country and hoarded in the Treasury vaults in idleness. This raises the question, what right has the Government to demand and what wisdom is there in the policy which requires the withdrawal of such an amount of money from the circulating medium of the country, and to that extent cripple the business interests of the people?

POWER TO TAX.

The only purpose for which taxes may be laid and collected is that of revenue for the necessary and legitimate uses and expenses of the Government. Beyond that there is no right or authority to go, and any taxation for purposes outside of that is an arbitrary and unwarrantable exercise of power.

There are two methods of obtaining revenue for the General Government: One by indirect taxation under tariff laws imposing duties on imports, and the other by direct taxation through an internal-revenue system.

The people of this country have always been opposed to any general system of direct taxation, except that the production, manufacture, and sale of luxuries, including whisky and tobacco, should come under the general rule that the necessaries of life should be free to all—that is, free from all burdensome taxation—and that the luxuries of life should be taxed for all, that is, taxed at the highest revenue rate for the support of the Government. Hence the almost universal feeling among consumers that the tariff taxes on necessaries should be reduced for the benefit of the masses of the people, and that the internal-revenue taxes on the luxuries named should be retained for revenue purposes.

REDUCTION OF TAXATION.

This simple statement seems to me to be conclusive proof of the necessity for a reduction of tariff taxation. The present rate was imposed on account of the war. The war ceased long ago, and war taxation ought to have ceased as soon as the expenses of the Government would permit. For several years all political parties in the country have conceded that fact and advocated that policy. During the first session of the Forty-seventh Congress it became unmistakably apparent that a reduction of tariff taxation was not only necessary to insure a continuance of business prosperity, but was demanded by the people. To meet that necessity and demand that Congress in May, 1882, passed an act providing for the appointment of a tariff commission. That commission, although leaning strongly toward the policy of protection, fully investigated the situation, examined the business condition faithfully, and recommended a general reduction, I may say a horizontal reduction, of from 20 to 25 per cent.

The people, presuming that that Congress intended to act in good faith and make a reasonable reduction in accordance with that recommendation, and that some considerable portion of its last session (the Tariff Commission having made its report upon the first day thereof, December 4, 1882) would be devoted to the formulating and passage of an act which would make such reduction upon a basis of justice and equality, looked on in wonder and amazement to see very nearly the whole session devoted to the work of inventing "ways and means" for defeating the passage of such an act. They saw instead the Congressional lobbies and Washington hotels fairly swarming with astute lobbyists working in the interest and for the benefit of manufacturing monopolies, and an act passed which was almost entirely for their advantage, and which produced a reduction of less than 2 per cent. If any political party was ever committed to any particular line of policy the Republican party was committed to a reduction of tariff taxation by its action in 1882.

THE PRESENT ISSUE.

In accordance with the time-honored principles of Democracy, in harmony with the action of the Republican party in 1882, and in support of the recommendations of the Tariff Commission, the Democratic party now proposes a reduction of 20 per cent. from the rates of war taxation. But what a change do we behold! Now the Republican party stands with drawn sword, and says: "Hands off!" This was unexpected, because inconsistent in action and wrong in principle. We make bold to ask, Why do you now oppose the same measure you proposed and advocated two years ago? To this question we receive two answers: First, that agitation of the tariff question will unsettle the business of the country; and second, that protection is necessary to the growth and maintenance of American industry.

In this way the present issue on the tariff question is joined. Democrats propose a reduction of 20 per cent. from the rates of war taxation, and Republicans oppose it. Let it be remembered that the Democratic party has not proposed and does not advocate any public measure based upon the doctrine of free trade. The only measure before the people by the authority of that party is the "bill to reduce import duties and war-tariff taxes," commonly called the "Morrison bill," which proposes a nominal reduction of 20 per cent., but which can not effect an actual reduction of more than about 17 per cent. This is the measure the Republican party opposes. The issue, then, may be restated as follows: The Democratic party favors a reduction of 20 per cent. from the burdens of war taxation in the interest of revenue reform, and the Republican party opposes it in the interest of those who demand protection.

PROTECTION.

What is protection? Webster defines it to be the favoring of some branch of industry by legal enactment. It is, then, an interference with the natural course of some particular branch of trade or business by law, so as to give those who follow that trade or business an advantage over those engaged in other branches of trade and business. This is in direct conflict with the charter of our liberties, the Declaration of Independence, where it is declared that "all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

It is also outside of the constitutional authority, which is contained in these words:

Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

This is the revenue clause of the Constitution, and is the sole authority for collecting taxes for the support of the General Government. Protectionists claim that the "general-welfare" clause is sufficient to sustain the doctrine of protection. This, however, is upon the assumption that protection as extended and applied under protective tariff laws is for the "general welfare." This assumption we most emphatically deny.

The tariff question is not a new one with the American people. It was agitated before the adoption of the Constitution. A tariff law was adopted by the first Congress under the Constitution. That, however, was a tariff for revenue and not for protection. The average duty imposed was about 8 per cent. But the country was new, the people poor, and money very scarce. Of all things the people needed money most. Without capital, they could not engage in business of any kind to any considerable extent, and could do next to nothing in manufacturing. Then, as is always the case in new countries, the idea of extending special privileges to capital grew with the necessities of the situation. Tariff duties were demanded for the encouragement of those who ventured to invest their capital in manufacturing enterprises.

The idea of protecting labor was not thought of at that time. So from time to time the tariff duties were increased. Capital flowed into the country, and by reason of the special privileges given it doubled, trebled, and quadrupled. Whoever engaged diligently in any of the protected industries became rich, and whoever had special skill or aptitude made millions. By reason of these special and exclusive privileges the increase of capital has been almost exclusively confined to the few enjoying them, which has resulted in the ownership of about one-half of the property of the country by only one-eighteenth of the population. This jug-handle process of accumulating the riches of the country into the hands of these privileged classes is not, as I believe, for the "general welfare" of the whole people.

INFANT INDUSTRIES.

The only legitimate argument in favor of a protective policy is that protection may be necessary to encourage and establish infant industries in a new country, so that they can acquire sufficient means and strength to enable them to compete successfully with old and established works in other countries. This country, as I have already shown, has passed through that period and advanced to full age and strength. The fact that these protected industries have been able to compete successfully with the same kind of industries in older countries, and at the same time acquire in addition thereto wealth and capital in excess of all such business requirements, is proof that they no longer stand in need of such protection. The equality having been established, so far as capital, skill, and experience are concerned, the protection should be withdrawn.

This rule applies to such industries as are natural to the country and will not need protection when once established. As a rule no attempt should be made to establish the manufacture of any article that can not be produced without loss after fair trial under favorable circumstances. This idea of encouraging infant industries in new countries is not incompatible with the general principle that tariff taxation should be for revenue only, so adjusted as to equalize the burdens of taxation. But to continue a protective tariff for the support of those industries which can never be profitable in this country without protection, or for the further advantage of such industries as have already been established and made profitable, can not be for the "general welfare."

In theory the advocates of the doctrine of protection justify it as necessary to enable infant industries in new countries to advance to that equality of strength and experience that will give them the ability to enter the markets of the world as free-traders; but in practice the more protection they have the more they want, and the longer they have it the longer they want it, and when they have acquired that ability given them by protection, they pervert it from the purpose originally intended, and use it to control legislation in the interest of mo-

nopolies founded upon inequality of privileges, which condition they seek to make perpetual by legal enactment. That is what protection now means in this country.

THE GENERAL WELFARE.

Whatever is for the greatest good of the greatest number must be for the "general welfare," and whatever imposes unjust burdens upon the majority of the people for the benefit of a few privileged classes is against the "general welfare." Upon these propositions the doctrine of protection must stand or fall.

If we find certain facts and conditions connected with or resulting from protection when adhered to for any considerable length of time, showing that the protected classes, which constitute but a small minority of the people, have been benefited beyond all reason, and that the unprotected classes, which constitute a large majority of the people, have been injured in what appears to be about the proportion that the protected classes have been benefited, that is to say, if such a state of inequality has been produced as to make the protected classes rich and the unprotected classes poor, we must conclude that protective tariffs do not protect the masses of the people and do not promote the "general welfare."

That we may arrive at an intelligent conclusion upon this subject I select and present, from the general mass of such facts, the following:

I.—BANKRUPTCY.

Protectionists have declared that "bankruptcies would be the order of the day" if our protective tariff should be reduced to a revenue standard.

If conditions and circumstances, except the protective tariff, were ever favorable to, and if protection ever had opportunities to show what it could do for, business prosperity, those conditions, circumstances, and opportunities existed in 1881, 1882, and 1883. More than twenty years of protection had prepared the way. Let us, then, strike the balance and see the result:

For the first quarter of 1881 there were 1,761 failures, with $24,000,000 liabilities; for the first quarter of 1882, 2,127 failures, and $33,000,000 liabilities; an increase in one year of 20 per cent in number and 37 per cent in amount.

For the first quarter of 1883 there were 2,806 failures, with $37,000,000 liabilities; an increase in two years of 59 per cent. in number and 54 per cent. in amount.

For the first quarter of 1884 there were 3,296 failures and $40,000,000 liabilities; an increase in three years of 87 per cent. in number and 66 per cent. in amount.

From this showing it appears that bankruptcy flourishes wonderfully under protection. And this is the best showing protection is able to make after fifty years of trial. It does not advance the "general welfare."

II.—INCREASE OF WEALTH.

The greater part of our national growth and development took place between 1820 and 1880. From 1820 to 1850 we were under protection; from 1850 to 1860 we were under a tariff for revenue only; and from 1860 to 1880 under protection again. During that whole period the increase of national wealth was as follows: From 1820 to 1830, 41 per cent.; from 1830 to 1840, 42 per cent.; from 1840 to 1850, 64 per cent.; from 1850 to 1860, 126 per cent.; from 1860 to 1870, 52 per cent.; and from 1870 to 1880, 79 per cent. The average increase for the whole time was 67 per cent.; the average increase under protection was 55 per cent.; and the increase under a tariff for revenue only was 126 per cent. The increase under a tariff for revenue only exceeds that of the last and best period under protection—from 1870 to 1880—by 47 per cent. Our experience with protection thus far does not warrant its continuance. Let it, with all other failures of that kind, be wiped out. It does not promote the "general welfare."

III.—EMPLOYMENT OF LABOR.

Those who oppose a reduction of tariff taxation tell us that the withdrawal of protection will destroy manufacturing and drive the labor employed in that industry into agriculture, and that the competition in that industry will then be such that wages will be greatly reduced.

If this be true the tariff-for-revenue-only period, from 1850 to 1860, must disclose the fact. The truth, however, is just the reverse. From 1850 to 1860 the employment of labor in manufactures increased 36 per cent., against an increase of only 33 per cent. from 1870 to 1880.

VI.—HOME MARKET.

Every time the tariff question is discussed we are told that protection will give us a home market for all our agricultural products and make us independent of foreign markets. That might be a desirable condition, but protection has not given it to us. On the contrary, every decade of our experience shows that protection has increased our dependence upon foreign markets, as witness the following:

In 1820 we sold in foreign markets, including breadstuffs, cotton, and provisions, $28,000,000 worth. In 1830, $39,000,000 worth; an increase of 39 per cent. In 1840, $79,000,000 worth; an increase of 102 per cent. In 1850, $95,000,000 worth; an increase of 20 per cent. In 1860, $231,000,000 worth; an increase of 143 per cent. In 1870, $328,000,000 worth; an increase of 42 per cent. And in 1880, $626,000,000 worth; an increase of 90 per cent.

From this it appears that our dependence upon foreign markets for the sale of our agricultural products was twenty-two times greater in 1880 than in 1820, and we have to record another failure against protection. So long as the farmer has to accept for his products the prices they bring in foreign markets, less the cost of transportation and marketing, he ought not to be compelled to pay for the manufactured articles consumed by him more than their cost in those same foreign markets with the cost of transportation and marketing added. Every such increase in the cost of the manufactured articles consumed by him is just so much of a discrimination against him and in favor of the home manufacturer.

But there is another phase of this home-market question that is not very generally considered. Protectionists assume that the home market for our agricultural products depends almost entirely upon the persons engaged as workmen in the protected industries. This is not true. They do not consume enough to equal the variation between a medium and a good crop of grain. Stop and take a little thought upon this subject. How many of your friends and acquaintances are employed in the protected industries? Farmers are not benefited by protection. Farm laborers are not protected. Blacksmiths, shoemakers, stonemasons, bricklayers, plasterers, painters, carpenters, and joiners are not protected. And so we may go on through the whole catalogue and find but very few of the laboring classes affected in the least by protection except as consumers of manufactured articles made dear by high tariff duties.

According to the best estimates, founded upon the census of 1880, there are less than a million persons—not one-fiftieth part of our population—employed in the protected industries. Home market, indeed! If the number of persons employed in the protected industries should be doubled to-day it would not raise the price of wheat 2 cents per bushel, or if the whole number of persons employed in the protected industries should be transported to-morrow it would not lower the price of wheat 2 cents per bushel.

The protected industries consume less than one hundred million dollars' worth per annum, while the foreign market takes more than six hundred million dollars' worth each year. This ought to be enough to make farmers think.

V.—PAUPER LABOR.

Protectionists are driven to the adoption of the most ridiculous assumptions known to the human mind. One of the most glaring of these is the declaration that the workingmen of this country are not able to compete successfully with the pauper labor of Europe. This is the climax of absurdity. It amounts to an assertion that the intelligent, competent, industrious, and self-supporting American workman is inferior to the ignorant, lazy, incompetent, and charity-eating European pauper. When called upon to meet this allegation fairly, what true American ever had the hardihood to assert that ignorance is superior to intelligence, indolence more productive than industry, or that incapacity is superior in productive power to ability? If this be true, of what advantage is our public-school system? Why should we tax ourselves for the education of the masses of the people if it is going to result in weakness and inefficiency? Pauper labor is not even self-supporting, to say nothing about producing a surplus for export.

But, say they in answer, we do not mean paupers that beg or are supported at public expense. We mean the poorly-paid labor of England, where wages are much lower than in this country. Our manufacturers pay our workmen about 50 per cent. higher wages than English workmen are paid.

Conceding that daily wages are nominally higher in this country than in England, let us make inquiry upon two points that must be determined before their relative rates can be estimated: First, what is the relative value of their labor to their respective employers? And second, what is the relative value to the respective workmen of the wages paid them in the two countries? If we find that the labor product of the American workman exceeds the labor product of the English workman by a higher per cent. than the wages of the American workman exceed the wages of the English workman, then it will appear that the American manufacturer pays lower wages than the English manufacturer, and that protection has injured rather than benefited our labor.

VI.—WAGES AND PRODUCT OF LABOR.

The product of labor is what must be measured when we undertake to determine what class or what nationality of workmen receives the highest rate of wages. The gross annual product of each American manufacturing hand is $1,960, while the like product of each English hand is $1,040. The labor product of the American workman being 88 per cent. greater than that of the English workman, his wages ought to be 88 per cent. higher. But such is not the fact. His per diem wages are not more than 50 per cent. higher than the English workman. It is thus shown that the wages of the American workman, when we come to measure the labor product, are 38 per cent. lower than the wages of the English workman.

There are several reasons why this is so:

First. The English workman labors only from fifty-four to fifty-six hours per week; the American from sixty to seventy-two, and still does more each hour than the Englishman. There is in fact no country in the world where workingmen work as many hours each day and as many

days each year as in the United States. They are also equally noted for perfection and rapidity of execution. In these too they excel all other nations and peoples.

Second. The higher intelligence of the American workman, derived largely from our system of common schools, an attendance upon which has become practically obligatory on account of the demands of society and business, is another factor which makes him in every way superior to any and all of his competitors.

Third. His participation in and responsibility for good government make him ever vigilant, self-reliant, and ambitious for success in all his undertakings, whether of a private nature or public character.

In speaking of American workmen, I do not mean those only who are native-born, but all who have become American citizens. The man who in some foreign land learned of the advantages of our form of government, became inspired with the spirit of liberty, and had the ambition and bravery to leave his fatherland and seek a home in the New World, has shown himself equal to the highest grade of American citizenship.

VII.—PURCHASING POWER OF WAGES.

Having shown that the American workman gives the American manufacturer a very much larger return for the wages paid him than the English workman does the English manufacturer, it would seem that the cry of the American manufacturer that he can not compete in his own home market with the English manufacturer ought to be silenced. But another feature of the question is the purchasing power of wages. Society is now so organized and laws so enacted that the wages of workingmen are all used in furnishing themselves and families with the necessaries of life. Upon investigation we find that, with the exception of breadstuffs and provisions, the purchasing power of wages in England is greater than in the United States by about the rate of tariff duties on imports, which is somewhat more than 40 per cent. Now, then, half the wages of American workmen are paid out for articles that are enhanced in price not less than 40 per cent. on account of the tariff duties, which reduce the purchasing power of their wages at least 20 per cent.

Let us recapitulate. The American workman receives about 50 per cent. higher per diem wages than the English workman, but their purchasing power is 20 per cent. lower; so that the actual value to him of his daily earnings is only about 30 per cent. greater than those of the English workman. It must be kept in mind also that the American workman does 88 per cent. more work daily than the English workman, and that the difference between that increased labor product and his higher rate of wages, 38 per cent., remains with the American manufacturer.

This shows unmistakably that the claim of the protectionists that a protective tariff benefits workingmen by giving them higher wages is not only a false assumption, but that a protective tariff deprives them of a large percentage of what they actually earn, and transfers that percentage to the pockets of the protected manufacturers.

VIII.—ENGLAND.

Hardly a member has spoken upon this question without in some way referring to England. Protectionists quote her in support of their points, and tariff reformers do the same thing to apply and illustrate their arguments. On this account, and for the further reason that protectionists parade with mortal fear the allegation that the competition of English workmen and English manufacturers will ruin American workmen and American manufacturers if not shielded by high protective tariff duties, I have made a comparison of the wages received by those employed in the manufacturing industries of the respective countries. This was done not with a view to eulogize Englishmen nor to indorse English policy. On the contrary, I have shown clearly that the workingmen of England are inferior to the workingmen of this country, and have not even mentioned her policy with respect to protective tariffs.

If there is any one thing more prominent than another in the history of England it is her absolute and despotic policy of protecting her privileged commercial and aristocratic classes by protective export and import duties. Up to the year 1824 her system had been strictly protective. Her policy was to rob and plunder other nations and peoples when she could with impunity, and to burden and oppress the masses of her own people to enrich her privileged classes. All the wrongs and injustice perpetrated upon the American Colonies were done at the bidding of protected monopolies. Yes; all the suffering, plundering, and oppression imposed upon injured and downtrodden Ireland have been the direct result of the protection she has extended to her legalized and petted aristocracies.

But for centuries the people of England have been struggling against these privileged classes and for the overthrow of aristocracy. They have not yet succeeded, but some advance has been made. In 1824 a general effort was made to convert Parliament to the policy of commercial freedom, which was continued with unabated vigor until 1849, when a system of practical free trade was adopted. Since the adoption of that policy more actual progress has been made toward equality of rights by the English people than was made by them in the preceding four and a half centuries. During that period very much has been done toward the establishment of a system of common schools. As a result of increased commercial freedom and consequent growing intelligence the right of suffrage has been greatly extended.

As a result of this general advance the wages of labor have been increased during the last thirty years, on an average, 37 per cent. Another feature not generally considered is that as commercial freedom has advanced and the condition of labor has improved the profits and power of capital have been greatly decreased. Capital always seeks investment where it is most protected by law. Protective tariffs are the favorite means of extending special privileges to capital. Hence, as commercial freedom has advanced in England, and the protective policy has become more firmly established in the United States, English aristocracy and English capital have sought shelter under our high tariff system by investing in our manufacturing monopolies and buying up our public lands. In this way the English operative system has been imposed upon our factories, and the English landlord system is being transplanted to our Western States and Territories.

IX.—MONOPOLIES.

The first and most direct result of a tariff for protection is the establishment of monopolies. This is done by cutting off competition. One of the first industrial and economic maxims I learned was that "competition is the life of business." This maxim relates to the business of the whole people and not to that of the privileged few under a protective tariff. The foundation principle of this maxim is that competition stimulates production and improves the quality of the articles produced. Such stimulus and improvement always arise from that natural condition which is based upon equality of rights and privileges. It increases the production of each individual, class, or nation beyond what each needs for its own consumption.

This surplus product of labor is the basis of all business, trade, and financiering. The first object of each individual, class, or nation is to exchange its surplus product for the surplus product of some other individual, class, or nation, so that the enjoyment of life may be increased by the possession and use of those comforts and luxuries which may be obtained by such exchange. Now, then, this exchange of the surplus products of labor calls for another division of labor, and a general class is called from the employment of producing to that of handling the product. In this general class I include those who employ and manage labor with those who handle and exchange the product. Their interests are the same; they always combine upon the question of toll-taking, and grow fat and rich from the same source and by reason of the existence of the same laws and conditions.

Protective tariffs shield those who handle and exchange the product of labor from competition, but leave those engaged in the labor of production open to competition from every quarter. This enables the employer to control both the cost of the article he sells and the price he sells for, while the laborer can neither decide how long he will work nor the price he shall work for.

Such is the manner in which monopolies have been created and are maintained in this country under protective tariff laws. In business, as in politics, morals, and religion, conditions and circumstances produce their legitimate results. If the persons engaged in any particular kind of business have a monopoly of it, that fact will very soon appear from the rapidity with which they acquire great fortunes.

In no country in the world have colossal fortunes been so quickly amassed as in this since legislation has been manipulated in the interest of privileged classes; not because of great industry, learning, and good judgment, but by those who have in some way been enabled by law to take advantage of their fellow-men. If there is any one place in the United States where protection has protected, and the protective policy has been fruitful, it is in the city of Cleveland, Ohio. Last winter, in the Ohio Legislature, Senator Williams of that city, in speaking upon the tariff question, among other things, said:

> I am thoroughly conversant with the working and effect of a protective tariff in my own city. There the benefits of protection have inured to the manufacturer almost exclusively. Why, sir, I can remember when there were but two millionaires in the whole United States—Girard and Astor.
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> Now I can name no less than thirty in my own city of Cleveland. I have traced the history of these millionaires, and found that their wealth grew out of protected monopolies, and through the policy of a protective tariff. The fact is that their net profit is never less than 20 per cent., and it very often exceeds that. Upon the other hand, the average wages of the workingmen in the Cleveland manufacturing establishments range from $350 to $378 per year—barely enough to afford a subsistence.

Here we have the whole secret. The protected monopolies are making a net profit of 20 per cent. on their investments at the expense of the whole people. A protective tariff legislates three-fourths of these enormous gains into their pockets. This is nothing short of legislative robbery. It keeps the masses of the people poor that these petted beneficiaries may revel in wealth and luxury.

Of what use is a republican form of government when molded into a taxing machine for the upbuilding and support of an untitled aristocracy? What authority is there in our Constitution for extending special privileges to any class of our citizens? These monopolies buy labor and sell the product of labor. Workingmen sell labor and buy the product of labor. Why should the monopolies be protected in the privilege of buying labor in the cheapest market and at the same time be given the power to make a dear market for the sale of the product of that labor? If this is not rank injustice, where can it be found?

X.—"AGITATION RUINS BUSINESS."

The first plea of our opponents—"the benefits of protection"—having been disposed of, we now come to the consideration of their second plea, "that the agitation of the tariff question will disturb and injure the business condition of the country." The real and only question involved in this measure is the proposition of the Democratic party to reduce taxation to a revenue standard. It is true that we propose to do that by reducing the rates of import duties.

It being established that our present rates of taxation produce a large surplus revenue, what reasonable objection can there be to such a reduction of those rates as will reduce the amount of taxes collected to the legitimate uses of the Government? The answer comes to us in a weak, cracked, and trembling voice that the "business interests" can not stand it. When they say "business interests" they mean the protected monopolies. They have had the lion's share at the common expense until they have acquired the lion's strength, and now when called upon to use that strength for their own support and the common good they plead weakness and cowardice.

Protection, then, produces weakness and instability. Protection has made the Republican party a coward. That so-called "grand old party" has lost the courage of its convictions. But, Mr. Chairman, that is not the only trouble with that party. Two years ago a Republican party President said in his message to Congress that such a reduction of taxation as we now propose was necessary for the general welfare and demanded by the people. This declaration of the President was indorsed by the Republican Secretary of the Treasury. A little later a Republican Congress reiterated the declaration and appointed a Republican tariff commission to investigate and report a measure that would effect such a reduction. And then about a year and a half ago that tariff commission reported and recommended the passage of an act for such a reduction of taxation.

Then the music commenced. The pampered lions of protection began to roar. That would lessen the amount of tribute they were levying upon the people. It would interfere with their system of legalized plunder. Something must be invented to divert the attention of the people, not only from the great question of revenue reform, but from the record they have made upon that question.

Behold the wonderful production! Look at this child of protection! "Agitation ruins business." Such is the platform of the Republican party of to-day. Republican orators, Republican newspapers, and Republican office-holders have dubbed it the "grand old party." Yes, it is the grand old party of agitation and revolutionary tendencies when it wishes to engage in the manufacture of party capital by inciting race prejudices and fomenting sectional animosity, or when it becomes the ally of prohibition cranks and woman-suffrage agitators. Then it believes in agitation. But when a great economic question, the true principles of which have not yet been fully settled and adopted by the nations of the earth, is presented for discussion, it shrinks back and votes against its consideration. When we propose to relieve the people from the burdens of war taxation it threatens to vote to strike out the enacting clause of the bill.

Until the first session of the Forty-seventh Congress the Republican party in Congress, in conventions, in newspapers, and on the stump professed to be in favor of revenue reform and for a reduction of taxation. Since that time its course of action has been against that policy, with an evident desire to keep up old appearances and in that way deceive the people. But now that party is compelled to vote upon that identical question. The record must be made. Now, then, if the representatives of that party vote to strike out the enacting clause of this bill "to reduce import duties and war-tariff taxes," it will become the anti-revenue reform party. That will be an irredeemable pledge against a reduction of taxation. Yes, I may add that such vote will bind that party to oppose even the consideration and discussion of any such great economic measure. With such a record and such a pledge its only promise for the future will be that war taxes shall be maintained and lavish expenditures of the public moneys continued. It will try to escape this issue by "pointing with pride" to its achievements in the war. But the war is of the past, and the people demand that provision for the future shall be made upon the basis of peace, economy, and progress.

XI.—REPUBLICAN RULE.

Inasmuch as this "grand old party" is determined to look only upon its bloody and corrupt past, I call your attention to a few of the results of a quarter of a century of Republican rule.

1. It has given us a system of taxation so fatally vicious that it takes from the earnings of the people annually a hundred million dollars more than is required for all legitimate uses of the Government.

2. It has given us a foreign commerce almost entirely surrendered to foreign ship-owners, by reducing our interest in our carrying trade with other nations from what it was in 1859, 75 per cent. thereof, to what it is now, only 15 per cent.

3. It has given us a Navy upon which more than $500,000,000 have been expended during that time, but which is officially confessed to be utterly worthless as to ships and guns.

4. It has given us an Army that is dissolved by desertion as fast as it can be filled by recruiting, on account of the corrupt practices, extravagant habits, and aristocratic privileges of the officers, whereby the common soldier is sunk into oblivion and the service degraded.

5. It brings to us the Mormon problem in worse shape than it was when that party first declared war upon polygamy twenty-seven years ago.

6. It has given us one mighty wrangling, log-rolling, and lobbying for the creation and maintenance of special and class privileges.

7. It has inaugurated the tendency and established the practice of centralization, by absorbing the liberties of the people into the powers of the Government.

8. Its teaching and practice have been that fealty to the Republican party is more important than loyalty to right principle.

9. It has given nearly 200,000,000 acres of the public lands to railroad corporations, comprising the best portions of our public domain, the grants being in many cases 25,000 acres to the mile of railroad proposed to be constructed, without requiring adequate security for such construction or forfeiture of the grants in case of failure to construct.

10. It has drawn to itself all the corrupt elements in politics by its practice of dispensing public patronage and power to the highest bidder.

11. It has substituted men of wealth for men of worth as its representatives in the Government, whenever such a change could be effected with the probability of securing an enlarged corruption fund for campaign purposes.

12. And it has brought popular government into disgrace by the stealing of one Presidency and the purchase of another.

XII.—DEMOCRATIC TARIFF.

In conclusion, Mr. Chairman, I submit the following propositions for a Democratic tariff platform as being the best expression of true Democratic principles as advocated by our best representative Democrats:

1. No more money for revenue should be collected than is necessary for the expenses of the Government economically administered.

2. No import duty should be imposed upon any article above the lowest rate which will yield the largest amount of revenue. Below such rate discrimination may be made descending in the rate of duties, or for imperative reasons the article may be placed in the list of those free from duty.

3. The maximum revenue duty should be imposed on luxuries.

4. All maximum and specific duties should be abolished and ad valorem duties substituted in their place, care being taken to guard against fraudulent invoices and undervaluation and to assess the duty on the actual market value.

5. And all duties should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section.

Reduction of Taxation.

SPEECH

OF

HON. CHARLES H. MORGAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. MORGAN said:

Mr. CHAIRMAN: I thank the gentleman from Iowa [Mr. COOK] for yielding a part of his time to me to-night. It is not my purpose to speak upon the question of the tariff, but I have a word to say in favor of a reduction of taxes. The bill under consideration has my hearty support. It reduces unnecessary taxation, and such reduction is made on the duties upon imports alone. It increases the free-list by adding thereto the following articles:

Salt, in bags, sacks, barrels, or other packages, or in bulk.
Coal, slack or culm.
Coal, bituminous or shale.
Provided, That this shall not apply to coal imported from the Dominion of Canada until that government shall have exempted from the payment of duty all coal imported into that country from the United States.
Timber, hewn and sawed, and timber used for spars and in building wharves.
Timber, squared or sided, not specially enumerated or provided for in this act.
Sawed boards, plank, deals, and other lumber of hemlock, whitewood, sycamore, and basswood, and all other articles of sawed lumber.
Hubs for wheels, posts, last blocks, wagon blocks, oar blocks, gun blocks, heading blocks, and all like blocks or sticks, rough-hewn or sawed only.
Staves of wood of all kinds.
Pickets and palings.
Laths.
Shingles.
Pine clapboards.
Spruce clapboards.
Wood, unmanufactured, not specially enumerated or provided for in this act—

All of them of common use throughout the country. It will cheapen

the expenses of living and add to the savings of the people. It is, in fact, a measure to reduce war-tariff taxes, which are no longer required for the support of the Government or the payment of the national debt.

From the year 1865 to the year 1883, inclusive, there has been collected by the Government in the shape of taxes the sum of $6,740,246,000 in round numbers. These figures are taken from the published official statement from the Treasury Department, warrant division, dated August 20, 1883. This sum is the remainder, after subtracting from the net revenue of the Government the amount received from the sale of public lands, the sales of public land during these years yielding less than $43,000,000.

The mind of man is incapable of comprehending the sum so paid by the people, and by subdividing it alone can we obtain a realizing sense of its magnitude. Let us distribute it to counties according to their population; for by the system under which our taxes are collected communities pay in the ratio of population instead of wealth. This will show that a county with a population of 25,000, or equal to that of Henry or Cass or Bates, in the State of Missouri, have contributed the sum of $180,000 per annum. These figures are startling, but verify them, as you easily may, and they will be proved substantially correct.

These burdens have been patiently borne, although they have been most oppressive. No small portion has been for extravagance and not for the necessary expenses of Government, while millions of dollars have been stolen outright. The payment of this amount without complaint shows the grand resources of the nation and the patriotism of the people. During this time legislation has not always been for the purpose of making the payment of taxes easy. Contracts for the payment of a large portion of the bonded debt of the United States have been changed, and bonds payable under the original contract in lawful money have been by act of Congress made payable in coin alone. During a portion of this time there was no law authorizing the coinage of silver, and in their hour of extremest need the people were deprived of the benefit of the mines of the West, with their untold millions of uncoined silver dollars.

Instead of wisely using the public lands for the legitimate purposes of the Government, a large portion of them have been granted to railroad companies. Public domain greater in area than the State of Missouri at one Congress has been diverted from the purposes to which it was dedicated in the earlier days of the Republic, namely, for homes for the people, and conveyed to moneyed corporations under circumstances so scandalous as to weaken confidence in Congress.

At last, after all these years, we find a surplus of revenue in the Treasury, and the people supposed that the rate of taxation would be at once reduced. President Arthur called attention to the fact, and suggested a reduction of taxation two years ago. The matter was discussed in the Forty-seventh Congress. The friends of a low tariff insisted that a reduction should be made in the rate of duties upon customs and favored a revision of the tariff laws. The representatives in Congress of the interest receiving protection insisted upon the appointment of a commission to investigate the question, gather information, and report to Congress.

The friends of revenue reform were defeated, and the "commission bill" passed Congress and became a law. At the time it was earnestly insisted by Democratic members that it was a delusion, and it was not intended by a majority in Congress that it should result in a reduction of tariff taxation. The commission was appointed by the President, and composed of men who were well known as protectionists, many of them being personally interested in a high protective tariff. Notwithstanding the composition of this commission, it reported to the Forty-seventh Congress in favor of a tariff reduction, using the following language:

> Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.
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> Excessive duties generally, or exceptionally high duties in particular cases, discredit our whole national economic system and furnish plausible arguments for its complete subversion. They serve to increase uncertainty on the part of industrial enterprise, whether it shall enlarge or contract its operations, and take from commerce as well as production the sense of stability required for extended undertakings. It would seem that the rates of duties under existing tariff—fixed for the most part during the war, under the evident necessity at that time of stimulating to its utmost extent all domestic production—might be adapted through reduction to the present condition of peace, requiring no such extraordinary stimulus. And in the mechanical and manufacturing industries, especially those which have been long established, it would seem that the improvements in machinery and processes made within the last twenty years, and the high scale of productiveness which has become a characteristic of their establishments, would permit our manufacturers to compete with their foreign rivals under a substantial reduction of existing duties.
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> Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent."

The Committee on Ways and Means of the House, with the distinguished gentleman from Pennsylvania [Mr. KELLEY] at its head, took up the matter for consideration, and reported a bill to the House which, instead of reducing the tariff 25 per cent., as recommended by the commission and warranted by the condition of the Treasury, made a reduction of less than 2 per cent.

This bill, amended and changed in many particulars, passed Congress and received the signature of the President, and is now known as the "tariff law of 1883." Against its passage the revenue reformers were solidly arrayed under those able leaders CARLISLE and MORRISON. The supporters of the measure, led by KELLEY, MCKINLEY, and Haskell, were only victorious by the aid of RANDALL, of Pennsylvania, and a small following of protection Democrats.

The people were not then and are not now satisfied with the action of that Congress. They expected, and had a right to expect, such a reduction of taxation that no more money should be taken from them than actually necessary for the expenses of Government. The last report of the Secretary of the Treasury shows that there was remaining in the Treasury at the close of the last fiscal year about $150,000,000, and the effect of the tariff law of 1883 is now sufficiently known to warrant the opinion that with an honest and economical administration of public affairs this surplus will not be diminished, but continue to increase year by year.

Even the advocates of a protective tariff admit that this condition should not and can not remain, and they have proposed various expedients and schemes to get rid of the surplus in the Treasury without abatement or reduction of tariff taxation. This is not strange; such an amount of money lying idle in the Treasury invites schemers and corruptionists.

One distinguished gentleman, a most prominent candidate from the far East for the Presidency, Mr. Blaine, proposes to solve the problem by turning over to the States the entire amount of money received into the Treasury from taxation of spirits. This is not only a bid for popularity and a bribe held out to the States, but it will permit the present high protective tariff to remain and even to be increased. It would relieve the States of the payment of taxes and change the entire system of tax-paying there. Under the State laws the revenue necessary for the State purposes is derived by a tax upon property. Under the tariff and internal-revenue system of taxation revenue is derived from the individuals according to what they may use, and a laboring man with a wife and children may, and often does, pay more for the support of the Government than a millionaire. Such a change would be in the interest of rich people and against the interest of the poor.

Another candidate from the West [General LOGAN] proposes, by means of the Blair bill, to get rid of the surplus revenue by establishing a system of Federal education—a most dangerous and unconstitutional proposition, and which, if enacted into law, will go further toward centralization of power in the Federal Government than all the legislation in the last twenty-five years.

Others propose the erection of expensive public buildings throughout the United States, and to-day we have on the Calendar bills which are proposed to be passed this session erecting a public building in every district whose Representative has applied for one. New and extravagant schemes for the improvement of rivers and harbors before unheard of have been made. Every possible device is to be resorted to to spend the money of the people in order to keep up the protective tariff.

Another plan, and one which in my opinion will finally be adopted by the protectionists, is to abolish entirely the internal-revenue tax. To each and every one of these schemes I am unalterably opposed. The idea of meeting the excess of revenue collected by extravagant expenditures is absurd. It can never be carried out. The people will never submit to it; but we must expect no easy victory.

Nearly half a century ago Andrew Jackson, in his great address to the American people, said:

> Rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned. The various interests which have combined together to impose a tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor and to obtain the means of profuse expenditure for the purpose of purchasing influence in other quarters.

This is the language of a Democrat and a statesman, and is as true of to-day as of the time it was uttered.

I will now for a moment consider the proposition of abolishing the internal-revenue tax. The taxes upon tobacco and upon liquors are voluntary; no one is compelled to pay them, for these articles are not necessary to life, comfort, or happiness. Those who have the money to spend can indulge in the luxury of tobacco, and the same is true of liquors. No one is obliged to indulge in them. In fact, the use of liquor is in itself pernicious; it brings no happiness, but, on the contrary, it results in suffering and misery. It is the last article from which taxation should be removed. The people to-day are not suffering for cheap whisky. Those who drink it are willing to pay the tax. No law is necessary to remove this tax. Those who are opposed to it can refuse to pay it by leaving off the use of it. In doing this, and thus refusing to pay this tax, they will not be prosecuted and punished by the Government, nor will they suffer any privation. I would

leave the remedy against high taxes on whisky and tobacco to the people in their individual capacity. Whenever they are ready to abate these taxes, in whole or in part, they can do so by simply abstaining from the use of the articles.

Any person opposed to paying a tax on whisky can carry out that opposition as an individual, and refuse to pay another cent of tax upon it, and to such refusal no penalty is attached, but a reward is offered and paid in increase of wealth, happiness, and honor.

I shall oppose the removal or reduction of the tax upon spirits, and insist upon the reduction of taxation upon the necessaries of life. I would make as cheap and as free as possible the food for the people; as cheap as possible what they are obliged to wear; and in the third place, would cheapen all articles that go into the homes of the farmers, the laboring men, and of every other class who are compelled to earn their living by their own exertions.

All over the Western country to-day, out upon the prairies and in the forests and amopg the mountains, there are thousands struggling to build up homes, many of them commencing with less than the sufficient amounts to purchase the lands upon which they are living at Government prices. Let us shape the laws of the country to protect these men. Let us aid them in their struggle for existence. Let Congress enable them to build good houses to live in by giving them free lumber and cheap building material, and then cheapen all articles that go into those houses to furnish and fit them for pleasant homes. Let us cheapen the food upon their tables, and everything necessary to life, comfort, and happiness. When we reflect upon their condition, when we consider their labors, privations, and hardships, it seems to me that the proposition to cheapen liquors or tobacco in order that you may increase or keep up their taxes is the most unstatesmanlike and wicked measure ever devised by the ingenuity of man. To abolish the internal-revenue taxes and refuse to reduce tariff taxes would encourage the production and consumption of liquor and tobacco at the expense of hard-working, honest, and intelligent citizens of the country, who alone contribute to its greatness.

Gentlemen say the present bill will not accomplish the result we seek. They object to the peculiar features of this bill known as the "horizontal cut." I have heard this objection urged on every hand, in season and out of season, since it was first reported by the distinguished gentleman from Illinois [Mr. MORRISON] from the Committee on Ways and Means, and have never heard it urged by a single individual who is in favor of lower tariff. It is always urged by the friends of protection.

You tell us that what we need is a thorough revision of the tariff. We know that this is impossible at the present time, and if attempted would meet with the united opposition of all the protectionists on both sides of this House, and if by good fortune it should pass here would be defeated in the Senate, now controlled by the Republican party. We have therefore, and as we still think wisely, attempted nothing of the kind, but have provided for a reduction of overtaxation by the tariff. This bill will reduce taxation at least $100,000,000 per annum, and it is estimated will reduce the yearly revenue derived from duties on imports nearly half this amount. Applying the same rule used by me a few minutes ago, that these tariff taxes fall upon counties in about the ratio their population is to that of the whole country, we obtain a saving to each of the four largest counties in my district—Bates, Henry, Cass, and Vernon—of about $50,000 per annum, and more than half this sum to each of the four smaller counties, namely, Barton, Dade, Cedar, and Saint Clair. To aid in accomplishing this result I have bent all my energies and will continue the work to the end.

The gentlemen on the other side of the House say that this bill does not remove the inequalities and incongruities of the present law. You forget if there are inequalities and discriminations and inconsistencies that you alone are responsible for them. You made this law against our protest, against our votes, and you are estopped from denouncing it now. We know the law is a bad one, and we propose to revise it whenever we have the power. If the present bill is defeated and no reduction in taxation is made we are sure to return to this House in sufficient numbers to pass any bill we see fit to pass. Defeat this measure for the partial relief of an overtaxed people, and we will have the power, not only in the House of Representatives but in the Senate of the United States, to pass a law revising the tariff. Defeat this bill, and the people will elect a President who will approve any bill that may be presented to him by Congress revising the tariff and making it for purposes of revenue alone. For the time will come, and shortly too, when the people will declare that the power to levy and collect taxes is limited and confined to purposes of Government alone, and that no power exists to compel one citizen to contribute money or labor for the use and benefit of another. And I expect a declaration upon this subject at Chicago in the coming July convention of the national Democracy in sentiment and language like this:

We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture—an industry followed by half of our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.—*Democratic National Platform*, 1876.

Or this:

Home rule, honest money, consisting of gold, silver, and paper convertible on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only.—*Democratic National Platform*, 1880.

Any party, or faction of a party, refusing relief to the people from war taxes after twenty years of uncomplaining payment, and when the necessities of the Government no longer require their payment, is unworthy of support and will be condemned at the polls.

There can be no doubt of our triumph in this House. We will pass this bill, with but few changes, this session I sincerely hope and believe; but if we fail, we will go before the people at the coming election and ask indorsement of our course, and returning with their vindication go forward to victory.

The Tariff.

SPEECH

OF

HON. SETH L. MILLIKEN.

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES.

Wednesday, April 30, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. MILLIKEN said:

Mr. CHAIRMAN: I shall not attempt at this period of the discussion to enter upon an examination of the tariff in all its details. To do so would be to repeat an o'er-told story. Already we have been treated to a plethora of debate upon the important items which make up the schedule of duties upon imports; but there are some salient points which I desire briefly to consider, and some statements have been made and conclusions drawn by the gentleman who has just taken his seat [Mr. CULBERSON, of Texas] and by others to which I wish to reply. That done, I will not further engage the time of the House and delay its final vote upon this question which the country so much desires to see settled. I feel that the agitation of this subject is to be deplored. The bill is not only bad in character but inopportune in its introduction. So long as it is pending the business of the country knows that it treads upon uncertain ground, and it will advance timidly, shrinkingly, and hesitatingly instead of going forward with firm and healthy step.

Capital is proverbially a coward. Above all things it is anxious to be assured against unknown perils. This bill threatens so many industries in which capital is invested, menacing at the same time the rewards of labor, that the sooner we dispose of it the better, I believe, will the people be satisfied. Indeed, I am sure that if the country is solicitous for one thing more than another relative to this Congress it is that we should stop talking, go to work, do the duties that are before us, adjourn, and give the people a rest.

So believing, I mean not to make myself responsible for extending to August a session which should have done more and better than we are likely to do and should have ended in April.

I observe that some gentlemen who favor the passage of this bill seek to place the issue between curtailing the tariff on the one side and abolishing the internal-revenue tax on the other. This is a shrewd deception. It is a well-spread net thrown out to catch votes for free trade. But the net is none too well concealed, though the deception receives help from a few protectionists who are weak enough to fear that a system so sound as that of protection of American industries and American labor against the aggressive encroachments of British interests in this country may possibly be unable to stand upon its own merits, and they would therefore make the system a revenue necessity by throwing away more than a hundred millions of dollars which the Government receives as taxes on whisky and tobacco.

But this is not necessary, and will not be done. Protection requires no such sacrifice. It can stand in its own strength. The issue is not between duties upon imports and internal revenue. It is between protection and free trade. All the efforts of the Democracy to disguise this fact and sail under a false flag, as it has continually been endeavoring to do for the last twenty-five years, will not avail it. The people are studying this subject as they once studied the character of slavery, and as upon that question so now upon this they will arrive at a correct conclusion. Ingenious phrases will not deceive them. They will not be misled by cunningly constructed platforms, which specifically state nothing, and may be construed to answer the demands of the different popular sentiments of different localities.

The Democratic shibboleth is tariff reform, but every Democratic orator who rises in his place in this House and takes "tariff reform" for his text makes a speech for free trade. Every proposition he lays down, every argument he makes, every conclusion he arrives at, is a proposition upon which to rest the theory of free trade, an argument urging the virtues of free trade, a conclusion that free trade should be practically adopted by the nation.

Tariff reform is used as every other expression of the Democracy upon that subject has hitherto been employed. It has been resorted to as a cloak to cover its ulterior purpose of free trade. The Democratic party has never yet dared to phrase a distinct, unequivocal proposition upon the tariff question. It has acted toward the people like an intriguing diplomat who believes with Talleyrand that language was made to conceal rather than to express the real meaning and intention of the speaker, and not like a brave party conscious of the honesty of its motives and confident of the soundness of its principles.

With the approaching national election ever present in its mind, it continually endeavors to ambush its position. Hence "tariff reform," "tariff for revenue only," and "tariff for revenue" are the devices upon its banners to-day. But should such an improbable event occur as its success in the approaching Presidential contest those misleading flags of a misleading party will be pulled down, the free-trade flags will be raised, and American producers of all kinds, farmers, manufacturers, and laborers, will be treated to their hearts' content to British monopoly in this country and British paupers' wages paid to American workmen. So much at least has been established by this debate.

Not only have gentlemen preached free-trade sermons as often as they have taken tariff reform for their text, but we have been assured by the distinguished chairman of the Ways and Means Committee that this bill is only a first step in cutting down protective duties. What the next step will be we are not informed, but that the final one is to be free trade in the event of Democratic success no intelligent man can doubt. The attempts of gentlemen to evade the issue will not serve them. They do it but haltingly. The ingenious rhetoric which they resort to neither changes it nor hides it away. Plainly protruding up through the sheep's clothing the ears of the wolf are discernible. The recent remarkable speech of the gentleman from Ohio [Mr. HURD], as self-contradicting and absurd in its propositions as it was elegant in its composition, was but a wild, incoherent cry for free trade under the caption of tariff reduction. He brands protection as robbery, but is willing to have it with 20 per cent. reduction to be made upon all dutiable articles without discrimination.

If protection is robbery, then there should be none of it at all. A horizontal reduction of 20 per cent., as provided in the Morrison bill, is absurd; for it assumes that all products upon which there is now a duty can equally bear reduction. It is worse than Procrustes's iron bedstead, which was to make all people of equal height by cutting off those who were too long and stretching those who were too short. It cuts off 20 per cent. from all duties regardless of whether they be great or small. Such a reduction is senseless. If the tariff is to be revised at all it should be done judiciously, carefully, and with proper discrimination. He asserts that protection robs one class for the benefit of another, and then attempts to show that no class gets the benefit of the robbery. He says the farmers pay $450,000,000 annually on account of protection, and then declares that neither the manufacturer nor laborer nor any one else gets it. What becomes of it the gentleman fails to tell us. He says that protection raises the price of manufactured articles, that the manufacturer pays no more for labor on account of it, and still is not benefited by it. He says a reduction of the tariff will raise the price of wool, and yet commends it to the woolen manufacturer as the means of giving him cheaper raw material. He argues that free trade would increase our commerce by increasing our exports and imports, forgetting how greatly these have increased since the tariff laws of 1860 were enacted; neglecting to state that our commerce has not recovered from the crushing blow which it received from Democratic cruisers during the war and inimical Democratic legislation since, and that the trouble is not that we have no exports to carry, but that we have no ships to carry them in.

And while we are struggling for legislation to relieve American commerce of the burdens which weight it down he and his friends defeat our bill introduced for that purpose by attaching to it an amendment which would ultimately destroy every American ship-yard now in existence and prevent the creation of any more in the future.

The fact is, that while our exports and imports have quite doubled since 1860, our foreign trade has diminished by one-half in the same period.

If gentlemen will allow us to abolish the oppressive burdens upon American commerce and to encourage ship-building by wholesome legislation, so that we may compete upon equal footing with foreign nations for the carrying trade of the world, then we may see our commerce restored to more than its former greatness and be gratified to be able to greet the American flag floating upon every sea and in every port on the globe. This we will do without resorting to the mischievous fallacy of free trade for which the gentleman in his speech upon tariff reform so warmly and earnestly appeals. Indeed it is protection, such protection as we have extended to our coasting trade and inland industries and by it built them up, that our foreign commerce needs; and it is no insignificant argument against free trade that this great unprotected American industry has been decaying for twenty years, and is to-day above all others depressed.

The gentleman desires by free trade to open to our manufacturers the markets of the world, but fails to tell us how by the same act he would open to foreign competition our own markets, glut them with pauper-produced goods, drive our manufactures out of existence and our laborers out of fairly paid employment into idleness and poverty.

He talks earnestly of the distress of labor in America, but neglects to compare its condition with the abject misery and degradation of labor in free-trade England, or to inform us why it is that if labor is not better rewarded here than there hundreds of thousands of foreign laborers leave their hovels and their broth in their native land and flock to our shores, where they earn comfortable homes and wholesome living.

He tells us that the surplus products which we ship abroad control the home market. That surplus is less than 10 per cent. of our production. By as much as the home market is reduced the surplus product must be increased, unless our productions are curtailed. Through the open gates of free trade he would let in foreign products to take the place of our own in our markets. When by thus decreasing our home market he has increased our surplus from 10 to 30 or 40 per cent. of our production, would not the necessity of placing so large a surplus upon the foreign market bear down the foreign price and, upon his theory, reduce the price at home?

But his theory is incorrect. By stimulating an active and wholesome home market the surplus for the foreign market is decreased, and the price there controlled, instead of controlling the price at home.

Mr. HEWITT, who was chairman of the Democratic national committee, struck the key-note to the tariff controversy when he wrote to Jay Gould in his letter of January 27, 1870, that "free trade will simply reduce the wages of labor to the foreign standard."

The entire aim and effect of a protective tariff is to protect American labor, which is the foundation of American prosperity. We are here to legislate for America and not for Europe; but any legislation which shall open the gates to the products of pauper labor of the Old World and allow them to flow in upon us without restriction, destroy our industries, and drive our workingmen out of employment or reduce their wages to keep our manufactories running is inimical to American prosperity, and that party which sustains it is an enemy to the American people. It has been called the British party, and justly so. It is endeavoring to foster British interests as against American interests in this country, and British gold and British brains are backing it.

Let us examine briefly the operation of a protective tariff. You start an industry in Great Britain; I start one just like it in New York. To illustrate, suppose it to be a woolen mill. Ninety per cent. of the cost of this mill will be for labor. You procure that for 60 cents per day. I pay $1 per day for labor to construct my mill in New York. If you have $60,000 invested I have $100,000, so that my interest account is one hundred while yours is only sixty. We hire employés in about the same ratio, you paying 60 cents per day in Great Britain for the same class of labor that costs me $1 per day in America. The inevitable result is that as often as I produce a piece of my goods upon the market for $1 you produce a piece exactly like it for 60 cents. Of course you will drive me out of the market and cause me to shut up my mill and close my business unless something interferes to place us upon equal footing. This the protective tariff does. It says to you: "Mr. Englishman, you may expose your goods for sale in our American market, but before you do so you must drop into the American Treasury, as a duty upon your importation, 40 cents, to be used to pay our Government expenses. This added to the 60 cents which your goods have already cost puts you on an equal footing with me and forces you to compete with me in our market upon equal terms."

The only exceptions that occur to this result are where we are able to overcome this discrepancy in the price of labor by superior skill, greater ingenuity and enterprise, and advantage in our resources. Where these exceptions do not exist the American industry must be protected or be destroyed. But gentlemen of the Cobden Club and their Democratic free-trade allies inform us that there is an easier way to equalize the cost of manufactures in the two countries than by resorting to the principle of protection, which is to reduce the price of American labor. This is their method. This will be the effect of free-trade if the people of this country shall be so unwise as to adopt it. But what says the American laborer. He says, "I cannot live on 60 cents per day; I cannot content myself with the miserable food, clothing, and shelter which the British laborer receives; his deplorable condition of existence I cannot put up with." If an adopted citizen, he has fled to this country to escape those terrible conditions and enjoy the better ones which this land of protection affords him. If a native American laborer. he will tell you that he must live in a house and not a hovel; that he must be decently clad and not covered with rags; that he must have meat and bread to eat and not subsist on broth, as so many British laborers do; that his children must be enabled to go to the school-house to be educated to meet the requirements of manhood, and not to the work-house or the factory or the brick-yard, while yet in their infancy, to toil with their hands and carry clay upon their heads to earn a few pennies each day

for parents whose wages are not sufficient to support them, and grow up in ignorance, with a life before them of misery, degradation, and despair.

And yet these are the conditions to which the American laborer, now so independent and prosperous, so superior in culture as well as in the comforts of life to the laborers of all other lands, must come if the work of his hands and his brains is not protected from competition in our home markets with the products of the poorly paid labor of Europe. They are the conditions to which the free-trader invites him—the free-trader, who would clothe the American workingman in the filthy rags and feed him upon the broth and refuse of the crushed and stunted and unhappy poor laborers of Great Britain.

And who expects to be benefited by free trade? Who is not to be injured by it? Not any producer in the land, whether in the field or the shop or the ship-yard or the mine. Only they who have retired upon their accumulated capital and cut off coupons from their bonds for a living, he who receives a stipulated salary from Government, and the idler who lives by his wits or importunity. The importer thinks he is to be benefited by free trade; he thinks that his importations will be greater when free trade has destroyed American production and we are obliged to make greater purchases abroad. But has it never occurred to him that American labor is the foundation of American wealth; that when by free trade he shall have crippled American industries and driven American laborers into idleness he will have taken away both their power and the power of their employés to buy; so that in destroying American production he will have destroyed his own market, and in his overreaching avarice he will have killed the goose that lays for him the golden egg? This would certainly be but a just retribution to him who would break down the industries of his country and degrade the labor of his countrymen to enhance his own gains. He does not deserve the favorable legislation of his Government. The capitalist does not need it.

Who is demanding a modification of the tariff in the direction of free trade? Is it the mechanic, the manufacturer, the miner, the farmer? No. Where are the petitions asking this legislation? Do they appear before this House from any great industry in this country? No. Who is pushing this measure? The Cobden Club, the theorists in our colleges, and those Democrats who inherit the doctrines which were announced in the days when slavery, which despised American labor and free American workingmen, desired through "free trade" to obtain cheap food and clothing for the slaves. Does any one know of any workingman who belongs to the Cobden Club? Does he know of any practical American farmer or mechanic or manufacturer who has not a larger British than American interest that is a member of that club? How does it happen that that British institution is taking so much interest in our affairs and is reaching its fingers over here so eagerly and industriously to manipulate our politics? Why is it distributing its "free-trade and tariff-reform" tracts all over this country? Why is every member of Congress deluged with them? Is it a disinterested spirit of beneficence which causes it to take so great pains and provide the great amount of money which all this costs?

This club represents the manufacturing interests of Great Britain. Are its members simple missionaries who disseminate their literature throughout this country for the single unselfish purpose of enlightening our people upon principles of political economy, or have they organized for the purpose of pushing British interests in this country? That the latter is their object who is so foolish to doubt? And if the protective tariff were not a barrier to their operations, if it were not a bulwark to American industries which these gentlemen find it necessary to batter down ere they can destroy them and build up British interests upon their ruin, who believes that they would so insidiously attack it? The fact that our great rivals make such Herculean efforts to secure the repeal of our tariff laws is conclusive proof that they regard them as our chief protection in controlling our own markets in the interest of our own producers. They seek to make a diversion in their favor by ingenious appeals to American farmers, but these appeals are as deceptive as they are adroit. More than any other one in this country is the American farmer interested in the protection of American industries, unless it be the American laborer. Of the truth of this proposition both facts and logic are conclusive.

Two things the farmer desires as the conditions of his prosperity: a good sale for his products; a cheap market in which to purchase his supplies. These conditions protection has given him. It has created for him a home market by building up thrifty manufacturing villages all over the country and by employing in manufacturing pursuits those who would have been his competitors in the field. It has given to him cheaper goods by encouraging manufacturers in our own country, destroying foreign monopoly, and inciting competition here, a competition which has resulted in cheapness of production. It has also stimulated the inventive genius of our people until by their improved machinery and better methods they are enabled to furnish the farmer with all that he buys at a large percentage less than the price at which he once purchased from abroad. Twenty years ago the farmer sold for 35 per cent. less and paid 25 per cent. more than he does to-day.

Now, what is the proposition of the "free-trader?" It is to destroy American manufacturers by burying them under the products of foreign cheap labor, giving again a monopoly to Great Britain, who, when she is once more firmly established upon the ruins of our industries, will send up her prices and make our farmers pay as they did in the palmy days of comparative free trade. When no alpaca goods were made in this country we imported them without duty at 22 cents per yard. A duty was placed upon them which encouraged Americans to commence their manufacture, and we now produce in our own country by our own labor for one-half the price which we paid to the foreign manufacturers a much better article than we imported. Prior to the enactment of the present tariff laws, one year ago, cashmeres were made abroad and imported into this country without duty. The tariff act of '83 placed a duty upon these goods. Encouraged by this protection, American mills commenced to make them, and to-day we have upon the market the American product, quite equal to the foreign and at a lower price.

We are purchasing all except the finest grades of cotton goods cheaper at our own mills than they can be procured elsewhere. We do not manufacture fine lawns and cambrics because they contain little raw material, their principal cost being that of labor, and as labor is much cheaper in Europe than here we can not compete with foreign manufacturers in the production of these goods. It is to cover this difference in the price of labor here and abroad that protectionists desire a duty upon articles which Americans produce. It may be asked why, if we can manufacture the coarser cotton goods more cheaply here than they can be produced abroad, we desire protection for them. It is for the following reason: When foreign manufacturers have a large surplus on hand they can afford to transport it to this country, dump it down upon us for less than cost, and greatly embarrass our manufacturers. From this the latter desire to be protected, and should be; for such periodical disturbances of our home market would work more detriment to the consumer than he could possibly gain by the temporarily low prices which they would afford him, and from which there could not fail to be a corresponding reaction.

The gentleman from Texas argued better than he knew and to a different and wiser conclusion when he said that nine manufacturing States in this country had increased their wealth under the policy of protection vastly more than the agricultural States had done. His statement is correct, and it is a conclusive argument for protection; for this great increase of wealth in the States referred to has not been confined to their manufactories, but has extended to every branch of their industries. If the gentleman will examine the statistics he will find this statement to be strictly correct. The manufactures which have been built up under the encouragement of protection in these States have brought wealth not only to their own pockets, but to the farmers, the merchants, and the workingmen as well. Here is where the gentleman will find that farming lands are of the greatest value per acre, though they be not of the best quality; here farm laborers receive the largest wages; here farm products command the highest prices; here farm buildings are the best and most costly; here commerce and trade are the most thrifty; and here the saving-banks, where are deposited the surplus earnings of working people, have the largest accounts. The gentleman, in the true spirit of free trade, would transport this prosperity across the ocean to Great Britain by destroying the source from which it has sprung, and would reduce these nine States to the condition of the others which he says are comparatively so unthrifty.

I would, on the contrary, continue the protective policy that these other States may avail themselves of its benefits, erect the factory and foundery beside the farm, and build up industries as prosperous as those of the nine States whose thrift the gentleman seems so much to envy. It is the home markets which manufactories create near by the farmer's door which give him the best returns for his products. They are better than foreign markets for various reasons. They are more reliable, because they do not depend upon foreign wars or floods or pestilence or famine or other causes remote from our control. They are the best paying markets, because to those who sell in them the cost of transportation across the ocean is saved. They are the broader markets, because they absorb many products of the farmer which could not be shipped abroad and upon which he makes his largest profits.

Gentlemen talk of opening a larger foreign market by free trade. How is this to be done? Foreign nations now purchase all they want of our products. Will free trade induce them to buy more? Gentlemen have assumed that it will do so, but I have not yet heard any reason for the assumption. The question is, shall we allow the foreign producer to come in and capture our market with his pauper produced goods, or shall we so levy the revenues for the support of the Government as to give to the manufacturer, the farmer, and the miner the benefit of supplying our own consumers and give also to our laborers reasonable wages for their toil?

Our free-trade friends talk of low prices as if they alone were to be considered in the economy of our Government. They ignore the fact that the great mass of our people are not rich; that they have no established incomes but are dependent upon their earnings to give them subsistence and the comforts of life, and that the question of fair wages for their labor is one in which they are most deeply concerned, and whatever legislation protects the country's industries in giving them a liberal remuneration for their toil is legislation for their highest benefit.

It is notorious that England built up her great manufacturing and agricultural interests by the most heroic methods of protection, protection not only against foreign competition, but even against that of her own colonies. She continued this policy until she had made her great industries so strong that she felt that she commanded the situation, and with free trade could go into other countries with the products of her skill, her machinery, her cheap labor, and the strength of her immense capital, break up their infant industries, and control their markets.

That is her purpose to-day, and it is with such a purpose that acting through the Cobden Club and its Democratic allies she is endeavoring to disseminate her free-trade sophistries into every corner of our land, and it may not be out of place for me to say here that it is significant of the effect of protection upon the farmer that the manufactures which grew up under that policy in England made his home market so large in comparison with the number it left to cultivate the fields and so raised the price of his products that the first effort toward free trade was not on the part of the farmers to obtain cheaper manufactures, but it was a movement of the people to procure by the passage of the corn laws act cheaper food.

In this country, however, with our immense area of rich and productive lands food can never be unreasonably high; and it is a fact that while protection gives to the American workingman a better reward for his labor than is paid in any other country, he buys almost every article of food which he consumes, except sugar and rice, more cheaply here than it can elsewhere be purchased. Hence he has more comforts, is better educated, is more independent, and provides better for his family than does his fellow-laborer in any other land. And it is this condition of things which we desire to continue. Neither to decrease the expenses of the retired capitalist, the salaried official, the unproductive idler, nor to fill the coffers of British manufacturers. Will we consent so long as we can prevent it to clothe in the tattered rags of foreign pauper laborer the workingmen of America?

I stated in the early part of my remarks that the issue was between protection and free trade. There is no intermediate ground where a tenable position can be taken. A tariff for revenue only, with incidental protection, which is one of the many propositions of the Democracy on this subject, is a simple impossibility. It is a contradiction of terms, for a tariff for revenue only must be levied of course upon those articles alone which would produce the largest amount of revenue upon the percentage of taxation, whatever it might be. Those are articles exclusively of foreign production, the duties upon all of which are collected and paid into the Treasury of the Government. Such a tariff would protect no American industries, because the duties would be laid upon no goods of the kinds produced in this country.

A tariff exclusively for revenue is an injustice to all the poor people in the land. What reason can you give to the man who has a dozen children and is poor why you should tax the mouths and backs of his family and himself to raise revenue for the support of the Government rather than raise it upon property, as the States and municipalities do, unless you can show to him that these duties are either levied upon luxuries which he does not use, or are so levied as to protect the industries by which he lives? Why should the Government raise its revenues upon his necessities and the needs of his family rather than upon the property of the childless man of wealth—the Government which alone stands between the rich man's possessions and the strong who would wrest them from him? No good reason can be given, unless you enhance his wages by as much as you take from him through this method of taxation. Protection does this and more.

Let us, moreover, consider the fact that if gentlemen shall succeed in bringing this Government to the practice of the principles of "free trade," which they all so earnestly advocate, there will be nothing left but direct taxation to furnish the necessary revenues of the Government beyond the amount raised by the internal-revenue tax. Are the people ready for such direct taxation? Has any one cast up the sum to see what it will amount to for each State, county, and municipality? The current expenses of the Government can not be less than $300,000,000 per year. The internal-revenue tax, if it shall not be repealed, will give us about $100,000,000. The amount left to be raised by direct taxation would be $200,000,000, or $4 for each person in the country. This would add annually to the taxes of the State of New York $20,000,000. To the State of Maine it would add $2,600,000, and gentlemen can readily calculate the large sums which would be added to the taxes of their own States, cities, and towns.

Do these figures hold out a gratifying prospect to tax-payers? Will they prefer this method of raising the public revenue to that of taxing the foreign manufacturer, who imports his goods into our country for a market? I feel assured that they will not; yet this is the feast to which the free-trade Democracy invites them, to which they must inevitably come, and of which they must partake, if that party shall be placed in power where it can make its fallacious and ruinous policy the policy of the Government.

Gentlemen say that protection benefits the manufacturer but not the laborer. To refute this assumption it is necessary only to cite the fact that while thousands of laborers flock to our shores every year from Great Britain to secure the higher wages which protection gives them here, British capital does not come here to invest in manufactures. Were the manufacturer and not the laborer benefited by protection, then the former would send his capital here to invest and the latter would stay at home, for capital will flow where it can be best invested as surely as water runs down hill.

The foreign manufacturer makes his profits from cheap labor as our own manufacturers are enabled to compete with him and give fair emoluments to labor by protection. If any further proofs are needed as to who reap the benefits of our protective policy they may be found by comparing the comforts by which the great majority of American workingmen surround themselves with the poverty and misery so common among the laboring classes of "free-trade" Great Britain. The history of protection is its best advocate. As it built up and solidly established the manufactures of England, giving incidental prosperity to her other industries, so it is now doing for us. It has diversified the employment of our people, made us in large measure to be the producers of what we consume, created a healthy competition that has reduced the cost of what we wear and use, stimulated the inventive genius of our people to create new machinery and discover better, cheaper, and easier methods of production, is filling the land with thriving communities, and is making us an independent as well as a prosperous people. Let us not abandon it to gratify the greed of our transatlantic rivals, nor to adopt the plausible but delusive theories of impractical doctrinaires.

The Tariff.

SPEECH

OF

HON. JOHN C. COOK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5896) to reduce import duties and war-tariff taxes—

Mr. COOK said:

Mr. CHAIRMAN: I noticed during the last Congress that while the tariff bill was under consideration in the Senate it was agreed at one time to place lumber on the free-list. A few days afterward I observed that that was reconsidered and lumber was again placed where it now is, upon the dutiable list. That occasioned some degree of surprise to me and I took occasion to investigate the matter.

There is probably nothing in the whole range of the tariff in which we in the Northwest are more interested than the tariff upon lumber. There is to-day a duty of $2 per thousand upon round logs, squared timber, and rough boards of all descriptions. I am speaking now of white pine, which comprises almost the entire supply of lumber that is used in the Northwest. Upon a large class of manufactured lumber the duty is $3 per thousand.

It has been constantly insisted by the protectionists upon this floor that the tariff is designed to compensate the manufacturer and employer for the difference between the cost of labor in this country and in Europe. Here is one item which shows that that is not correct. Why is there a duty upon round logs, upon unmanufactured lumber, if the design is simply to compensate the employer for the difference between the cost of labor in this country and in Europe?

The white pine supply of this country is practically limited to three Sates of this Union: Michigan, Wisconsin, and Minnesota. The white pine that supplies the great Northwest, the prairie regions of this country, the timberless portions of the United States, is drawn almost wholly from those three States. I ask again, why we should have a duty of $2 per thousand feet upon round logs, squared timber, upon unmanufactured lumber, so to speak, if the only design is to protect the American laborer? Just across the borders in Canada are pine forests probably equal in extent to what is remaining in the three States to which I have referred.

I want now to call attention to another fact: that the pine regions of this country in those three States were sold by the Federal Government to the present owners at from $1.25 to $2.50 an acre. Pine timber is worth to-day upon the stump about $5 per thousand, and the yield is from five to eight and ten thousand feet per acre. These pine lands have increased in value from $2.50 per acre, the price at which they were sold many years ago to the monopolists who now own them, to about $20 or $25 an acre.

On the other hand, the price of pine in Canada upon the stump, as it is sold there—and I should say that in Canada the government retains the title to the land; it does not sell the land, but simply the privilege of cutting off the timber—the price of pine there will range from $2 to $3 per thousand.

Now why is this difference? Simply because the Government of the United States enacts a law which enables these monopolists on this side

of the line to charge for their pine $2 per thousand more than the pine of Canada is worth. What benefit is this to the laborers of this country? In the lumber regions of the Northwest those who manufacture this lumber do not hesitate to draw their supply of laborers from Canada. There is only the lake to constitute a part of the boundary line between the two countries, and as to another portion of the boundary there is but an imaginary line of separation. It would be idle to say that on one side of this imaginary line labor is so much higher than on the other.

It was shown by the Lumber Dealers' Association of Chicago before the Tariff Commission that while there might be a slight difference in the wages paid to laborers in the pineries of Michigan, Wisconsin, and Minnesota, as compared with the wages paid across the line, yet the difference in favor of the American owner of pine in the matter of conveniences for getting his lumber to market or to mill are such as to more than compensate the American lumberman for the difference in wages.

I was told the other day in private conversation by a gentleman on this floor who is interested in the lumber region of Wisconsin and perhaps Michigan that it would make no difference if the tariff on lumber should be reduced or taken off, because, he said, in that case the men who own the pine forests of Michigan and Wisconsin would simply step across the line, buy up the pine in Canada, and thus control the market and dictate the price. The answer to that was ready, that if the Government of the United States should take off the tariff from unmanufactured lumber, in that case the owners of the pine forests, in order to secure a monopoly, would have to invest twice as much money as they do now; it would cost them twice as much to make this business a monopoly as they are obliged to invest now.

Mr. Chairman, it is further a conceded fact that the pine of those three States will be exhausted within comparatively a few years. The lumber men of Chicago who appeared before the Tariff Commission estimated that it would not last more than eight or ten years. It may be that the supply will hold out longer; but what will be the result? We in the Northwest are now limited in obtaining lumber to the markets of Michigan, Minnesota, and Wisconsin. We are compelled to buy of a lumber syndicate that every year or every few months has its regular meetings and gives us a price-list. We can not buy any lumber anywhere except upon that schedule of prices. That syndicate dictates to its thousands of consumers in the Northwest just what they shall pay, and how much profit it shall make.

The profit, so far as concerns the $2 per thousand embraced in this tariff, does not go to the men who manufacture the lumber, but to the men who own the pine trees. It simply enhances the value of their property—property which they secured almost as a gift, for which they paid not one-half of what the land alone is worth to-day; for when the land is denuded of the trees it then becomes valuable for agricultural purposes.

The Government, having given them this land for $1.25 or $2.50 per acre, enacts a law that gives them a monopoly of the lumber market. Through Indiana, Illinois, Missouri, Kansas, Nebraska, Dakota, and the southern part of Minnesota and Wisconsin we are limited to the monopoly which is thus created.

Mr. Chairman, we have only to look at the difference in the value of the pine stumpage on this and the other side of the Canadian border, to know that this tariff inures to the benefit of the men who own the pine on the stump and sell it on the stump; that it does not benefit the men who run mills or employ laborers. It is idle to talk of the tariff being placed on this material simply to protect American labor. It is simply a protection to American monopoly, to American capital invested in these pine forests.

One thing further to illustrate that the tariff, at least on that article, is not laid with a view to benefiting the laborer. I want to state this fact: That the ties, that are sold perhaps principally in the Northwest, being cedar, come from cedar swamps which penetrate principally those three States in the Northwest, and are cut by farmers, by men who own the lands in small tracts, and are bought from them by railroads in large quantities. In short, that which is produced by the many and purchased by the few, or that which is produced by the many and purchased by the concentrated capital, railroad ties, are sold free of duty; while lumber cut and sold by those representing aggregated capital and concentrated wealth is protected to the extent of $2 per thousand feet and is bought by the thousands. Their interests then are ignored, the interests of the many who produce this lumber, while the interests of the few are protected. The interests of the many comparatively who are engaged in selling cedar ties to the railroads are ignored; but when concentrated capital is interested in producing, then they are protected.

It is no wonder that in the Senate the men who represented the lumber interests of those three States struck at the iron men because one or two iron men in the Senate voted to place lumber upon the free-list; and no wonder that after a little negotiation those men went back and placed unmanufactured lumber upon the dutiable list, when everything was harmonious between the iron men and the lumber men. It shows, Mr. Chairman, that we in the West are now paying tribute to the lumber kings of Minnesota, Wisconsin, and Michigan as a result of the combination between the iron interest and the lumber interest; and this, Mr. Chairman, is one of the great objects of this tariff system. It operates not as a protection to individual interests upon their merits, but as a combination between a variety of interests for their own advantage. Parties having capital invested in the manufacture of salt combine with those having investments in pine forests or in iron-works.

There is in the Northwest a growing sentiment against monopolies which is going to make itself felt in the legislation of this country. It is a feeling against monopoly which is being directed against the tariff system as a whole. Though not benefited by tariff, at least not to any great extent, we are willing that a tariff shall remain if it is so adjusted upon various interests as merely to compensate the American employer for the higher rate of wages paid by him as compared with that paid by the foreign manufacturer or producer.

But unless this tariff is adjusted fairly, unless it can be adjusted simply to protect the capitalists for the difference in wages of labor that he employs, unless the part that builds up monopolies in this country can be cut off, I want to make a prediction that in the West, and in the great Northwest especially, where the sentiment of the country has sprung up upon several important issues—action for reform in the currency among other things, upon the railway legislation of this country and railway management—you will see coming from there a sentiment that will grow and grow until it sweeps the whole of this tariff system from our statute-books.

I noticed some time ago a statement going the rounds of the press with reference to the question of tariff as between the sugar interests of Louisiana and the local interests of other States; and one of the prominent tariff leaders on this floor, this tariff gentleman hailing from Pennsylvania, said: "If your Representatives from Louisiana will vote with us to protect our interests in Pennsylvania, we will in turn join hands with you and vote to protect your interests in sugar-planting in Louisiana; and if not, if your Representatives will act and join hands with the tariff reformers and free-traders and refuse to come to the aid of our interests, we will vote against continuing sugar upon the dutiable-list much longer."

What does that show? Mr. Chairman, simply, as I said before, that there is a combination between the various interests which are protected by the tariff, and in this instance a combination between iron and sugar, just as I have already shown between iron and lumber. Here is a man who does not hesitate to say that he will vote to protect the Louisiana sugar interests if the Louisiana Representatives will vote to protect Pennsylvania manufactures; but he will not vote in that direction unless they reciprocate the favor. Now, if it is right that the sugar interests of Louisiana should be fostered or protected by the tariff, why not vote on that subject according to his convictions, and simply upon that subject alone, regardless of what the Louisiana Representatives will do for him?

I have noticed the discussions here for the last few days, and the impression that it conveys upon the mind of a listener is simply that it is a system of "I tickle you and you tickle me." Here, for instance, is a fellow in Michigan who has a salt-well, and here is another one, perhaps from the same State, who has a pine forest; here is somebody in Pennsylvania who is interested in iron-ore, and another fellow somewhere else who has an interest in sugar or some other monopoly, and they all come together with the understanding that "I help you and you help me," while those fellows who have not any interest of any kind are compelled to bear the burdens and stand between and pay the tribute.

As a result we have a far more illiberal tariff than even on a protection basis. Now, on principle it seems to me that it is bad policy for any government to enact laws that are to build up any one thing or any one man or any one interest at the expense of another. It is bad policy for any country to enact laws which shall favor certain interests, and it is a strong argument against the present system of tariff legislation. I want to repeat, sir, that I am not hostile to a tariff even as it now stands if it was designed simply to compensate the manufacturer or producer in this country for the difference between the wages of labor here and in Europe. But all I have seen here on the subject of tariff legislation and of protection, having been classes of men coming here and asking for additional protection, leads me to believe that it is the object to enable one class of men or one man who has something to sell to exact a higher price for his product than he otherwise would. And we allow that class to come here in legislation. A constant cry has been heard by those opposed to tariff reform that we ought to do nothing to obstruct the business interests of this country. We are told that a Presidential election is approaching, and that nothing should be done that would be detrimental to any of the business interests of the country.

But, Mr. Chairman, there are vast interests in this country aside from the business interests, and the only interests which are protected here ought not to be the speculative or the manufacturing interests. The farming interests ought to be considered and the interests of the vast army of consumers, comprising more than seventy times as many souls as are engaged in the protected industries; these ought to find a champion upon this floor; these ought to receive consideration at the hands of this Congress. It is in behalf of these interests, representing over 51,000,000 of our population, that I appeal to-day for a modification of the tariff upon lumber and a check upon the growing power of confederated monopolies.

Bureau of Navigation.

SPEECH

OF

HON. PETER V. DEUSTER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 21, 1884,

On the bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department.

Mr. DEUSTER said:

Mr. SPEAKER: The merchant marine is a subject of general interest, not only from a pecuniary standpoint, but from considerations of national pride.

With the longest line of seacoast of any nation beneath the sun, with harbors noted for safety and easiness of access, with commercial cities on the coast second in importance to those of no other nation, the American merchant marine, in place of being the largest, is, however, in reality but a midget upon the high seas. There is scarcely a nucleus around which to build up our shipping interest, and yet our mountains, our fields, and our forests contain all the materials necessary to build and equip vessels of all kinds and descriptions.

The laws that govern the navigation of the high seas and under which the nations of the earth compete for the world's carrying trade on an equal footing are international. If legal enactments are responsible for the meagerness of our merchant marine, they are of a national rather than an international origin.

The boast of the Englishman is that Britannia rules the wave; the chagrin of the American, that the proud ensign of the free is almost unknown to the sea.

It is useless to pit an economic policy against the passage of the pending bill. The amount involved approaches only to the bagatelle of about $4,000 per year.

The establishment of a bureau of navigation releases four bureaus from clerical duties for the performance of which they can now scarcely be held to account, and it places those duties in the hands of one responsible head, whose time and energies will be devoted to the interests of American navigation and to the devising of means for its improvement.

There is a large number of bills pending before the present Congress looking to the improvement, or rather to the building up, of our merchant marine. These bills are presented, not by the representatives of a single locality nor by the representatives of a single interest, but they have had their origin with members from the interior as well as from the seaboard, which is a sufficient index of the general interest centering on this subject.

The pending measure has the indorsement of those high in authority, as the report of the committee shows. Officers of the Government whose duties lead them to a close communion with the subject under consideration recommend its execution, and the members of this House can therefore not well afford to refuse to pass this bill to constitute a bureau of navigation in the Treasury Department.

The Tariff.

SPEECH

OF

HON. HORATIO BISBEE, JR.,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. BISBEE said:

Mr. CHAIRMAN: My profession has been and is that of a lawyer, and I do not pretend to have any special knowledge of the subject of the tariff. The people that I represent here are very largely engaged in the cultivation of the soil. Their products are cotton, sugar, rice, oranges, lemons, and other semi-tropical fruits and early vegetables for the Northern markets. Our manufacturing interests consist chiefly of lumber and naval stores, and the former will continue for many years to be an important industry in my State.

The schedules of dutiable articles under our customs laws include nearly all the articles produced in Florida, either from the soil or the factory; consequently my constituents are not without an interest in this question. This will be probably the leading issue between the two great parties in the campaign of 1884.

I confess that when I cast my first vote in the Forty-fifth Congress for a protective tariff, I had not reached any settled convictions upon the subject, and gave the benefit of the doubt to my own party. Since then I have given this question some attention, with a sincere desire to arrive at a correct conclusion, irrespective of party considerations. I have listened to many of the speeches in the House during the past seven years on each side of the question by gentlemen who are acknowledged to be largely learned in political economy, and have read attentively those made by distinguished Senators who are conceded to be masters of the subject. Recently I purchased and read the works on political economy by Professor Perry, of Williams College, who is one of the great theoretical apostles and advocates of free trade who instruct the students of New England and Eastern colleges in this important branch of learning.

Having heard the protective tariff vehemently denounced in Congress and elsewhere as "piracy," "highway robbery," "larceny from the people for the benefit of monopolists," I have been an anxious and impartial inquirer upon this subject. The result of my study and reflection is that I am not in favor of reducing or repealing our custom duties for the present.

In all conflicts or controversies where the rich and powerful are arrayed against the poor and the weak, or between the employer and employed, while my sympathies are usually with the latter, I desire to do justice to both. But there is no such conflict properly arising on a tariff bill. The Government collects annually about $200,000,000 of revenue from the duty or tax laid upon imported products of the soil or factories of foreign countries. This sum, with the amount of taxes collected from spirituous and malt liquors and tobacco produced in this country, is admitted to be more than is necessary to pay current expenses and the interest on the national debt. The excess of revenue is somewhere between $40,000,000 and $60,000,000, as I understand it, after paying the estimated expenses of the Government and the sinking fund provided by law to redeem the bonded debt at maturity.

Should the bill to aid the common schools of the country become a law (and I sincerely hope it will) this excess will be reduced by ten to fifteen millions annually for several years. And if the necessary appropriations are annually made for the improvement of our rivers and harbors, and for the creation of a navy adequate for the defense of our long line of seacoast and the commerce of the country abroad, there will be an inconsiderable excess of receipts over expenditures. And a reduction or abolition of the internal taxes on tobacco and malt liquors would leave no excess whatever; at any rate it would be so small that it could be applied to the payment of the debt without danger of any financial disturbance arising from a diminution of circulation from that source.

No one is prepared to advocate a national debt as a national blessing, and a slight annual reduction of our debt is to be preferred to any increase of it arising from insufficient revenue. I have no faith that the Democratic party is much concerned about excess of revenues, although its majority in this House is divided upon the question of proper legislation to effect its reduction. Some favor reducing customs duties, others advocate abolishing our whole internal-revenue system, and of course the tax on whisky, and of leaving the customs duties as they are under existing laws.

The Republicans of this Congress, with few exceptions, are opposed to any reduction of duties on foreign importations, believing that our true and wisest policy for the public interests is to wait a reasonable time to give the tariff act of March, 1883, a fair trial, and to close all agitation of the question until the effect of that law shall be ascertained. This is the position of the two political parties as expressed by their representatives in Congress. On one side we believe that the country should have a rest on a matter of such vital interest to its prosperity, and that to reopen the discussion of it unsettles business, disturbs the relations between capital and labor to the great injury of the latter as well as the former, and that this is an evil greater in magnitude than the possible or probable collection of a small excess of revenue.

The task of a Committee on Ways and Means is usually to levy taxes to pay the expenses of the Government, but such is our revenue system, created by a Republican Congress, that the task of this committee of this Congress is to discover the ways and means of reducing the revenue. And the Ways and Means Committee of the House, to secure such reduction, have reported for consideration a short tariff bill reducing generally the duties on all articles imported from foreign countries 20 per cent., so that if under the law of 1883 the duty or tax upon any article of foreign production is 30 per cent. ad valorem, it will be 24 per cent. if this bill should become a law.

But the question is, will such reduction of duties accomplish the object? The end aimed at by the Democratic majority is to reduce the revenues of the Government. Will reduction of tariff rates have this effect? This is not certain. On the contrary, it is a matter of great uncertainty. Low duties increase importations of foreign goods, and may increase the amount of taxes collected instead of diminishing them. To illustrate, suppose under existing laws $100,000,000 in value of foreign goods are brought into this country annually, paying a duty of 30 per cent. ad valorem; the revenue collected therefrom would be $30,000,000. Now, if after you have reduced the duty 20 per cent. $130,000,000 in value of foreign goods should be imported the Govern-

ment would collect, at 24 per cent. ad valorem (the proposed rate), $31,200,000. That is, there would be collected, at the rate proposed by this bill, $1,200,000 more of revenue than there is under existing law. Thus the proposed remedy for excessive revenue would not be any remedy at all, but an increase of the evil complained of. And the more of foreign productions come to our shores the greater would be the excess of revenue collected. This whole matter rests very largely upon speculation or guesswork.

It is evident that a duty so large as to prohibit the importation of foreign goods would give no revenue at all, while a duty so low that foreign manufacturers could bring the products of their factories here and undersell American manufacturers would produce a very large revenue from this source. Precisely what the rate of duty to be assessed shall be, and exactly where the line shall be drawn so as not to prohibit foreign products from being imported, and not drive our domestic manufacturers out of existence, but keep up competition between both foreign and domestic, and produce not too little nor too much revenue, it is not easy to determine. It depends upon the state of the trade of the world. English producers, with the aid of their government subsidies to foreign steamship lines, largely control the commerce of the world. When English manufacturers can not sell their goods to the people of other nations they will sell all they can to this country. And the quantity they sell to the people of this country depends upon our tariff laws. Exactly what the rate of duties shall be can only be determined by experience.

I believe the Republican party will reduce or regulate the rate of duties as public interest demands, and that this party is quite as competent to learn what the interests of the people of this country require as the Democratic party is, and quite as quick and ready to conform their action to such interests. The Democratic party had a majority in this House in the Forty-fourth, Forty-fifth, and Forty-sixth Congresses, and a majority of the Senate during the Forty-sixth Congress. During all that time the Democratic party either had no convictions upon this subject or had not the courage to pass a tariff law. During that long period no tariff-reform measure of any kind passed either House of Congress. If there is any reason for tariff reduction now, there was then.

The same party has possession of the House now (Forty-eighth Congress). It can not now agree upon a bill upon this subject, and none will be passed this Congress in all human probability. A Republican Congress, the Forty-seventh, with a very narrow majority in the House, did agree upon a tariff-reform bill reducing customs duties, and it became a law by Republican votes. That law did not take effect until the 1st of July, 1883. Before this law had been in operation six months, and consequently before its effect upon business and upon our revenues could be known—and it is not known yet—the Democrats, who had failed or neglected to reform the tariff laws, with full power to do so, for six years, commenced an organized and systematic denunciation of the Republican party for not reducing taxation and relieving the people so dear to them, pending a Presidential election, from its burdens.

If these burdens of taxation are so grievous and hard to bear, the people will ask, why have they not been removed before? When did the Democratic party make this new discovery, and why have they not acted before?

Now, I do not give gentlemen on the other side of this Chamber credit for any patriotism or statesmanship respecting this subject. They are not so much concerned about the welfare of the dear people just now as they are about their votes next November. They have been on every side of every leading public question for twenty-four years, and been all things to all men that they might gain the Presidency. This is what they are after now. Having a record that looks repulsive even to themselves, they seek to become the champions of the people on a distinctively new issue, and to gain an end would take either side of it. They are ready to sail their political craft in any direction and upon any sea that promises fair weather and to bring them safely into the Presidential harbor. Anything to secure votes is the unexpressed policy of the Democratic party.

We are told by the free-traders or Democratic tariff reformers that the tariff laws operate very oppressively upon the consumer; that the tax levied upon cotton and woolen goods imported into this country for sale is paid by the people who purchase them, and that the farmer and mechanic could buy the clothes he and his family wear at less cost if this tax was repealed, and that consequently he ought to vote the Democratic ticket. We are told that the Englishman, by reason of low wages paid laborers, mechanics, and operatives in English factories, can make cotton and woolen cloths and other textile fabrics and sell them to the people of this country at a price much less than the manufacturers of our own country can make and sell them, and that the Republican party continue to collect a tax on the foreign articles to keep the foreign goods out of our market and compel our own people to purchase those made in America.

We are told this is done to enrich domestic manufacturers and foster monopolies with moneys wrung from the hard earnings of the toiling masses, therefore they ought to vote the Democratic ticket. If this were true I should agree that the people ought to vote for the Democratic party. If the principles or policy of the Republican party were such as take money by way of taxation out of the pockets of the laboring and working classes and give it to the capitalist, thus making the rich richer and the poor poorer, I think the people of this country, with all their boasted intelligence, would have found it out and hurled such a party out of power and control of every branch of the Government long before this. But the Republican party has been continued in possession of the Government during the last twenty-four years, for the reason that the people do not believe these assertions and pretenses of the Democratic party are true.

If we are living under a system of laws that prevent a citizen from buying where he can buy the cheapest and from selling where he can sell for the highest prices, the honest voters of this country will abolish it just as soon as they are satisfied such a state of things exist. I say that it would be an outrage to maintain a law on the statute-book for a single moment that deprived a farmer from selling his corn, or wheat, or cotton, rice, sugar, oranges, or anything else he raises at the place where he can get the largest price for them; or that would deprive him of the right to buy the clothes he wears, his farming implements, his crockery, and the furniture in his house where he can get them at the least cost.

Now, what is the truth about this. Every man knows that the price of a thing depends upon the demand for it, and the greater the demand the larger the price. Every farmer knows that if he takes a load of wheat, or corn, rice, sugar, or fruit to any town or city for sale the price he will receive depends entirely upon the condition of the market. If there is but little of the article in town which he carries there to sell he will obtain a large price for it, but if there is an abundance of the article in the town for sale he will have to sell at a low price. So, too, every farmer knows that when he takes the money he has received for his load of produce and goes to a grocery store to purchase tea and coffee, or to a dry-goods store to buy clothes for his children, the price he will have to pay depends upon the fact whether the merchant is anxious to sell or not. He knows that if there is but one merchant in town that sells tea, coffee, and wearing apparel he has to pay just as high a price for them as the merchant has conscience to ask him. The farmer knows that if there are a dozen merchants in town, each desiring to undersell the other, by reason of such competition he will be able to buy at a less price than he would if there was but one merchant.

Now, every one understands this law of supply and demand. If there are two railroads connecting two places one hundred miles apart, you get transportation over that distance, as a rule, for less than you could if there were but one railroad.

Another thing. Every farmer knows that he never wants to buy what he has to sell. He wants to buy something that he does not produce from his farm. Neither the farmer, mechanic, or merchant desires to give away anything. It is his duty and the law of his own nature to provide for himself and family and keep what he gets for that purpose. Now, what is true of an individual is true of a State or nation. Each nation is a family by itself, governed by all the laws of prudence, economy, and self-preservation that govern the head of a family. It must take care of its own before looking after the welfare of the people of another nation, precisely as one citizen looks after the comfort and happiness of his own family before he does that of his next-door neighbor.

Now, obeying this law of nature, the Republican party says that this nation, that speaks and acts through the laws its representatives make, must study to protect its own people and promote their happiness and comfort, and enact laws for this purpose, even though the people of England, France, Germany, or Russia suffer in consequence. If our system of laws is better and promotes higher wages than theirs, they must change their laws, and if unable to do that, they must come here. They have no right to ask us to change ours; and yet the most powerful advocates of free trade in this country to-day are Englishmen, speaking and writing in England or through their agents here. We know that large numbers of foreigners land upon our shores every year, some years as many as 750,000, and free-trade doctors may dispute it as they please, the truth is, they come here because under our system of laws and government their labor commands better wages than they can obtain in their own country. Is this not an unanswerable argument to prove that the laboring classes are in better condition in this country than they are in foreign countries? Does any sane man believe that the Englishman, German, Frenchman, Swede, or Italian would sever all the ties of home, of family and friends, and brave the dangers of 3,000 miles of ocean travel if he did not know that when he arrived here he would receive larger wages and a larger share of human happiness than he did at home? And it is an undeniable fact that few who come to this country ever go back to their native land.

Facts and practical results are better than theories on this subject. This is essentially an age of facts and figures; rhetoric and florid speeches are at a very large discount. That the wages paid laborers, mechanics, artisans, and all classes engaged in agricultural pursuits or manufacturing industries in this country are higher than in Europe is entirely beyond dispute.

The exact wages paid in this country and Europe are ascertained with all reasonable, if not mathematical, certainty by Government agents

and from the pay-rolls of manufacturing establishments. They are incorporated into our statistics, and no fair man doubts they are substantially correct. Before the citizen votes to destroy our protective-tariff system he should study these tables and prices of wages in this and other countries. They are more reliable and more easily understood than the subtle reasoning of book-writers or the impassioned speeches of Congressmen.

I commend those who earn their bread by the use of their muscles to the patient study of the following tables. The citizen who can not read can find some friend to read them for him.

Comparative rates of weekly wages paid in Europe and in the United States.

[Condensed from the report of the Secretary of State on the state of labor in Europe, derived from facts reported by the United States consuls, Washington.]

	Belgium.	Denmark.	France.	Germany.	Italy.	Great Britain.	United States.	
							New York.	Chicago.
Bakers	$4 40	$4 25	$5 55	$3 50	$3 90	$6 50 to $6 60	$5 00 to $8 00	$8 00 to $12 00
Blacksmiths	4 40	3 90	5 45	3 55	3 94	7 04 to 8 12	10 00 to 14 00	9 00 to 12 00
Bookbinders		3 72	4 85	3 82	3 90	6 50 to 7 83	12 00 to 18 00	9 00 to 20 00
Bricklayers	6 00		4 00	3 60	3 45	7 58 to 9 03	12 00 to 15 00	6 00 to 10 50
Cabinet-makers	4 80		6 00	3 97	4 95	7 70 to 8 48	9 00 to 13 00	7 00 to 15 00
Carpenters and joiners	5 40	4 25	5 42	4 00	4 18	7 33 to 8 25	9 00 to 12 00	7 50 to 12 00
Farm laborers			3 15	2 87	3 50	3 40 to 4 25		
Laborers, porters, &c	3 00			2 92	2 60	4 50 to 5 00	6 00 to 9 00	5 50 to 9 00
Painters	4 20	4 15	4 90	3 92	4 60	7 25 to 8 16	10 00 to 16 00	6 00 to 12 00
Plasterers	5 40			3 80	4 35	7 68 to 10 13	10 00 to 15 00	9 00 to 15 00
Plumbers	6 00		5 50	3 60	3 90	7 13 to 8 46	12 00 to 18 00	12 00 to 20 00
Printers		4 62	4 70	4 80	3 90	7 52 to 7 75	8 00 to 18 00	12 00 to 18 00
Shoemakers		3 30	4 75	3 12	4 32	7 35	12 00 to 18 00	9 00 to 18 00
Tailors		4 10	5 10	3 58	4 30	5 00 to 7 30	10 00 to 18 00	6 00 to 18 00
Tinsmiths	4 80	3 90	4 40	3 65	3 60	6 00 to 7 30	10 00 to 14 00	9 00 to 12 00

It will be observed that in every one of the fifteen classes given in this table the wages are about one-third higher in the United States than in either of the six foreign countries named, except that the wages of bakers are higher in Great Britain than in New York, but less than in Chicago.

The free-traders or tariff reformers do not deny the truth of these tables. It can not be denied truthfully that the wage-earning classes of this country on an average receive for their labor one-third more than they do in Europe. Where the laborer receives $3 here he would receive but $2 there. The tariff laws, we claim, produce this difference, and the laboring classes of this country will never vote for free trade until it is demonstrated beyond all doubt that the tariff laws do not keep up the present prices of labor. They will not vote to cut down their wages one-third until they are certain that they will receive some assurance that when their wages are so reduced they can purchase with such reduced wages more than they can now. If they act with their usual caution they will vote to maintain the present tariff laws as long as any uncertainty exists on this subject.

It is sometimes asserted that the laborers in Europe with their wages can purchase food supplies at less cost and live better than they can in this country with their higher wages; that provisions are cheaper in that country than in this. The following table of prices of food, showing the prices in Europe and in the United States, refute all such claims as this and prove that this assertion is not true:

Comparative retail prices of the necessaries of life in Europe and the United States in 1878.

[Condensed from the report of the Secretary of State on the state of labor in Europe, derived from facts reported by the United States consuls, Washington, 1879.]

	Belgium.	France.	Germany.	Italy.	Switzerland.	Great Britain.	United States.	
							New York.	Chicago.
Beef:								
Roast, per pound	$0 20	$0 22	$0 22	$0 20	$0 30	$0 22	$0 12 to $0 16	$0 08 to $0 12½
Corned, per pound	16	16	13	12	18	$0 18 to 20	08 to 12	04 to 07
Beans, per quart			10	13		09	07 to 10	05 to 09
Bread, per pound	$0 04 to 05	03	$0 03 to 07	06	04	03½ to 04½	04 to 04½	04 to 04½
Butter, per pound	20 to 50	25	22	28	36	29 to 38	25 to 32	16 to 40
Coal, per ton			4 25	11 00		2 65 to 4 10	3 00 to 5 25	3 00 to 6 75
Codfish, per pound				09		06 to 08	06 to 07	05 to 09
Coffee, per pound	30 to 40	30	35	32	30	28 to 50	20 to 30	16 to 40
Eggs, per dozen	20 to 25	18	20	18	20	14 to 30	25 to 30	10 to 24
Flour, per pound		04	05½	10	07	03½ to 04½	03 to 04	02½ to 04½
Lard, per pound	20	20	21	22		12 to 18	10 to 12	06 to 10
Milk, per quart			04	07	05	05 to 09	08 to 10	03 to 06
Mutton, fore-quarter, per pound	16	16	14½	15	18	16 to 17	09 to 10	05 to 12½
Oatmeal, per pound			08			03½ to 04½	04 to 05	04 to 05
Pork:								
Fresh, per pound	16	14	17	13	18	10 to 16	08 to 10	04 to 05
Salted, per pound	16	14	17	18	20	10 to 16	08 to 10	06 to 12
Bacon, per pound	18	20	20	22		12 to 16	08 to 10	07 to 12
Sausage, per pound	20	16	19	20		18	08 to 10	06 to 10
Potatoes, per bushel	56	50	50	1 15	60	68 to 2 00	1 40 to 1 60	60 to 80
Rice, per pound			09	06		03½ to 08	08 to 10	05 to 10
Soap, per pound			10	04		05½ to 09	06 to 07	03 to 08
Sugar, per pound	15 to 20		11	08½	08	05½ to 10	08 to 10	07 to 10
Tea, per pound			75		50	43 to 88	50 to 60	25 to 1 00

These two tables of figures show that the wage-earning classes not only receive higher wages but pay less for their provisions in the United States than in Europe.

The opponents of a protective tariff assert that with free trade or a low duty cotton and woolen goods would be cheapened, and the laboring classes would in consequence be able to clothe their families at less expense. On the other hand, it is contended that if customs duties are abolished, or materially reduced, one of two results will follow: either the factories in this country must be closed and their operatives discharged, or the wages of the latter reduced to the standard of wages paid in Europe. The difference in cost of manufactured articles in this country and in foreign countries is the difference in wages paid labor, and our manufacturers say they can make cotton and woolen goods and sell them as low as Englishmen can by reducing the wages of their operatives to the price paid in English factories, and in no other way.

This would be a degradation of American labor and a reversal of that policy by which this country has elevated the laboring masses and preserved them from that condition of squalid misery to which starvation prices have brought them in foreign lands. Therefore the interests of wage-earning classes of our country demand that a protective duty shall be maintained. Again, suppose all the cotton and woolen mills in America were closed to-morrow. The reduction in the price of manufactured products would be only temporary. The products of American mills now on hand would soon be consumed, foreign manufacturers would have the entire control and monopoly of our domestic or home markets, and would put up the price of their goods beyond what it is now. We now have two competitors in the market, the American and the Englishman, each offering cotton and woolen goods to our people; but drive the American sellers out of existence, as you would by free trade, and the Englishman would advance his price. The policy of the tariff

laws is to discourage foreign importations of all articles that can be produced in this country, to induce Americans to invest their capital in manufacturing industries, and to furnish our people with goods made in our own country. If manufacturing cotton and woolen goods in this country is profitable, manufacturing establishments will increase in number and the competition among them will always keep prices down to reasonable rates even though there were no foreign importations at all.

This fact is established by experience. Protective duties increase the price of any manufactured article but for a brief period, if at all. Nearly everything that a family consumes can be purchased for less to-day at wholesale or retail prices than it could be in 1860, when a tariff for revenue only had been in existence for several years.

I here insert a table of prices of cotton fabrics, showing their selling prices in 1860 and in 1884:

Fabrics.	1860.	1884.
	Cents.	*Cents.*
Standard sheetings, per yard	8.73	7.0
Standard drills, per yard	8.92	6.75
New York Mills bleached shirtings, per yard	15.50	10.50
Cocheco and Merrimack prints, per yard	9.50	6 0
Sixty-four square print-cloths, per yard	5.44	3.625

It will be seen that what the agricultural population have to purchase for wearing apparel is actually less in 1880 than in 1860; so that abolishing our tariff laws, destroying our manufacturing interests, and depending upon foreign markets for all we consume except the products of the soil would not benefit either our wage-earning classes, the farmer, nor the manufacturer, but would be an injury to all. I request to have printed with my remarks, and in this connection, an extract from a speech of Hon. Dudley C. Haskell, made in the Forty-seventh Congress. He was then a member of the Committee on Ways and Means of the House, had made our tariff system a special study, and represented a constituency composed almost exclusively of farmers. He said:

Our free-trade friends, or our tariff-for-revenue friends, assert that the tariff is a tax. Every gentleman who has spoken upon that side of the question proceeded to add to every article named by him such and such a per cent. of tariff tax; so much it costs and then 100 per cent. or 90 per cent. or some other per cent. of tariff tax, as if a great tax was paid by the consumer in every instance. What are the facts? Take the budget of the workingman to-day; granted that he can earn $500 in a year, and at the end of the year, with his year's wages in his pocket, he steps out from his home to invest it in a year's supply of the necessaries of life. Tariff tax! There is not 10 per cent. of all the articles that the workingman of America buys that are not cheaper in this market than in any other market in the world. Mark that! The workingman of America buys every article of food either as cheap as any foreign nation or cheaper. The workingman of America buys every article of cotton manufacture in the markets of the United States as cheap or cheaper than they can be bought anywhere else in the world. He buys his boots and shoes at as low a rate as the same goods can be furnished in any country.

If he is a farmer he buys his agricultural implements by his own door at a less price than the citizen of any other country can buy his. The American farmer or laboring man buys his woodenware cheaper than he can buy it anywhere else in the world. The American workingman buys all his cutlery and edged tools cheaper than they can be bought in England to-day. The workingman buys all his plain pressed glassware cheaper than it can be bought in England to-day. He buys all his wagons cheaper than the Englishman can make them. He buys all his reapers and mowers and harvesters and thrashers cheaper than they can be made in England. He buys his clocks, watches, carpets, furniture as cheap as they can be bought in any free-trade country in the world; buys his axes, shovels, saws, nails as cheap as they can be bought anywhere, and he reads his newspaper, books, and periodicals, printed with American type so much better than English type that the Englishman comes here to our market for American type and printing-presses. Many of the woolen goods are as cheap here as in England, and all would be but for the duty on wool which protects the wool-grower.

Mr. Haskell maintained, and it is unquestionably true, that a protective tariff ultimately reduces the price of manufactured articles. The true interests of the tillers of the soil is to maintain a protective tariff. .The more factories and mills the more men and women will be employed in them, and the less will be the number engaged in cultivating the soil. Each produces what the other does not, and each must have what the other produces. This creates diversified industries, gives employment to those that otherwise would be idle, increases our population, our wealth, and our power.

The nearer the farmer's market is to his farm the greater will be the value of his farm and all that he has to sell. The grain-grower of the West would obtain a higher price if he could sell to those engaged in manufacturing industries in his own section than when he has to depend upon a purchaser in New England and Eastern States or in foreign lands.

Those who raise cotton in the South would receive a larger price for it if there were more cotton factories in the South to buy it. They would save the freight paid to carry it elsewhere for sale, and that paid to carry the manufactured product back to the merchants of whom the planter purchases his cloth. There is not a place in Florida or Georgia or in any other Southern State that would not be benefited by having a cotton factory employing one hundred or two hundred hands. Real estate, extending miles from the place, would immediately advance, and the farmer would receive better prices for all his products. The Department of Agriculture has prepared a table of four groups of States with a view of arriving at the value of farms and farm products in States having large manufacturing interests compared with those States whose manufacturing interests are very insignificant. This classification of States proves conclusively all that the protectionists claim, and furnish an interesting study for all who care to be instructed upon this great question. If studied and comprehended, the tiller of the soil will never vote to destroy a protective tariff and force the millions of people now occupied in manufacturing industries to find employment on the farms. Let this report speak for itself:

Here is the result—and a striking exhibit it is, teaching the effect of varied industry, and its necessary increase of population and wealth, on the value of agricultural lands. It gives the number of States in each class, number of acres, value, and value per acre, with the average percentage of agricultural workers, as follows:

Classes.	Number.*	Acres.	Value.	Average.†	Workers.‡
First class	15	77,250,742	$2,985,641,197	$40 91	16.59
Second class	13	112,321,257	3,430,915,767	22 21	40.12
Third class	13	237,873,040	3,218,108,970	13 03	58.85
Fourth class	6	108,636,796	562,430,842	5 28	77.46

* Number of States and Territories.
† Average value per acre.
‡ Percentage of workers in agriculture.

See how the value of land comes down as the proportion of agriculturists to the whole number of workers goes up. Only one man in five on the roll of employed persons in New York and Pennsylvania is an agriculturist. The value of land in New York is $44.41 per acre; in Pennsylvania the eastern counties are alive with factories, the southwestern black with coal, the northwestern flowing with oil, and this exceptional variety in industry makes the average value of land $49.80 per acre. But New Jersey, lying between New York and Philadelphia, with daily access to markets of four millions of city population, has an average value of $65.16 per acre, the highest of any State in the United States. And New York and Philadelphia are the great manufacturing centers of the country, supporting their populations by manufactures more than by commerce.

Dividing again the States and Territories into four sections, the first comprising the manufacturing and mining areas, and including all having a smaller proportion than 30 per cent. of the occupied population, the working class, engaged in agricultural employments; the second section comprising all States having more than 30 and under 50 per cent.; the third including all States having 50 and not exceeding 70 per cent., and the fourth including all States having more than 70 per cent. engaged in agriculture, we have the following perfectly natural, not to say inevitable, results, namely:

Classes.	Number engaged in agriculture.	Value of products of agriculture.	Value per capita.	Workers in agriculture.
				Per cent.
First class	1,060,681	$484,770,797	$457	16.59
Second class	1,566,875	616,850,969	394	40.12
Third class	3,017,981	786,681,420	261	58.85
Fourth class	2,024,966	325,099,388	161	77.46

Here again we see the product per man go down as the percentage of agricultural workers goes up. We see that in the manufacturing States 1,060,681 agriculturists get $484,770,797 per annum for their labor, while in the agricultural States 2,024,966 receive only $325,099,388. New Jersey has but 14.92 per cent. in agriculture, and each man earns $501, while Mississippi has 81.81 per cent., the largest proportion of any State, and each person earns but $187, the lowest average in the United States.

The following tables give like results in a less condensed form, the States constituting each of the four groups being named:

Aggregate value of products of agriculture by States, acres of land in farms, and value of farm lands, by States and groups of States.

FIRST GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Massachusetts	631,125,284	3,359,079	146,197,415	43 52
Rhode Island	104,163,621	514,813	25,882,079	50 27
Connecticut	185,697,211	2,453,541	121,063,910	49 34
New York	1,080,696,596	23,780,754	1,056,176,741	44 41
New Jersey	254,380,236	2,929,773	190,895,833	65 16
Pennsylvania	744,818,445	19,791,341	975,089,410	49 30
Delaware	20,514,438	1,090,245	36,789,672	33 74
Total	3,021,405,831	53,919,546	2,552,695,060	47 34

SECOND GROUP.

Maine	79,829,793	6,532,578	102,357,615	15 62
New Hampshire	73,978,628	3,721,173	75,834,389	20 38
Vermont	31,354,366	4,882,588	109,346,010	22 40
Ohio	348,298,390	24,529,226	1,127,497,353	45 97
Michigan	150,715,025	13,807,240	499,103,181	36 15
Indiana	148,006,411	20,420,983	635,236,111	31 11
Illinois	414,864,673	31,673,645	1,009,594,580	31 87
Total	1,247,046,686	105,587,433	3,558,969,239	33 71

Aggregate value of products of agriculture, &c.—Continued.

THIRD GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Wisconsin	128,255,480	15,353,118	357,709,507	23 30
Minnesota	76,065,198	13,403,019	193,724,260	14 45
Iowa	71,045,926	24,752,700	567,430,227	22 92
California	116,218,973	16,593,742	262,051,282	15 79
Total	391,585,577	70,102,579	1,380,915,276	19 70

FOURTH GROUP.

Maryland	106,780,563	5,119,831	165,503,341	32 33
Virginia	51,780,992	19,835,785	216,028,107	10 89
North Carolina	20,095,037	22,363,558	135,793,602	6 07
South Carolina	16,738,008	13,457,613	68,677,482	5 10
Georgia	36,440,948	26,043,282	111,910,540	4 30
Florida	5,546,448	3,297,324	20,291,835	6 15
Alabama	13,565,504	18,855,334	78,954,648	4 19
Louisiana	24,205,183	8,273,506	58,989,117	7 13
Texas	20,719,928	36,292,219	170,468,886	4 70
Arkansas	6,756,159	12,061,547	74,249,655	6 16
Tennessee	37,074,886	20,666,915	206,749,837	10 00
West Virginia	22,867,126	10,193,779	133,147,175	13 06
Kentucky	75,483,377	21,495,240	299,298,631	13 92
Missouri	165,386,205	27,879,276	375,633,307	13 47
Kansas	30,843,777	21,417,468	235,178,936	10 98
Nebraska	12,627,336	9,944,826	105,932,541	10 65
Colorado	14,260,159	1,165,373	25,109,223	21 55
Oregon	10,931,232	4,214,712	56,908,575	13 50
Utah	4,324,992	655,524	14,015,178	21 38
Total	676,427,860	283,233,112	2,552,840,616	9 01

These figures teach us a lesson. They prove beyond dispute that the farmer is directly benefited by having manufacturing industries in his own State and near his farm. They prove that the workmen and operatives employed in mills and factories must purchase their food supplies from him, and the greater the number of these who live near his farm the greater will be the demand for what he raises, the more valuable will be his farm and all its products. In other words, the more people there are in a State who are not employed in agriculture the more valuable will be the products of the labor of those that are so employed. The farmer, then, should encourage manufacturing interests in his own State and neighborhood, and thereby create a market near his door for what he has to sell, and at the same time create the supply of manufactured products which he has to purchase in the vicinity of his own farm. He can do this by maintaining a protective tariff. By abolishing it, and the consequent destruction of manufacturing interests in this country, our entire population must seek employment in agricultural pursuits; the home market for the products of the soil is destroyed; the people of foreign countries must be depended upon to purchase what the farmers do not themselves consume, and to sell us what of manufactured articles we have to buy. And the foreigner will do both, buy and sell, at his own price. He has no interest in our affairs except to make all the profit he can from our labor.

Free trade or revenue tariff, resulting, as we believe, in destroying our manufacturing interests, diminishes our national wealth and increases the capital of the countries with which we trade. Every one knows that if an individual expends annually more than his income he grows poorer, and most persons strive to add to their possessions every year instead of spending more than they make. The same rule governs nations, or ought to.

Now, destroy our tariff system and shut up our mills and factories, and what is the result? Why, English manufacturers will sell to us the most that we need and at such prices as they choose to ask.

But how will the people pay for such foreign products? Where is the money to come from to buy with? It must come from surplus agricultural products which our people do not consume; and hence it follows that instead of buying from our own manufacturers, as we do now, and keeping the money in our own country and thereby annually adding to its wealth, we should send our money to England to add to the wealth of her people. The result is we should purchase more than we sell, expend more than our income, and the balance of foreign trade will be against us. Our gold and silver will be shipped to foreign countries to pay our debts, and the large annual additions to the wealth and power of our own country will cease. Neither a nation nor an individual can accumulate while its or his expenditures are greater than his income.

Our country must be independent of all foreign powers. We should manufacture at home all that our own people consume. Our factories should be at the doors of our own people, to supply all their wants. We must not depend upon factories of foreign countries to supply us with the shoes and clothing we wear, the plates upon our tables, or pottery in our kitchens. Every citizen should take a just pride in purchasing such articles with the stamp of an American manufacturer upon them, knowing that by so doing he is adding to the capital, dignity, and glory of his own country. The humiliating weakness of an agricultural people with no manufacturing industries was illustrated in the South during the late civil war. The South had iron-ore in abundance beneath the soil of Alabama, Georgia, Tennessee, and Virginia, but she could not supply her armies with cannon and muskets. She had large herds of cattle, but she could not make the shoes for her soldiers nor the saddles for her horses. The South had abundance of cotton—her fields were white with it—but she had no cotton-mills to furnish clothing for her armies and her people. In short, the South, for want of mills and factories, could not furnish supplies for her armies, and the Southern confederacy was strangled to death by a blockade of her ports. Her supplies from abroad being cut off, her soldiers were insufficiently clothed and fed, became discontented, and their surrender was inevitable.

Now pursue this policy of free trade to its legitimate result, destroy our manufacturing industries, close up our mines, our cotton and woolen mills, and in the future the United States in time of war with foreign nations would be reduced to the deplorable condition of the South in the late civil war. The Democratic party must wait the revival of confidence of the American people in its patriotism and capacity to govern this country before it can win a Presidential election.

It seems impossible for the Democratic party to comprehend the wants and the aspirations of this great country. Since 1860 the United States have outgrown the comprehension of that party. This House recently refused to appropriate for the Post-Office Department money enough by over $3,000,000 to meet the absolute needs of a postal system. The Senate has amended the bill by adding nearly $4,000,000 to it, to the end that the people may have adequate mail facilities, and the House refuses to concur in the Senate amendments.

This House, with a large Democratic majority, but recently refused to appropriate money to purchase guns to arm four ships of war that are being constructed and are nearly completed under a law passed by the last Republican Congress. But by a solid Republican vote in the House, aided by a few Democratic votes, the amendment put on the naval bill by the Senate providing for such armament was agreed to.

The people of this country are demanding a navy for the defense of its coasts and its commerce upon the seas, but a Democratic House, with money in abundance lying idle in the Treasury, persists in its refusal to appropriate money to build a single ship of war. The Senate but a few days ago amended the naval appropriation bill, and provided for an appropriation to build seven more war vessels, that the country might have the nucleus of a navy, but gentlemen on the other side of the House refused to concur in such amendment.

And now, by this tariff bill, they seek to destroy our manufacturing industries; to reduce American laborers and workingmen to the starvation wages of foreign countries; compel our citizens to purchase the products of foreign factories, and contribute to the wealth of European nations. Having no record to point to in a Presidential year, the Democratic party is making false issues for the next election, and the people must decide which party they will trust.

The Tariff—Reduction of War Taxes.

SPEECH

OF

HON. BENTON McMILLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 2, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. McMILLIN said:

Mr. CHAIRMAN: The question presented by this bill for our consideration is not whether we shall or shall not have free trade. The real issue is, "Shall there be a reduction of taxes; will we take thirty millions off the tax-payers or let it stay on them?" Many of our citizens and most of the States, counties, and municipalities owe debts and implore us to reduce Federal taxes. Will we do it? That is the question.

For twenty years the people have had to endure this burden. For twenty years they have been told to bear it patiently and by and by they should be relieved. For years the Democratic party has in its platforms and from the stump thundered against the great weight of taxes. The following extract from the Democratic platform of 1876, adopted at Saint Louis, is a specimen of our denunciations and promises and proves what I say:

Reform is necessary in the sum and mode of Federal taxation, to the end that capital may be set free from distrust and labor lightly burdened.

We denounce the present tariff levied upon nearly 4,000 articles as a monster piece of injustice, inequality, and false pretense. It yields a dwindling, not a yearly rising, revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has

degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture and industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house duties shall be only for revenue.

Believing these promises, the people hurled from power those who had imposed and retained the onerous system, and gave Democracy full sway in Congress. But divisions in our ranks existed, and our party failed to fulfill the pledges of tariff reform made and was relegated to the minority. The Republicans of the last Congress also shirked the issue. Instead of taking hold of the question manfully and patriotically, that Congress went outside of the Constitution and shifted its duties off on a Tariff Commission, composed in the most part of men selected for the purpose of guarding particular interests. I raised my voice against its creation. I said then:

Whenever Congress establishes this commission to do its work it will have voted a want of confidence in itself, and the people will vote a want of confidence in it.

How true was my prediction the 70 Democratic majority here tells.

Notwithstanding the Tariff Commission was composed of men chosen from particular protected industries, the necessity for reduction of the tariff was so great they reported that there should be a reduction of from 20 to 25 per cent. The following is an extract from their report:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded not by mere indiscriminate popular clamor, but by the best conservative opinion of the country.

* * * * * * *

Such a reduction of the existing tariff, the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

* * * * * * *

It would seem that the rates of duties under the existing tariff—fixed for the most part during the war, under the evident necessity at that time of stimulating to its utmost extent all domestic production—might be adapted, through reduction, to the present condition of peace, requiring no such extraordinary stimulus.

* * * * * * *

Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction of rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent.

Mr. Chairman, how did the party that created the commission treat these recommendations? It disregarded them in almost every particular. After confessing they did not know what to do without a commission's instructions, they ignored its recommendations and thereby admitted that neither the commission nor they were capable of dealing with the subject intelligently. The people so believed, and crushed them out with such a defeat as has seldom overtaken a party in this country. Sir, when we look at the bill and remember the outrageous way in which it was passed and the little relief it gave, we must conclude the people were right in forcing them to go.

THE TARIFF NOT MATERIALLY REDUCED.

The bill they passed reduced the tariff only 1.74 per cent. The commission said the tax-payers were entitled to 25 per cent. reduction, but they were given less than 2 per cent. Not only this, but on many articles essential to home comfort, and used in every-day life, which were already taxed too highly, they increased the duty. They raised the duty on window-glass, goblets, and other glassware. They increased the duty on table ware—stone, china, and earthen ware. They also increased it on cotton goods, such as domestics and sheetings. That on cotton goods was increased 2.51 per cent.; on earthen, stone, and china ware, 13.11 per cent.; and on glass and glass ware, 1.48 per cent. These are but samples. Scores of others could be mentioned. When, however, that anomalous Congress came to legislate for the wealthy they relented. Their hard hearts softened, as they always do, and they reduced the tariff on silk and silk goods immensely. They then came sweeping down the list and reached mechanics' tools. Here, again, they inflicted a great wrong by increasing the duty on many articles. All their vaunted love for the laborer vanished when the interests of that laborer came in conflict with their protected pets.

Now, Mr. Chairman, let him who votes against the Morrison bill remember that he votes to indorse and perpetuate this increase of duties on the necessaries of life. Are gentlemen ready to say by their votes and voices not only that the war taxes should be kept up, but that it was right to increase them in 1883? Others may do as they please, but I feel that were I to cast any such vote I would deserve the condemnation of the noble people I have the honor to represent. The tariff bill of 1883 was never regularly considered by the House. It came in as a conference committee's report on a bill to reduce the internal revenue. It differed from everything passed by either the House or Senate. It never could have passed the House on its merits. The rules of the House were amended, or, rather, trampled down. The mouths of members opposed to it were closed by cutting off debate; the constitutional right of the House to originate bills for raising revenue was tamely, cowardly surrendered to the Senate; the cause of justice was powerless; the voice of Representatives chosen by the people to originate these bills was drowned out by the wild clamor for higher tariff; justice failed, and the bill passed.

Sir, this is the system which they tell us should not be disturbed by agitation. These were the means resorted to which we are called upon to justify by non-action. And this is the prohibitory, grinding law, from which they tell us we should hold our hands. For one, I will never, never do it till mine "forgets its cunning." Members may cry for "peace" on this question, but there is no peace while such flagrant robbery goes on. If you want no agitation, give us justice. If you "do not want business interests disturbed," strive with us to bottom the tariff on principles of "equal and exact justice to all men," and then we will lock shields with you, and all rush together to the defense of any one of them that is ruthlessly assailed.

But, Mr. Chairman, you will cry in vain to the sovereign citizen to

"KEEP QUIET"

while you take his scanty earnings by any sort of legislative larceny. How can you expect him to "keep quiet" when he looks to the Treasury and beholds one hundred and fifty millions of his money which you have wrongfully wrung from him by this law lying there idle and you refusing to relieve him? How can you expect him to make no complaint when he in full sight of these things feels your long, felonious fingers turning his depleted pockets inside out and seizing his last penny to swell the vicious surplus accumulation? To-day there are near three dollars surplus in the Treasury for every citizen of the United States, yet you refuse to reduce taxes. Money is flowing in at the rate of a million dollars a day, more than forty-one thousand dollars an hour; still you say there shall be no relief given. Refuse it if you will, but be prepared as a consequence to have an outraged people "shriek their horrid curses in your shrinking ears."

Mr. Chairman, no statesman has yet appeared rash enough to justify this vast surplus by public declaration. If any man has, it was some individual who neither believed what he said nor would so far violate his instincts as to say what he belived. I have already quoted to you the declarations of the Tariff Commission and of the Democratic platform at Saint Louis. The platform of the Cincinnati convention contained a declaration similar to that adopted at Saint Louis. Let us next examine the testimony of others on the subject of revising the tariff. In a speech made by the distinguished gentleman from Pennsylvania [Mr. RANDALL], in this Hall, May 8, 1882, he said:

The existing overflowing Treasury brings a demand for the reduction of the tariff and internal-revenue taxes. In my opinion, in such a condition of our finances, reduction of taxation shall at once begin. Unnecessary taxation is injurious to the interests of the people in many directions. Government has no justification for the collection of burdensome taxes in excess of the sum requisite for the support of its proper administration.

Mr. Chairman, if there was "no justification for the collection of burdensome taxes in excess of the sum requisite for the support of the proper administration of Government," then what excuse or justification is there for it now? There has been no perceptible reduction of the tariff since these words were spoken. If a reduction of duties was demanded then—and I admit it—it is much more needed now. Then our bonded debt amounted to about a billion and a half. Since that we have paid off 20 per cent. of it, and our surplus has increased. If public policy, wise statesmanship, demanded a reduction then, how can we deny it now? The reduction proposed by the bill now under consideration added to the small reduction made by the last Congress would not exceed that recommended by the Tariff Commission.

THE PRESIDENT'S RECOMMENDATIONS.

Sir, in his annual message sent to Congress by the President in December, 1882, when the surplus in the Treasury was not greater than it is now, he said:

You can not fail to note with interest the discussion by the Secretary as to the necessity of providing by legislation some mode of freeing the Treasury of an excess of assets in the event Congress fails to reach an early agreement for the reduction of taxation.

I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government.

It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise of the country from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. * * * Of late the public revenues have far exceeded what was necessary for a wise and economical administration of the Government.

THE SECRETARY OF THE TREASURY RECOMMENDS A REDUCTION.

Mr. Chairman, in his annual report, made just before the assembling of this Congress last December, the Secretary of the Treasury makes this strong statement:

The chairman of the Senate Committee on Finance (in explanation of the bill that became a law) estimated at $45,000,000 the reduction of the revenue which would follow the changes in the tariff proposed thereby. These intentions and calculations have not been verified. * * * We have, then, a reduction of $30,000,000 less than was sought for and expected. * * * There ought to be a reduction of taxation.

GENERAL JACKSON ON EXCESSIVE TAXATION.

Sir, we are sometimes told that General Jackson, one of the founders and expounders of Democracy, favored a "judicious tariff." Who does not want a judicious tariff to-day? Our complaint against the present one is that it is not judicious. We are willing and anxious to stand on the same principle he did. Concerning taxation he said:

There is perhaps no one of the powers conferred on the General Govern-

ment so liable to abuse as the taxing power. The productive and convenient sources of revenue were necessarily given to it that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax-gatherer. But the tax imposed upon goods enhances by so much the price of the commodity to the consumer. And as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets.

Congress has no right under the Constitution to take money from the people, unless it is required to execute some one of the specific powers intrusted to the Government; and if they raise more than is necessary, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid; and in such a case it is unquestionably the duty of the Government to reduce them, for no circumstance can justify it in assuming a power not given to it by the Constitution, or in taking away the money of the people when it is not needed for the legitimate wants of the Government.

Upon this bold, ancient, and able enunciation of principles the Democracy stood then and stands now. We ask nothing more and will take nothing less.

IS THE REDUCTION HORIZONTAL?

Mr. Chairman, some members have objected to the bill because they say it is a horizontal reduction. If it is merely a 20 per cent. horizontal reduction it presents to the legislator the alternative of having high duties or low, as he prefers, with the articles bearing the same relation to each other, whether high or low. He who wants lower duties will vote for the bill, while he who wants no reduction will vote against it of course. No man who voted for the present law can consistently object to this, because the cut affects all in a horizontal way. But the reduction is not horizontal throughout. The bill discriminates by reducing the tariff on articles of necessity, now highly taxed, and leaving without reduction certain schedules of luxury which carry a low rate.

Silk dress goods, shawls, shoes, ribbons, trimmings, buttons, in fine all silk goods, are left by the bill without reduction. But cotton and woolen goods are reduced. Jewels and many precious stones are not reduced, because they are articles which may be dispensed with. But, as I have already stated, we do propose by the bill to reduce the tax on tableware, glass, clothing, and the thousand other necessaries of life. There is no reduction on liquors and wines, but there is on medicine. Let him who wants to continue the present high rate on essentials and low rate on luxuries oppose this measure. But he who thinks there should be less duty on home comforts and higher on luxuries will not oppose it.

But aside from all this we have had many instances of horizontal reduction supported by Mr. Clay and others. The following from the able speech of Mr. MILLS, of Texas, gives concisely the history of that kind of legislation:

In 1833 the great compromise tariff introduced by Mr. Clay, the father of protection in this country, was passed by Congress. Under that law there was a horizontal reduction of the tariff of 10 per cent. in 1833, a horizontal reduction of 10 per cent. in 1835, a horizontal reduction of 10 per cent. in 1837, a horizontal reduction of 10 per cent. in 1839, and in 1842 a horizontal tariff of 20 per cent. was reached by the sliding scale, and it was agreed that that should remain the law of the future, and that the bill should be regarded as a settlement of a long-vexed question—"a treaty of amity and peace," as it was characterized by its distinguished author. These are not all of the horizontal taxes we have had during our history. In 1865 there was a horizontal increase of 20 per cent. on the taxes levied on the schedules of domestic manufacture; and in 1866 there was a horizontal reduction of 20 per cent. on domestic manufactures. In 1872 there was a horizontal reduction of 10 per cent. on the schedule of imported goods, and in 1875 there was a horizontal increase of 10 per cent. on imported goods.

HOARDING MONEY IN THE TREASURY AND PAYING INTEREST.

Sir, I am unable to see how any Representative can conclude the best interests of his country require the raising of more revenue than is necessary to meet the various demands of Government economically administered. The individual who owed a heavy debt, had the money by him to pay a large amount of it, and yet hoarded his money, kept it out of his business, and continued to pay interest on the debt he could discharge any day, would be called financially a fool. Yet this is the very thing we are doing as a Government. We owe two hundred and fifty-four millions, now due and callable. We have a hundred and fifty millions surplus lying in the Treasury idle. Still we refuse to pay the money out, and force our constituents to pay interest.

To hoard that sum there year after year when it might be paid on bonds, stop interest, and go forth to enliven trade is a crime against the tax-payers. It is a crime for which the administration that is guilty of it should be held to a severe account. He who hoards it and still grinds his people with oppressive and unnecessary taxation is a political malefactor. Some opposing this bill have said that if we reduce import duties it will increase the revenue. The author of the bill claims it will reduce the revenues $30,000,000 a year. But if we can reduce the tax-payer's burdens 20 per cent. and at the same time not diminish his ability to pay what he owes, who is foolhardy enough, unpatriotic enough to refuse to do it?

If there be one such here I pause that he may rise and announce it. Let him proclaim his readiness to betray the trust committed to him. Through Congress alone, under the Constitution, can the people get relief from onerous taxation once fastened upon them by that body. Their condition is to be deplored when this their last tribunal refuses to heed them. When the time comes that Congress refuses to discharge this duty the people will discharge Congress and send here those who are not afraid to act.

AN OVERFLOWING TREASURY LEADS TO PANICS, EXTRAVAGANCE, AND CORRUPTION.

But aside from all considerations of mere policy for the reduction of taxes there is an imperative necessity for it growing out of the payment of our public debt. We have to-day a surplus of about one hundred and fifty millions in the Treasury. The Secretary estimates the surplus for the ensuing year at eighty millions. We have outstanding $254,000,000 of bonds subject to call and payment before 1891. Using the surplus in the Treasury and coming in, we can pay all of this by the close of 1885. If the "do-nothing policy" is adopted, the tariff untouched, and the taxes left standing, money will continue to flow into the Treasury at the rate of one hundred millions surplus a year from 1886 to 1891.

There being then no bonds due, this means of sending it back into circulation can not be resorted to, and it will be withheld from circulation and locked in the Treasury. It is safe to calculate that there would be in the Treasury January, 1891, five hundred millions, or $9 for every man, woman, and child in the Government. It requires no power of prophecy to foretell the result. An overflowing Treasury leads to prodigal appropriations. The lobby lingers longingly around it as vultures around the carcass. Thieves congregate and devise every means, from larceny to legislative robbery, to get their hands into it. Besides, so much money would thereby be diverted from the legitimate channels of trade that stringency, panics, and ruin would inevitably follow.

This must be averted, and it can only be done by reducing taxes. Messrs. Blaine, LOGAN, and others, say, "Let the system run on and distribute the surplus among the States." In other words, they propose, after degrading the States in many other ways, to take from them the power or necessity for raising revenue to carry on the State governments, and do this by deputy marshals and customs officers. Congress is to dole out revenue to the States! Every patriot in the land should cry out against such a suicidal, centralizing policy as this, if permanently established, would be. We should flee from it as we would the pestilence.

STRIKING OUT THE ENACTING CLAUSE.

We are told, sir, that a motion to strike out the enacting clause of the bill is to be made as soon as general debate closes next Tuesday and before there is any chance to amend it. The enemies of tariff reform boast that they can carry that motion. He who votes to kill the bill in that way thereby says he wants no change. He will proclaim that he wants to continue the high duty on salt, mechanics' tools, farming implements, and the thousand things the laborer must have to live. He will thus say he wants high war tariffs retained on the men of to-day who were infants at the close of the war.

I see sitting around me members who voted last session for the present iniquitous law. They took the tax off of patent medicines, but refuse now to take it from salt. They voted then for free bologna sausage, and decline to vote to reduce the tariff on sugar. They reduced it on silk, and refuse to reduce it on calico and domestics. They voted to give us velvet at 30 per cent., and now refuse to let us have cotton goods reduced to 60 per cent. They voted to let in jewelry at from 10 to 30 per cent., and refuse to let us reduce mechanics' tools to 50 per cent. They reduced the taxes on banks many millions, and to-day stand stubborn as the dog in the manger and refuse to vote for reduction of the high duty on hats, blankets, and jeans. They freed hair oil and "rough on rats" from all internal taxes, and refuse to reduce the high tariff on the linen and flannel worn by children. Love of literature does not lure them from their pet theory, for they vote against reducing the tax on literary productions. The fear of Heaven seems powerless to move them, for when they oppose this bill they oppose a proposition to reduce the tax on the Word of God.

Mr. Chairman, there is no excuse for such a vote. I would say to the enemies of the bill, "If it does not suit you, and you have power to strike out the enacting clause, you have power to amend it. Why do not you amend it till it does suit you?" No, sir; they do not want to amend it. They want to kill all tariff legislation, and all their energies are turned in that direction. If they succeed it will be at a sacrifice of their country's best interest. But I warn them that the fruits of their victory, like "Dead Sea fruits, will turn to ashes on the lips." They may impede but can not stop this great movement. Before they get through this business they will learn that while they may destroy themselves they can not destroy the spirit of tax reform. "Justice travels with a leaden heel, but strikes with an iron hand." This is no spasmodic effort. It is one engaging the thoughts and enlisting the energies of millions of people. Those who labor to live think their labor should be less taxed, and will never stop till it is done. They have seen

CONGRESS REPEAL THE INCOME TAX,

thereby taking more than sixty millions annually off of the rich. They have seen the tax on manufactured tobacco and on the privilege of dealing in it and whisky reduced about two-thirds. They have seen the banks freed from their taxes. After seeing Congress in various ways reduce the taxes on these things about three hundred millions a year, they come forward and implore you to take just 20 per cent. off of their coats, hats, shirts, blankets, farming utensils, sugar, rice, table ware, and medicine. Will you do it? Or will you say to them, "Go, hence; you deserve no relief, and we will give you none." Are you ready to

say to them, "We rushed to the rescue of the rich by repealing the income tax while the smoke of battle still hung around the hills, but we will do nothing for you even after half of the war debt is paid."

Will you who oppose this bill by refusing relief still further confirm the laborers of the land in the belief that for the advancement of their best interests no Congress ever assembles? If so, do it quickly. Do it by striking out the enacting clause and refusing even to amend, if you will; but when you do it, prepare to take the consequences; prepare to meet the wrath of those you wrong. There is yet a voice loud enough to make itself heard. There is yet a hand strong enough to make itself felt. That voice is the complaining voice of an overtaxed people. That hand is their hand raised to strike down any man or party of men standing in the way of their relief.

LET THE REDUCTION BE JUDICIOUS AND GRADUAL.

Mr. Chairman, I do not favor so sudden a revolution in the tariff as to produce disaster. In a speech I made on this subject in the last Congress I said:

The raising of revenue ought to be the primary object, but in the raising of revenue we can so adjust the tariff that our home industries will receive all the protection they need, and all that the equitably disposed could wish. We have to pay interest on $1,554,752,700. Besides this, we have to pay a large amount for pensions annually and pay the current expenses of the Government. We collect about a million dollars a day; more than $600 a minute. I insist that there is no need of further protection to industries than is afforded by a judicious tariff sufficient to raise this revenue. We have gone on under our present system until it may be wise to adopt the course of a graduated tariff as did the Democratic party in 1846, thereby arriving at the revenue basis ultimately to be reached by such gradual steps as will not imperil establishments which have been forced into existence by the abnormal tariff under which we have worked for the last twenty years. We ought to go about the work judiciously but resolutely.

I have no cause to change my views as thus expressed after two more years of reflection on the subject, and I insist that it is in accord with the sound Democracy.

DEMOCRATIC PLATFORMS ON THE TARIFF.

Sir, for more than a quarter of a century after the adoption of the Constitution—till 1838—there were no conventions, as we now hold them, for the purpose of selecting candidates for President and Vice-President. That work was done by party Congressional caucuses. But those caucuses sometimes announced the principles upon which they asked the voters' support for the candidate commended. The following is from the caucus declarations when Mr. Jefferson was first elected President:

6. Free commerce with all nations, political connection with none, and little or no diplomatic establishments.

The first platform adopted by a convention other than the caucus was that of 1838, and contained this clause:

Hostility to any and all monopolies by legislation, because they are violations of the equal rights of the people.

The true foundation of republican government is the equal rights of every citizen in his person and property and its management.

The Democratic platforms of 1840 and 1844 promulgated the following principles:

4. *Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country.

5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

The platform of 1848 on this subject was as follows:

Resolved, That the fruits of the great political triumph of 1844 have fulfilled the hopes of the Democracy of the Union in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842 and the creation of the more equal, honest, and protective tariff of 1846, and that in our opinion it would be a fatal error to weaken the bands of a political organization by which these great reforms have been achieved and risk them in the hands of their known adversaries, with whatever delusive appeals they may solicit our surrender of that vigilance which is the only safeguard of liberty.

The Democratic convention of 1852 adopted this:

Resolved, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt.

Resolved, And to sustain and advance among them constitutional liberty by continuing to resist all monopolies and exclusive legislation for the benefit of the few at the expense of the many.

The Democratic convention of 1856, that nominated Mr. Buchanan, adopted the following as a part of its platform:

Resolved, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion of our common country to the injury of another.

Resolved finally, The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world.

And this was reaffirmed by both the Douglas and Breckinridge wings of the Democratic party after the unfortunate split of 1860.

In 1872 there was a split in the Republican party, and Mr. Greeley was nominated by the Liberals. The Democrats indorsed his nomination, and thereby accepted his platform, which contained this clause:

We remit the discussion of the subject (protection and free trade) to the people in their Congressional districts and the decision of Congress thereon, wholly free from executive interference or dictation.

And this is the only instance in which a national Democratic convention has ever evaded coming squarely to the issue of tariff for revenue.

PAYMENT OF THE DEBT.

Sir, I regret that unwise legislation has placed more than seven hundred millions of our bonds in such a condition that they can not be paid off till 1907. Here the people have to pay 4 and 4½ per cent. interest on this for nearly a quarter of a century, when they can get all the money wanted at 3 per cent., and could pay them in ten years. For more than twenty years bad government must go on by allowing the owners of these bonds to draw high interest on this vast sum, while it is freed from all taxation, national, State, and municipal. There should be no favoritism in our Government. Each citizen should pay taxes in proportion to his ability, in proportion to the property he possesses and the blessings derived from the Government.

Nothing will more surely and rapidly destroy our Government than the fostering of favored classes by legislation. Nothing will so quickly breed discontent and riots as the enactment and continuance of laws so unequal in their operations that the poor are taxed heavily while the millions of bonds owned by those possessing great wealth go free from all taxes. I know there are those who do not want to pay off this debt. Those who hold it know they have a mortgage on the muscle of every laborer till the last cent is paid with interest. They know they will probably never get another chance to make so safe an investment where they will be free from taxation, hence they raise the cry that the debt is being paid too rapidly. Away with the doctrine that "a national debt is a national blessing!" It should never be assented to by any patriot.

Sir, the protectionist also urges non-payment of the debt. He knows that while the debt lasts and interest is to be paid he has an excuse for high tariffs, which will be gone when the debt is extinguished. Hence, "interest on the debt must be paid" is "rolled under his tongue as a sweet morsel." It enables him to continue to clamor against reduction of war-tariff taxes.

MANUFACTURING IN THE SOUTH.

The advocates of high tariff for the sake of protection tell us that we of the South should favor the present duties to develop our country. Kingdoms are promised us if we "will fall down and worship" them. My candid opinion is that nothing stands more in the way of Southern development than the present high tariff and the increased cost of machinery and establishments for manufacturing which it causes. Cotton manufacturing in the South pays 20 per cent. according to the statistics of 1880. So favorably is the South situated for manufacturing that cotton has been picked there and the suit of clothes it made worn the same day. There are iron-furnaces there at which the owner can stand and see the point from which the coal, ore, and limestone are all taken out of which his iron is made. I predict the time will come when Tennessee and Alabama stoves and castings can be sold at a profit in Pittsburgh and their domestics sold in Lowell. The president of the Phœnix Mills in Georgia has written to members of this House advocating reduction of the tariff and demonstrating that Southern mills do not need it.

AGRICULTURE.

Sir, we are more dependent upon our farmers than upon any other class for our prosperity. When enacting laws to protect why not strive to benefit them? They are more numerous than all other classes, and their prosperity more important. Yet what do you propose to do for them, except fleece them? What protection is afforded the farmer? His surplus cotton, tobacco, and wheat are all sold in the East in competition with pauper labor. What benefit does he derive from your alleged laws against pauper-labor competition? None.

But you tax him sleeping and tax him waking; tax him in prosperity and tax him in adversity; tax him living, and even after death his grave-clothes are heavily taxed.

Sir, not only is this so, but your exclusive laws are rapidly driving from him those who have been accustomed to buy his products.

Three years ago, when England saw the market for the sale of her goods was restricted in the United States, she began to cast around to devise means of getting her wheat elsewhere. She sent seed-wheat into India to try the experiment of raising it there. The success was marvelous. This year more than 40,000,000 bushels of her supply came from there. So severe a competition came that wheat has gone down till it is lower than it has been for twenty-five years. Laborers are employed there at 6 cents a day. Russia is also one of our chief competitors in the wheat market. Similar comparisons might be made with regard to tobacco and cotton. And you tax these farmers on everything to maintain those engaged in other pursuits. A law which taxes one laborer for the benefit of another who is not taxed is not just and will not endure.

Relative to the reduction of the tariff under Democratic administration prior to the war, Hon. Robert J. Walker, ex-Secretary of the Treasury, said:

From 1850 to 1860 our agricultural products increased 95 per cent. and our manufactures 87 per cent., being in both cases nearly double any preceding ratio of increase.

Commenting on this period, the gentleman from Texas [Mr. MILLS] of the Ways and Means Committee, truly says:

On the 30th day of July the Walker tariff was enacted, to go into effect the 1st day of December, 1846. How was our foreign trade affected by the low revenue tariff? It increased so much that from the 1st of December, 1846, to 1st of December, 1847, the revenue had increased eight and one-half millions, notwithstanding the very great reduction of duties. How did this affect agricultural products? Just as a revenue tariff always does when it opens a way for them to market. Agricultural products rose from July 30, 1846, to December 1, 1846, 23½ per cent. on an average; cotton rose 18.3 per cent.; wheat, 17.3; rye, 13; corn, 24.5; oats, 40.9; barley, 24.7.

Seven of the principal crops, as shown by the Secretary of the Treasury in his report of that year, had increased in value during the six months succeeding the passage of that bill more than $115,000,000, and it was estimated that the increased value of the whole crop for the same period was three hundred and fifty millions. This additional value was given to the agricultural products of the country beause the tariff of 1846 opened a way for them to market. But that is not all of its benefits to the farmers. It decreased the prices of manufactured products correspondingly. It added three hundred and fifty millions to his crops, but it added three hundred and fifty millions to the purchasing power of his money.

INTERNAL REVENUE.

Mr. Chairman, the gentleman from Pennsylvania [Mr. KELLEY] urges the repeal of the internal-revenue laws to reduce taxes. He was chairman of the Ways and Means Committee last Congress; if sincere in this profession, why did he not do it then? Why, when he had the power, did he not come forward with a bill and abolish it? No, sir; his party is willing enough to reduce the internal revenue to give cause for higher tariff, but they do not want to get rid of the system which gives them so many offices. They reduced the internal revenue by many (forty) millions last Congress, but did not abolish a single office.

All the old machinery was kept. What the people want is to have the mode of collection so simplified as to get rid of the wrong and oppression which now characterize it. Failing in that, they will strike at the whole system. They are willing for whisky to pay its part of the great debt hanging over us if you will change the mode of collection so it will not grind the citizen down and drag him from home as it does now. They will not be satisfied with a mere reduction of the tax on spirits distilled from grain, while all of the old machinery is kept grinding away on the citizen. It is not so much the amount of the tax on whisky as it is the method of enforcing internal-revenue laws to which they object. I made an argument before the Ways and Means Committee, showing the hardships of the present system and urging that we be relieved of them. I think we will get some relief.

I suppose I do not violate the proprieties of that proceeding when I say that we were told by the committee that it would be impossible to abolish the internal-revenue tax altogether; that to do so would leave a deficiency of about $40,000,000 a year. But we are promised an abolition of the tobacco taxes, &c., and a simpler method of collection. A bill I introduced to reduce the time within which parties can be indicted in the Federal courts from five to two years and less has already passed the House, and I hope will pass the Senate before we adjourn.

The gentleman from Pennsylvania [Mr. KELLEY] a few days ago undertook to draw a blood-curdling picture of the misery he saw abroad. He certainly can not claim that the high protective tariff has removed all want in this country. I will here read a gloomy picture he drew of the privations of his own people nearly twenty years after this high protective feature was adopted in what was known as the Morrill tariff. He said:

Why, sir, the people of my city, the working people, whose pride it has been to have their families live under their own roof, are many of them huddling together, three or four families in one such house, and then are probably unable to pay their rent.

Let us see what sort of consistency characterizes the clamorers for higher tariff. They say it is for the benefit of American labor. Yet many of the owners of mills and factories import pauper laborers from Europe to work in their factories at lower wages than Americans are willing to work for. The contracts are made in the East before they are transported here. Again, if protection is for the benefit of the laborer, why were his wages reduced 10 per cent. last summer when the tariff had been reduced less than 2 per cent.? If the laborer is so loved by them, why is he turned off and the mill shut down when he strikes for higher wages?

SHOULD THE QUESTION BE REMOVED FROM POLITICS?

Sir, we are told by high protectionists that this should not be made a political question. That it should be taken from the arena of politics. The question is where the Constitution placed it. Congress fixes the amount and method of raising the taxes, and the people make and unmake the Congressmen. For one, I am glad the people have the constitutional right and power to thrust from authority those who overburden them, and thereby betray their trusts, and I hope they will always exercise it. Congress has power over the taxes, and, thanks to our wise fathers, the people have power over Congress.

AMERICAN SHIPPING DESTROYED BY THE PRESENT SYSTEM.

There was a time when our commerce was carried in American ships, manned by American seamen—American freemen. There was a time when the American flag floated over American cargoes, and when its bright, beautiful stars and emblematic stripes enlivened every sea and port where commerce was known. The American, looking out on the broad ocean, beheld it in the Orient and in the Occident. Whither he went—

To the northern wastes of snow,
Or strayed where the soft magnolias blow—

it was there; there to remind him of his own native land, whose sons resembled in their strength the gnarled oak of her deepest forests and whose daughters rivaled in their beauty and loveliness the orange-blossoms of her most fragrant groves.

But how is it to-day? Alas, the blighting hand of legislative restriction and oppression fell upon our marine service and it withered. Materials entering into the manufacture of the ship were highly taxed under our prohibitory tariff. Under pretext of protecting American ship-building our people were prevented from using foreign-built ships except on ruinous terms. They could not buy those made at home out of highly-taxed material at a cost that would enable them to compete in the carrying trade with those built abroad. So we have had to give up the seas.

Ships, sailorless, lay rotting on the sea;
And their masts fell down piecemeal; as they dropped
They slept on the abyss without a surge.

The seas are no longer white with our sails and the American flag no longer waves over the deep. English ships bring their iron to us, and carry our wheat, corn, cotton, and tobacco from us. Our laws are wrong—"there is something rotten in the state of Denmark," or this could not be. It was never so under Democratic dominion.

In 1855 we built in this country four hundred vessels for the foreign carrying trade. In 1879, with a population almost doubled, we built but thirty-five. At that time Great Britain had 950,000 tons engaged in trade between that country and this. Now she has but little less than 6,000,000 tons. And last year we paid $120,000,000 in freights to foreigners. With a less population we had seven times more tons engaged in the foreign carrying trade than now.

OUR FREE INSTITUTIONS.

Mr. Chairman, I have been both surprised and pained by the tenor of speeches made on the other side. The general prosperity of the country and its marvelous development are pointed to by protectionists and claimed to be wholly the fruits of their system. They, sir, are the fruits of our free institutions generally, rather than of any particular law. They come from our freedom of the press, freedom of speech, freedom of religion, freedom from arrest except by legal process, our trial by jury, and general dissemination of knowledge among the masses. These have made us great, and would have made us so under either high or low tariff. Ours is the most desirable of all countries, whether the one or the other theory of the tariff is adopted. No man contemplates with more patriotic pride its present and prospective grandeur than I do. Well might the eloquent Phillips exclaim: "Happy, free America, the lightnings of heaven yielded to your philosophy; the temptations of earth could not seduce your patriotism."

May "He who doeth all things well" so guide our glorious land that it shall for ages continue as now—the wonder of the world, and a blessing to mankind.

Issue of Circulating Notes.

SPEECH

OF

HON. DAVID B. CULBERSON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 19, 1884,

On the bill (H. R. 5460) to provide for the issue of circulating notes to national banking associations.

Mr. CULBERSON, of Texas, said:

Mr. SPEAKER: The bill under consideration is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon any deposit already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock. And that all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

SEC. 2. That associations organized for the purpose of issuing notes payable in gold, under the provisions of section 5185 of the Revised Statutes of the United States, upon the deposit of any United States bonds bearing interest with the Treasurer of the United States, shall be entitled to receive circulating notes to the amount and in the manner prescribed in this act for other national banking associations.

At an early day of this session I introduced the following bill:

That whenever the circulation of any national bank, or any portion thereof,

shall be surrendered, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal tender between national banks and for all debts due to any national bank; shall be redeemable in coin, as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued, and when mutilated or worn they shall be replaced, in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may from time to time be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding.

Under the provisions of the bill now under consideration it is made lawful for the Secretary of the Treasury to deliver to the national banks now organized circulating bank notes to the par value of their bonds now on deposit at the Treasury to secure their ultimate redemption. The bill further provides that hereafter, instead of issuing to national banks circulating notes in amount equal to 90 per cent. of the par value of the bonds deposited by them, notes to the full par value of the bonds shall be issued and delivered to them. The reservation of 10 per cent. as now provided by law is to be discontinued.

The immediate effect of the bill if it becomes a law will be to make an absolute gift of $40,000,000 to the banks now organized, without the slightest consideration to the tax-payers. There are $400,000,000 in bonds now on deposit at the Treasury to secure the redemption of $360,000,000 of circulating notes. This measure proposes to increase the latter amount by handing over to the banks $40,000,000 more of notes. What reason is given for the bestowal of this magnificent favor upon the banks?

We are told, Mr. Speaker, by the advocates of the bill that the object is to prevent contraction in the volume of the currency. It is true that there is manifest danger of a contraction in the volume of currency. The Comptroller in his last report gives Congress the following information:

> More than one-half of the bonds now held by the national banks are 3 per cents. Unless there shall be legislation by the present Congress, which shall reduce the receipts of the Government, it is probable that the United States bonds will continue to be paid at the same rate as during the last year, in which event all the threes will be called for redemption within three years. This will reduce the bonds held by the banks from three hundred and fifty-three to one hundred and fifty-one millions, and cause a contraction in national-bank circulation of about sixty millions per annum.

I think the situation demands prompt attention from Congress. The contraction of the currency at the rate of sixty millions per annum for the next three years can not fail to produce the most serious results, and some method should be adopted to prevent it. We have now in circulation about $1,000,000,000, consisting of $400,000,000 in gold and silver and the balance in legal-tenders, bank notes, and gold and silver certificates. This volume of currency is constantly increasing by the coinage of silver and gold, but not in advance of the increasing demands of trade and business. There can not be, in my opinion, greater evils inflicted upon any country than those which flow from a depreciated currency, or from a volume of currency, however sound, which is constantly fluctuating, rising above or falling below the absolute wants and uses of money.

Since I have had the honor of being a member of Congress I have labored assiduously to secure a sound currency fully, adequate in volume to meet all the requirements of the business and trade of the country. I think we have reached that point. There is now not the slightest taint of depreciation or irredeemability or fiatism about our currency. Though mixed, each of the classes is equal, measured by the gold standard. There is no complaint about the volume of money. A contraction of sixty millions per annum for the next three years would reduce the volume of money below the amount required by the necessities of the people, and all the harmful results of an inadequate volume of money would be entailed upon the country.

The depression and waste of values, the broken fortunes, the privation and distress of labor which followed the demonetization of silver, causing a contraction in the volume of money of one-half the metal currency of the country, ought not to be made possible, in whole or part, by permitting such a reduction in the volume of money as seems imminent. The proper inquiry is, as it appears to me, Mr. Speaker, how and to what extent ought the contemplated contraction to be averted.

If the measure under consideration prevails and the banks should honestly use the $40,000,000 which are proposed to be given to them for the purpose intended, it would afford no adequate remedy for the evils threatened. The measure is wholly inadequate. It is nothing more nor less than an effort to prevent the contraction of $180,000,000 in three years by $60,000,000 per annum by the issue $40,000,000 in bank notes. It is simply a tub to the whale, if not a pretext to give to these favored pets of Congress a munificent gift.

The best interests of the country demand that Congress should provide a dollar to take the place of every dollar that is taken out of the volume of currency by operation of law or otherwise. The volume of currency ought not to be permitted to be reduced below its present standard; but, on the contrary, should be increased as the wants of the country increase.

I am not sure that this measure will give any relief at all or serve in any manner to prevent contraction. The banks under the law may contract or inflate the currency at will. They control absolutely $360,000,000 of the currency. Have we any assurance that they will use the $40,000,000 which this bill proposes to give them to prevent to that extent the anticipated contraction? There is no provision in the bill that limits the use of the money, and there is nothing in the past history of the banks which gives an assurance that the money will not be used to increase their power to inflict injury upon the people. There is a great struggle between the banks and the people. The people demand that the public debt shall be paid off as it falls due. The banks demand that the public debt shall be perpetuated, because the payment of the public debt means the extinction of the banking system.

The effect of this bill will be to strengthen them in this great struggle and to weaken the power of the people. It will not do to say that this money will be used for the purpose intended if the conduct of the banks in the past furnishes any evidence of what will be their course in the future. They labor for their own interests, untempered by the sympathies which enter into individual transactions. In a former Congress I made some remarks upon the bill to extend national-bank charters, which I ask permission to print with these remarks.

I shall offer the bill introduced by me as a substitute for the pending bill. It provides a cheap, inexpensive, and adequate remedy to meet the evils of contraction. Individually, I would prefer to make the Treasury notes proposed by my bill legal-tenders. It will be seen from the speech which will be printed with these remarks that I have always held the opinion that Congress had the power to issue Treasury notes in peace as well as war, and invest them with a legal-tender capacity. There can be no doubt now since the decision of the Supreme Court of the power of Congress in the premises.

It may not be improper to observe that the decision of the Supreme Court referred to was made upon a question which involved the constitutionality of a law passed by the Forty-fourth Congress. That statute substantially provided that whenever outstanding legal-tender notes were received in the Treasury on any account they should not be considered as redeemed and canceled, as was required by the act to provide for the resumption of specie payment, but that the Secretary of the Treasury should reissue the notes in payment of all claims against the Government, &c. The effect of the statute was to preserve from destruction the remnant of legal tenders, amounting to $346,000,000 then outstanding, and to legalize the reissue of the same.

The subject of contention before the Supreme Court was that whenever these notes or any part of them were received at the Treasury they became waste paper, having been redeemed, and that while Congress possessed the power to cause these notes to be issued, as they were, in a time of war and great public exigency, there was no authority in Congress to cause them to be reissued in 1878, a period of profound peace. A large majority of the Democrats of the Forty-fourth Congress voted for the measure. The Democratic party has been accustomed to claim the honor of the passage of the act and to refer to the great results which have been achieved by it as the beneficence of Democratic policy. The decision of the court only affirms, therefore, the constitutionality of the law passed by the Forty-fourth Congress. It is in no degree a recognition of fiatism or the validity of irredeemable Treasury notes, but determines the authority of Congress to issue Treasury notes in peace as in war, redeemable in coin, and for the time being invest them with the capacity of legal-tender.

ADDENDA.

NATIONAL-BANK CHARTERS.

[Remarks delivered in the House of Representatives, Wednesday, May 17, 1882, on the bill to enable national banking associations to extend their corporate existence.]

Mr. CULBERSON. Mr. Speaker, I would not trespass upon the indulgence of the House by participating in this debate, but for the fact that I feel it incumbent upon me to support and defend the amendment which I have submitted to the bill now under consideration. The bill, substantially, re-enacts the national-bank act of 1864. The banks now in existence, numbering 2,148, are authorized to reorganize at the expiration of their charters for an additional period of twenty years, and full authority is given for the organization of new banks with a like period of duration. By reference to the amendment which I have submitted, it will be observed that I propose to put the present national banking system into a process of gradual liquidation, as it provides that after the passage of the act no franchise or charter shall be granted or extended to any association for the purpose of banking and that no banking association now in existence shall be revived or reorganized.

The amendment further provides that, as each bank now chartered shall expire by limitation or by voluntary surrender of its circulation, the Secretary of the Treasury shall prepare Treasury notes, in the usual form, of like denominations and of like amounts of the notes of such bank, and shall pay them out to the creditors of the Government, who may elect to receive them at par in payment and satisfaction of their claims. The notes which are provided for are to be pure and simple "Treasury notes," receivable by the Government for all dues whatsoever. I do not propose, Mr. Speaker, to repeal the bank act, as since the adoption of the Revised Statutes it is doubtful whether Congress has authority to terminate the charter of a bank lawfully pursuing its avocation and business within the terms of its charter. I therefore propose to leave the law as it is, to cover the operations of all existing banks and control their conduct until they shall expire by limitation.

I do not think, Mr. Speaker, that a more just and proper method to close up and discontinue the present system of banking could be suggested. By it all individual or vested rights are recognized and protected, and the business interests of the country sedulously guarded and shielded from any harm or disturbance whatever by reason of a reduction in the volume of currency. No

stockholder in a bank can justly complain of any violence or injustice to any right acquired by his investment, as the measure which I advocate permits each association to pursue its business unmolested for the full period of time fixed by its charter. In respect to the public aspect of the subject, I submit that no possible detriment or disturbance of the business of the country will follow the adoption of my amendment, because every bank note which may be canceled under the operation of it will be substituted by a Treasury note, having all the attributes and functions of money which appertain to bank notes. There will be no reduction of the volume of the currency. As the bank notes will pass out of circulation Treasury notes will pass into circulation readily, and will perform all the offices of money which national-bank notes now perform.

Bank notes are equivalent in value to coin, not because of the intrinsic merit of the bank which puts them into circulation, but for the reason that their ultimate payment and redemption are guaranteed by the Government. A Treasury note with a like guarantee will not be less esteemed as a circulating medium. I do not intend by anything I have said or may say in this debate to assent to the proposition that Congress has authority to create a bank and invest it with the power to issue notes designed to circulate as and clothed with the functions of money. The currency of this country is its life, and the framers of the Constitution wisely vested the law-making power with authority to coin money, prescribe its volume, and regulate its value. National banks exercise governmental functions in respect to the currency. Instead of the law-making power issuing the entire currency of the country, it has relegated to banking associations the authority to issue it without limit. They are invested with full power to dwarf or inflate the volume of currency at their pleasure. There is now absolutely no restraint or limitation upon the power of the banks to decrease or increase the volume of currency.

I believe, Mr. Speaker, that the act in this respect is in conflict with the Constitution. But it was passed twenty years ago. Private rights and vast business interests, both public and private, have been acquired and grown up under this system of banking, and the practical question is, how best to discontinue the system without injustice to individuals, without wrong to vested rights, and without serious derangement of the interests of the public. I submit that my amendment is a full and complete answer to the question. I believe, Mr. Speaker, that a large majority of the people of the United States are in favor of the discontinuance of the national banking system. They are prepared to see it pass away as speedily as practicable; not because the continuance of the system implies a perpetuation of the national debt, as is alleged by some, for such result would not necessarily follow. There are bonds enough already issued and which do not mature until 1907 to support the system upon a far more extensive scale than now exists. There are to my mind graver and stronger reasons why the system should be abolished.

It has outlived the object and purpose of its establishment, and there is no necessity of a public character for its longer continuance. If, Mr. Speaker, the advantages and benefits of the system outweighed its injustice and disadvantages to the public, or if they were equal, we might be pardoned for giving new life to the banks and extending their succession for twenty years, as proposed by the bill. But if, on the other hand, there are no benefits or advantages derived by the people from this system, and if it can be shown, as I believe it can, that it is a vast monopoly and opposed to the best interests of the people, how are we to escape the just indignation of those whom we represent if we fail now and here to put an end to its existence? What was the object and purpose of the act which authorized national banking? It was passed in 1863. The Government of the United States at that time was engaged in war. It was struggling to maintain its credit and to provide means necessary to prosecute the war. It became necessary for the Government to utilize all its resources and exercise all its powers, doubtful and unquestioned, to maintain its credit and provide the means to support its armies in the field.

It was believed by those who conducted the affairs of the Government at that time that the system of banking authorized by the act of 1863 would aid the Government to sell its bonds, and also aid in maintaining the credit of the currency. The history of that eventful period and the debates in Congress show that the national banking system would never have been instituted or authorized but for such prevailing sentiment and belief. Therefore, to state the case as strongly as it should be stated, this banking system was adopted, first, to induce the purchase of the bonds of the Government, and thereby enhance the credit of the Government; and second, to maintain and enhance the value of the legal-tender greenbacks, in which bank-notes were made redeemable. I am not here, Mr. Speaker, to question either the motives or the soundness of the judgment of those who inaugurated this system and fastened it, I fear for all time, upon the country.

I believe that the motive which inspired the President and his Secretary of the Treasury, Mr. Chase, to approve the plan were pure and laudable; but subsequent events have demonstrated that patriotism has exerted but little influence over the management of these institutions. The Government was vastly deceived when it set up these fiscal agencies, so called, to enhance the value of its bonds and the credit and solvency of its currency. Corporations consult their own interests. Unlike individuals, sentiment does not temper their dealings. Their interests pointed toward cheap bonds and depreciated legal-tenders. They needed the bonds to bank upon, and when they were called upon to redeem their notes, the cheaper the greenbacks the less gold it would take of the interest on their bonds to supply them. Accordingly, we find that the bonds decreased in value more rapidly after the bank act was passed than before. Such would seem to have been the natural and sure result. The banks supplied themselves with all the bonds they needed to bank upon at from 50 to 60 cents on the dollar, and, notwithstanding bank-notes were redeemable in legal-tender greenbacks, legal-tenders depreciated over 70 per cent.

If, however, Mr. Speaker, I am mistaken in all this, there can be no question about the present. United States bonds are selling at a high premium; legal-tender greenbacks are at par with gold and silver. We do not need these fiscal agencies to enhance the value of our bonds or greenbacks, and therefore we can not re-enact the bank law and extend this system for twenty years or longer for the reasons and purposes which influenced Congress twenty years ago to pass the original act. We must look up some other excuse, some other reason and purpose, to justify a practical re-enactment of the bank act as is proposed by this bill. In consideration of the aid which it was supposed these fiscal agencies would give the Government in maintaining its credit the Government conferred upon them privileges, immunities, and favors of immense value. In a Government like that of the United States, where every citizen is supposed to be equal before the law, and each alike entitled to its protection, such a system of class legislation, of governmental favoritism as the national banking system discloses is an enormity of the most frightful magnitude. All other monopolies in this country are dwarfed into insignificance when compared with it.

I propose, Mr. Speaker, to show what some of these privileges, immunities, and favors are, and how they have been used and enjoyed by the banks. Every association of five or more persons who may own and deposit in the Treasury of the United States $100,000 in bonds of the Government are entitled to receive $90,000 in unsigned bank notes. The bonds remain in the Treasury, and the interest thereon is paid quarterly by the Government to the bank. The notes are signed by the officers of the bank and are used as capital for banking. Each bank is authorized to operate for twenty years. Practically the capital of every five men thus associated together in a banking association is nearly doubled, almost free of cost to them. One-half of it remains at the Treasury and earns interest; the other half is loaned to the customers of the banks at from 6 to 24 per cent. per annum. In order that these pets of the Government should have an open field in which to ply their vocation, all State banks were taxed out of existence. Besides, they are permitted to bring all their suits in the United States courts, without regard to the amount in controversy and without respect to the cost or inconvenience of unfortunate debtors.

Again, no tax can be laid upon their bonds, and all the legal-tender greenbacks held in reserve or placed to the credit of the surplus fund are likewise non-taxable. While these are valuable privileges and favors, there are others far more valuable. The national banks constitute a huge monopoly. My friend from Pennsylvania [Mr. MUTCHLER], who has just delivered a very able speech in favor of the bill, affirms that the national banking system is not a monopoly, because every man in the United States who has the means to invest in bonds may become a national banker, and that, banking being free to all, it can in no just sense be deemed a monopoly. Now, I submit that the gentleman does not state the proposition quite accurately. I affirm that the system is a monopoly, for the reason that banks alone can issue and put into circulation bank notes. They enjoy a monopoly in that respect.

If a farmer owns United States bonds, why may he not deposit them at Washington and have the privilege of taking home with him 90 per cent. of the amount in notes guaranteed by the Government to loan to his neighbor at the rate of interest allowed by the laws of the State in which he resides? Simply because under the law such a privilege is restricted solely to national banks. I repeat that the currency of this country is its life-blood, and Congress has put it in the keeping of soulless corporations, who may increase or lessen its flow as their interest dictates or their caprice may suggest. They can make money cheap to-day and to-morrow dear. The property of the country and its entire business are at the mercy of the system. We have now seven hundred and sixteen millions of paper currency, consisting of three hundred and forty-six millions of legal-tender greenbacks and three hundred and seventy millions of national-bank notes.

The amount of greenbacks is fixed by law and can not be decreased or increased except by law. The representatives of the people in Congress must be consulted before the volume of greenback currency can be changed, but the banks alone control the volume of bank notes. They are not responsible to the people. The exercise of their power over the currency of the country is nowise regulated or limited by law. Who can doubt or who will assume to say that such associations, with no legal restraints or limitations in this respect, united by common interests, inspired, as all business corporations are, by the greed of gain, do not constitute a dangerous and powerful enemy to every opposing interest in the land? The Comptroller's report for last year shows that in the last twelve years the national banks have distributed among their stockholders $517,825,392 of net profits, and have on hand besides $130,000,000 surplus funds, all earned upon an average capital of less than $500,000,000. And we are to-day importuned on all sides to give a new lease of power to such an overshadowing monopoly.

The toiling millions of the country are again called upon, not as before in a time of war and widespread alarm; not in a season of general depression, when Government securities and credit were at a fearful discount; not in a moment of extreme peril, when patriots seized every plausible expedient to restore the credit of the Government; but in the silence of a profound peace, in the midst of comparative prosperity, with Government securities and credit far above par, to support this vast, unfeeling, grasping monopoly for another period of twenty years. Such is the proposition, sir; no more, no less. Judging the future by the past, these institutions will gather into their coffers over a billion of dollars of profit and three hundred millions of surplus capital upon an investment of $500,000,000 in the next twenty years, the period proposed by this bill. The brain and muscle of the country are proposed to be mortgaged for twenty years to earn such princely fortunes for the banks, and all for what? Absolutely for no consideration whatever. The people do not need their currency, because the Government can furnish them currency direct, without cost; and if, as was supposed, they aided at any time the Government in maintaining its credit, such aid is no longer needed nor desired.

We are under no obligation to the national banks, Mr. Speaker. If their friends will continue to claim that they have rendered the Government in times past valuable services, I answer that long since all such services have been fully paid for and the obligations discharged. If they are to retire now, and forego for the future the exclusive rights and favors which they have enjoyed for twenty years under the legislation of Congress, they will have the satisfaction of knowing that they have gathered princely fortunes from the toil and labor of those whose interests they assume and pretend to have promoted. We are told, sir, that the national banking system is friendly to the best interests of the people. I deny that proposition, and I affirm that from the very day of its organization to the present time it has warred incessantly upon the rights and upon the best interests of the people; that it has been ungrateful and selfish, and has used its power and exclusive privileges to increase the burden of taxation and embarrass the Government in every laudable effort it has made to lighten the weight of the public debt.

In other words, sir, this creature of Congress early became its master, and for twenty years has dictated, in the main, the financial laws and operations of the Government to its own advantage. The proof is abundant to establish this proposition, but in the limits of my time only the most prominent facts can be presented. I pass the period of the war for obvious reasons, nor will I weary the House to recapitulate the efforts of the banks between the close of the war and the first administration after its close to contract and destroy the greenback currency. Among the first if not the very first act of Congress approved by President Grant was the act of 1869 entitled "An act to strengthen the public credit." It will be remembered that about one billion and a half of the bonds were payable in lawful money. It was so stipulated in the contract. Greenbacks were lawful money, made so by law, and the Supreme Court affirmed the validity of the statute. But unfortunately they were at a serious discount and far below par value in coin.

By the act referred to all the securities, outstanding bonds, and currency of the Government were declared payable in coin, and the faith of the Government was pledged to discharge them in gold and silver. This was in plain violation of the contract. The terms of the contract did not admit of any dispute. The history of that period records the fact that when the measure was before Congress the corridors around this Hall, the committee-rooms, above and below us, and the city itself swarmed with the agents and attorneys of the banks, who were here to influence the judgment of Congress and aid in the passage of that infamous act. The work was accomplished. It required great labor, for the work was infamous. The public debt was increased $600,000,000 by the legal effect of the act, and the bonds held by the national banks alone were enhanced $25,000,000. The banks owned about $356,000,000 of bonds. They had purchased them at a discount ranging from 40 to 60 cents in the dollar. They were payable in lawful money, and might have been discharged in legal-tender greenbacks, which were then at a serious discount.

But these patriotic fiscal agencies, the banks, united by a common interest and influenced by a common greed, deliberately combined their power, which far exceeded all other influences, and secured the passage of this law, which created an additional burden of $600,000,000 upon the people for which there was absolutely no consideration and which was an unmixed fraud upon the tax-payers. In 1870 Congress undertook to refund the public debt at a less rate of interest. The bill originated in the Senate, and I beg to call attention to the eighth section of that measure as it passed the Senate. It is as follows:

"SEC. 8. *And be it further enacted*, That on and after the 1st day of October, 1870,

registered bonds of any denomination not less than $1,000, issued under the provisions of this act, and no other, shall be deposited with the Treasurer of the United States as security for notes issued to national banking associations for circulation under an act entitled 'An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof,' approved June 3, 1864; and all national banking associations organized under said act, or any amendment thereof, are hereby required to deposit bonds issued by this act, as security for their circulating notes, within one year from the passage of this act, in default of which their right to issue notes for circulation shall be forfeited, and the Treasurer and the Comptroller of the Currency shall be authorized and required to take such measures as may be necessary to call in and destroy their outstanding circulation, and to return the bonds held as security therefor to the association by which they were deposited in sums of not less than $1,000: *Provided*, That any such association now in existence may, upon giving thirty days' notice to the Comptroller of the Currency, by resolution of its board of directors, deposit legal-tender notes with the Treasurer of the United States to the amount of its outstanding circulation and take up the bonds pledged for its redemption."

When the bill came to the House the combined power of the national banks again appeared around this Hall and was everywhere visible. The section was stricken out and the Senate was forced to accept the bill as amended, and thus amended it became the law. I do not propose, Mr. Speaker, to animadvert upon this action of the banks. Language which I control is too sterile to characterize it properly. I content myself with reproducing an extract from the speech of Senator SHERMAN, who had charge of the bill, and who I believe was then, as he is now, the ablest financier of this country. He said:

"Mr. President, the three remaining sections of this bill apply to the national banks. That is much too great a theme for me to enter upon at this stage of the debate; but I will explain in a very few words the theory of those sections. The national banks are mere creatures of law. They hold their existence at the pleasure of Congress. We may to-morrow, if it promotes the public interests, withdraw their authority. The franchise has been valuable to them.

"We think it right they should aid us in funding the public debt. They hold of our securities $346,000,000. Nearly all of these bear 6 per cent. interest in coin. We will not deprive them of any of them; we will not take from them the property they enjoy; we will not deny them even the payment of 6 per cent. gold interest as long as they are the owners of these bonds. But they hold the franchise of issuing paper money guaranteed by the United States, and which constitutes the circulation of our country; and we say that, enjoying this franchise, we now stipulate with them for the reduction of interest on the bonds they hold. The provisions of this bill are not arbitrary.

"We are about to retire and cancel our notes by the provisions of this act. We are about to give them the monopoly of the circulation of this country, the sole and exclusive privilege of issuing paper money." We have destroyed the State banks. And now what do we require in return? That they shall join us in reducing the burdens of the public debt; that they shall bear some little of their share of the loss of income which every holder of the public securities must suffer.

"Sir, national banks would be very unwise indeed to make issue on this question. If any man here is a friend to the national-bank system, I can claim to be. I was here at its cradle, introduced the original banking bill, and advocated it, and also introduced the amendment to it, conducted it, and saw it passed. But if I believed now that the banks of the United States were unwilling to aid us in reducing the rate of interest on the public debt to the extent of the limited sacrifices they are called upon by this bill to make, I should certainly change very much my opinion of them and of the whole system.

"I wish now to record my deliberate judgment that in this conclusion to which we have been compelled to arrive by the action of the House we are doing the national banks a great injury, which will impair their influence and power among the people, and that the opposition of the national banks to this provision which would have required them to aid in the funding of the public debt will tend more to weaken and destroy them than anything that has transpired since their organization. I do not see how we can go before the people of the United States and ask them to lend us gold at par for our bonds, when we refuse to require agencies of our own creation to take them; when we even refuse to require new banks not yet organized to take these new bonds, and when we refuse to require old banks, which have made on the average from 15 to 20 per cent. annually upon the franchise. But, sir, the vote of the House shows the power of the national banks."

It will be observed from what I here read that Mr. SHERMAN, if not the author of the plan of national banking, was the author of the original bank act of 1863 and the supplemental act of 1864. Those acts, as passed, contained a reservation of the right to Congress to alter, amend, or repeal them. This reservation was dropped out by the adoption of the Revised Statutes. I call attention to this fact to show that, notwithstanding the banks were in the power of Congress and subject at any time to be destroyed by a repeal of the law, yet they boldly defied the power of Congress and defeated the laudable efforts of the Government to avail itself of their influence in lessening the interest on the public debt. In this connection, Mr. Speaker, I desire to call attention to the conduct of the banks at the close of the last session of Congress. In the opinion of a large majority of that Congress it was practicable to refund a portion of the public debt in 3 per cent. bonds, and a bill for that purpose passed both Houses. That measure contained the following provision:

"From and after the 1st day of July, 1882, the 3 per cent. bonds authorized by this act shall be the only bonds receivable as security for national-bank circulation, or as security for the safe-keeping and prompt payment of the public money deposited with such banks: *Provided*, That the Secretary of the Treasury shall not have issued all the bonds herein authorized, or so many thereof as to make it impossible for him to issue the amount of bonds required: *And provided further*, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn, as provided by law, within thirty days after the interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: *And provided further*, That section 4 of the act of June 20, 1874, entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes,' be, and the same is hereby, repealed; and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, reenacted."

These fiscal agents of the Government were again called upon to aid in the reduction of the interest upon the public debt in part, and what was the result? Their agents and attorneys were on all sides plying their influence to defeat the bill. They threatened to produce a panic. They affirmed, and truthfully so, that the business of this country, vast as it is, was at their mercy, and rather than aid the Government to reduce the interest upon the bonds they would deposit lawful money in the Treasury and surrender their circulation, and thus contract the currency to the disturbance of business and the panic of capital. Congress for one time boldly opposed the unreasonable exactions and demands of the banks and disregarded their threats. The bill was passed, $18,000,000 were deposited by the banks in fifteen days pending the controversy, and the volume of currency to that extent was reduced. Business felt the blow, and but for the resources of the Government, applied on the instant, a panic would have occurred. As soon as the bill reached the President all the combined power and influence of the banks were concentrated and brought to bear upon the executive branch of the Government to secure a veto. They triumphed, and the bill fell. In the muscular language of my friend from Missouri [Mr. BLAND], "they bulldozed the President."

We are now paying, Mr. Speaker, 3½ per cent. upon what are known as the Windom bonds, because of the defeat of the 3 per cent. funding act, which was brought about by the influence of national banks. The act was in all respects reasonable, and the experience of the country since that time will attest the fact that our bonds drawing 3 per cent. interest could have been sold at par.

Mr. RANDALL. Will the gentleman from Texas allow me to interrupt him a moment? Before the 1st of May, 1881, two months after the adjournment of the last Congress, the bonds of the United States had reached such a premium that they returned to those who purchased them at the market prices less than 3 per cent., showing clearly that those who had voted for the funding bill as passed at the close of the last Congress were right in the belief that a Government loan could be negotiated at 3 per cent. I will hand to my friend from Texas [Mr. CULBERSON], to be incorporated in his remarks, a statement showing what income is yielded by 4 and 4½ per cent. Government bonds, at the market prices on the first, second, third, fourth, and fifth days of the present month: the 4½ per cent. bonds yielding an average of about 2.70 per cent. to purchasers at market prices, and the 4 per cent. bonds yielding about 2.86 per cent. This is an official statement from the Treasury Department, the calculations having been made by Mr. Elliott, a recognized authority on subjects of this kind.

Mr. CULBERSON. Mr. Speaker, by permission of the House I will insert the table in my remarks [omitted in this reprint].

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But, Mr. Speaker, the crowning act of all the outrages upon the interests of this country committed by the national banks was the part they took in the perpetration of that great financial crime, the demonetization of silver in 1873. Of all the conspirators who aided in that dark and secret deed they are the most guilty, and if there are any degrees in the atrocity of that act they deserve the highest. They owned about $370,000,000 of our bonds. Originally they were purchased at a great discount. Originally they were payable in lawful money; but, as we have seen, they had been converted without consideration into coin bonds, at the instance of the banks, payable in coin at its then standard value, and by which the banks reaped an immense harvest of profit. Not satisfied with the immense powers, immunities, and exclusive privileges bestowed upon them by law, to some of which I have adverted, the banks deliberately conspired to break the financial peace of the country by demonetizing silver.

Silver was cheaper than gold, and their bonds, being payable in coin, might lawfully be discharged in silver, the cheaper metal. The silver currency was the currency of the people and occupied the field of circulation too completely for the interests of the bank notes. It had to be destroyed. It was destroyed, and the national banks gathered again a rich harvest of profits by the enhancement of the value of their bonds and the appreciation of their notes. But at what terrible costs, privation, and sacrifices to the people and business of the country! Who, even now, Mr. Speaker, can look back over the period from 1873 to 1878, during which one-half of the metal currency of the world lay dormant and demonetized, and contemplate the frightful waste of values, the broken fortunes, the poverty and universal depression which marked that period without a feeling of indignation and shame?

The history of our country, eventful as it has been, furnishes no parallel to the financial distress produced by the demonetization and withdrawal of silver from circulation. The fires in the furnaces of our vast manufactories burned to ashes, vast enterprises of internal improvements were abandoned, labor ceased to command living wages, and thousands upon thousands of able-bodied men tramped the country, vainly begging for work, and living upon the scant charity of those whom the crash had not entirely despoiled. Properties of all kinds except national banking stock shrank in value with fearful rapidity, until State and municipal governments had no competition in bidders at tax sales, and all the financial gloom and depression were precipitated at a time when the country, torn to pieces by war, was struggling under a load of debt and taxation never before borne by any people with such heroic fortitude.

During this period the national banks made money with a rapidity which astonished the honest men connected with them, while the people grew poorer day by day. Who of us does not remember the angry opposition of the banks to the remonetization of silver and its limited coinage as established by the "Bland bill?" Congress dared not falter in that work. The will of the people had been heard. It was the language of command. We passed the bill in spite of the combined influences of the banks. Again they concentrated all their power and influence upon the Executive, and the sad spectacle of the President of the United States cowering before this august monopoly was repeated. He vetoed the bill, but Congress made it the law notwithstanding his veto.

Mr. HOOKER. My friend from Texas will allow me to say right here, that the distinguished gentleman from Georgia [Mr. Stephens], chairman of the Committee on Coinage, Weights, and Measures, stated to the House on the day that silver was demonetized it constituted one-half of the metallic money of the world. In addition, that $346,000,000 of greenbacks were kept alive only by the action of a Democratic House.

The SPEAKER *pro tempore*. The time of the gentleman from Texas has expired.

Mr. BLAND. I hope by unanimous consent he will be permitted to conclude his remarks.

Mr. REAGAN. I believe I am entitled to the floor, and I will yield to my colleague as much time as he desires.

The SPEAKER *pro tempore*. The gentleman from Texas is entitled to the floor.

Mr. REAGAN. I yield to my colleague.

Mr. CULBERSON. I will not trespass much longer on the indulgence of the House. In 1874 the Republican party was defeated in the House of Representatives. The triumph of the Democracy was an earnest protest filed by the people against the domination of banks over the legislation of Congress. Yet this influence was in no wise daunted by the rebuke. In the closing days of the last session of the Forty-third Congress it put in an appearance on the resumption bill, and fastened upon that measure a clause providing for the redemption and cancellation of the legal-tender greenbacks. The work of destruction was going on when the Democrats, for the first time in twenty years, on the 4th day of December, 1875, presented a majority in the House of Representatives. The whole financial policy of the Government since the war had been in the interests of national banks. The Democratic party remonetized silver and partially restored its coinage. All efforts to repeal the resumption law were defeated, except the proposition to rescue $346,000,000 of legal-tender greenbacks from destruction. We saved that much of them to the people.

And thus we see, Mr. Speaker, that the policy of the banks was to convert the bonds which could be discharged in greenbacks into coin bonds, and when changed to make war on silver, the cheaper and most universal circulation, in order to have the bonds payable in gold only, to destroy the legal-tender currency as redeemed under the resumption act, so that the only currency should be gold and national-bank notes. When the Forty-fourth Congress assembled that policy had been ingrafted in the law. We found it sanctioned by law. In part the policy had been executed and was beyond the reach of repeal or modification. The struggle to remonetize silver and the fight to sustain the remnant of the legal-tender currency show that if these banks could have triumphed we would to-day have no currency but gold and national-bank notes. My friend from Arkansas [Mr. JONES] in his able speech the other day presented the situation exactly. He said there was an irrepressible conflict going on between banks on one side and silver and silver certificates on the other.

Such, Mr. Speaker, is the fact: and because of that conflict we have propositions now pending to destroy silver and silver certificates. Are these banks,

therefore, not the enemies of the best interests of the people? Show me, if you can, where sentiment or patriotism or respect for the interest of the people, when opposed to their interests, ever tempered their grasping and cruel policy. They are the open enemies of that grand principle which underlies our theory of government: "All men are equal before the law, and each alike is entitled to its protection." Whenever the Government with one hand takes the money of a citizen and with the other bestows it upon a corporation it is no less a robbery because the transfer is made under the form and color of law. Why should Congress, in the face of all these facts, give to the banks a new life, a new lease of power over the people? Does any one suppose that if this bill should become a law this system can ever hereafter be changed? Surely not. The system is stronger to-day than at any time in the past. It grows in strength year by year; it has been powerful enough in the past to dictate laws to Congress and vetoes to Presidents. Will it be less powerful or less grasping in the future? Has it not grown by the favors of Government until its strength is sufficient to defy the people and their representatives in Congress?

I submit, Mr. Speaker, in view of the fact that a majority of this House seems determined to pass this bill, that the amendment offered by the gentleman from Pennsylvania [Mr. RANDALL] ought by all means to be adopted. The power to contract the volume of currency now conferred on these corporations is so dangerous to the financial peace of the country that it should be limited by law. Upon the policy of vesting the power to issue currency upon corporations I beg to read a short extract from a speech made by Mr. Benton in 1833 in the Senate:

"The Government ought not to delegate this power if it could. It was too great a power to be trusted to any banking company whatever, or to any authority but the highest and most responsible which is known to our form of government.

"The Government itself ceases to be independent, it ceases to be safe, when the national currency is at the will of a company. The Government can undertake no great enterprise, neither of war nor of peace, without the consent and co-operation of that company; it can not count its revenues for six months ahead without referring to the action of that company, its friendship or its enmity, its concurrence or opposition, to see how far that company will permit money to be scarce or to be plentiful; how far it will let the money system go on regularly or throw it into disorder; how far it will suit the interests or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy, to put up and put down prices; to make and break fortunes; to bring the whole community upon its knees to the Neptunes who preside over the flux and reflux of paper. All property is at their mercy. The price of real estate, of every growing crop, of every staple article in the market, is at their command. Stocks are their playthings, their gambling theater, on which they gamble daily with as little morality and far more mischief to fortunes than common gamblers carry on their operations."

And now, to conclude what I have to say on this subject, I desire to submit that I consider the discontinuance of banking so important and desirable that I shall vote for every proposition which shall be offered for that purpose which does not assume that Congress has the power to issue an irredeemable Treasury note to circulate as money. While the amendment which I propose provides for a simple and pure Treasury note redeemable in the dues to the Government, which presents a plan to which perhaps there is less objection than one investing such notes with a legal-tender quality, yet I am free to say that I will vote for either. The question of the power of Congress to issue a legal-tender note I regard as settled by the judgment of the Supreme Court. As a Representative in Congress I am authorized to decide for myself whether such exigency exists as renders it necessary for Congress in this case to authorize the issuance and circulation of promises of the Government to pay money on demand and for the time being invest such notes with a legal-tender quality.

If the war was flagrant and the demand upon the Government required it there are few who would question the power of the Government to issue them or the soundness of the judgment of the court. The exigency now presented is hardly less than such as war might present. The banks are at war with the rights and interests of the people. Their power has grown to be autocratic and despotic, and the issue of the struggle in behalf of the people is by no means certain. In behalf of those whom I have the honor to represent and whose highest interest it is my ambition alone to serve, I would avail myself of any lawful means to crush out this kingly monopoly, which has usurped, under the color of law, the powers of Government and now exercises them to the scandal of republican government and the unblushing robbery of the people.

The Tariff.

SPEECH
OF
HON. C. R. BRECKINRIDGE,
OF ARKANSAS,
IN THE HOUSE OF REPRESENTATIVES,
Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. BRECKINRIDGE said:

Mr. CHAIRMAN: It is difficult to make a speech upon the pending measure without going into a full discussion of the tariff question. The bill under consideration does not contemplate a material change in the character and arrangement of the present tariff. It does not profess to correct inequalities in the system or to alter the ratio of things; but it touches the tariff, and that naturally opens discussion not only of the bill but also of the whole subject of the tariff. I shall attempt to divide my remarks into two leading parts: first, the proposition of supporting this bill; and second, the tariff.

Sir, the Democratic party came into power in this House upon mainly two distinct propositions, or rather upon one proposition that consists of two elements. We promised reform in the matter of Federal taxation. We promised reform in the sum and in the mode of Federal taxation.

Of course a party covers a good deal of ground in every platform, for the two great political parties in this country are based primarily upon two great and distinct principles, each the antithesis of the other. For that matter the politics of all countries in which there is enough vitality for political life is founded upon the same two great principles. As a matter of form or of force, one may be called centralization and the other may be called decentralization or home rule. As a matter of governmental terms, one may be called despotism and the other democracy or constitutional government. As a matter of principle, one may be called justice and the other injustice, or, to express it more in consonance with the language of that grand instrument which is the corner-stone, the keystone, nay, which is the whole arch upon which our fabric rests—the Declaration of Independence—the one may be called equality and the other may be called inequality. Every measure, I care not to what it applies, has a principle beneath it; and despite the glamour of party cries, despite the obscuration of superincumbent matter, you have but to probe it deep enough, you have but to think it out to its remote and inexorable conclusion, and you will find a fixed principle controlling its end, rough-hew it as you may.

The grand principle underlying the Democratic party and making it almost divine is that of the equality of man in every public sense, of equal and exact treatment to all; and the one subtle, stifling, and noxious principle that underlies the Republican party is that of inequality, of unequal treatment of men; and whatever may be its cries or its pretenses, whatever may be its victories upon tangent issues, yet we always find an ultimate result of that character finding expression in some form or other of class legislation.

Sir, I need not cite unfailing history to prove all this. Those who read and reflect already know it. But this being true, you find expressions in every party platform covering the various questions, great and small, that attract public attention from the different classes of the people.

But a question is not easily nationalized, and a party or a people, like an individual, will attend to the necessary routine matters of every-day life; it will have an eye perhaps upon several matters in a casual way, but it never sets its heart and hands to more than one really great work at a time, and seldom is it that a people set themselves to a great work and leave it until it is finished.

Thus it was, sir, that the Democratic party directed its attention in the recent past to the great questions of the currency, the treatment of the public debt, and to that of reconstruction, and it did not leave them until they were put into fairly good and satisfactory shape.

Now we come down to the much that still remains for proper treatment, and while our platforms from 1876 down to this time contain much matter thrown in, like chinking in a stone wall, to fill in and to make out the parts, yet the great distinctive question—that which presses most heavily upon the masses of the people; that which they demand and which they will continue to demand shall have attention and proper treatment—is the question of Federal taxation.

Sir, ever since the fatal concession was made that the taxing power—the one great power of sovereignty and of mastership—ever since the fatal concession was made that that power could be used as a means of providing for the public defense, save embargoes to prevent war, and that industries could be subsidized, encouraged or advanced, other than by direct appropriations, under the eye of the people, of the money that had been collected into the Treasury—ever since then (and that was early in our history) this has been the greatest and the most fundamental question in our politics. This is the chief source from which all our woes have sprung. The limitations of the fathers have long since been lost sight of or ignored. What Hamilton could not accomplish directly his successors have accomplished indirectly. The Government established by Jefferson and Madison has been perverted out of all true shape and form, but the Constitution is still here for us to return to, and the people, though horribly deceived and imposed upon, are not debased or destroyed. We have had great contests, but this is the Marathon, this is the Waterloo, of the generation that has succeeded the war. Class legislation has reached its acme. Hamilton's dream of a monarchy and of titles and nobility, of a classified condition of men by law, has been realized in all except the title and tinsel of power.

We stand to-day with past passions cooled, with past misconceptions and diverting issues removed or worn threadbare. We stand to-day where Jefferson and Hamilton stood one hundred years ago, but with Hamilton in the ascendant for the hour, and the most fundamental aspect of this question is, shall this Government of ours be a democracy, a constitutional, a limited government, or shall it be a government of class legislation, of class rule, of monopoly, of simply discretion? In obedience to the present phase of this great question we promised the people "reform in the sum and mode of Federal taxation."

Sir, party platforms are not meaningless instruments of writing. They are expressions of what is needed at the time, and they are solemn pledges of agitation and effort until those ends are attained. I utterly condemn that low standard in politics which puts forward expressions only to delude the people. For one, I condemn a contest simply for the spoils of office. It has no higher motive than greed, and it has no greater force than "the cohesive power of public plunder." I would rather be in the minority, leaving the emoluments of office to my political opponents, but with sufficient power to serve the people and the country by compelling the opposite party to conservative policy, than to succeed to control like a disorganized band of plunderers. The

best hope of our country is the doctrine and party of Democracy. I would have the party that bears that name pure and untarnished. The country is ready for a brave, conservative, honest party of Democracy and reform, and if we would get power we must merit it, and if we would merit it we must show some disposition to keep our pledges, and some ability to subordinate our views of expediency to the declared will and wisdom of our majorities. Any patriotism of less discipline and of less power of sacrifice for principle than this is of no avail; and no other method and no less degree of discipline is known or practiced among honest, sensible, and earnest men.

Sir, in this connection I will review to the majority here the pledges they have formally and solemnly made to the people. It matters not what may have been certain ancient concessions and compromises under peculiar circumstances. The fathers have kept their faith, and we are only called upon to keep our faith. Sir, we have of late years expressed our views of the measures of immediate and pressing necessity, and given our pledges for every effort to attain them in sundry national and State platforms. If these things are not necessary and right, we ought not to mention or to agitate them. If they are necessary and right, we ought to agitate them. Nay, we can not condemn agitation and effort without impeaching our own integrity and wisdom, as manifested in a long succession of party declarations.

In our national platform, adopted at Saint Louis in 1876, we said:

Reform is necessary in the sum and mode of Federal taxation, to the end that capital may be set free from distrust and labor lightly burdened. We denounce the present tariff levies upon nearly 4,000 articles as a masterpiece of injustice, inequality, and false practice. It yields a dwindling, not a yearly rising revenue; it has impoverished many industries to subsidize a few; it prohibits imports that might purchase the products of American labor; it has degraded American commerce from the first to an inferior rank upon the high seas; it has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture, an industry followed by half our people; it costs the people five times more than it produces to the Treasury, obstructs the process of production, and wastes the fruits of labor; it promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

Here, sir, the proposition of reform in the sum and mode of Federal taxation is clearly stated, and a demand is made for taxation only for public purposes, that is, for revenue. The diverting passions of the war and the horrors of remorseless reconstruction were fast fading from view. Under the cover of those things many subsidized industries had fed to the full upon the hard earnings of their brethren. The panic of 1873 had developed the turning-point of protection. We might reasonably expect allies from some of those industries which, having outgrown the fostering care of infancy, were then in need of the larger freedom of manhood. Much of the system since 1873 has been only makeshift and patchwork. Some of the hoped-for tendencies were noted, upon which I shall not dwell at this point, but they were subsequently restrained, and hand is still joined in hand, like the locked shields of a Grecian phalanx, and the cohorts of class legislation still hunt the fields of their own countrymen in the preferred quest of robbery rather than go out into the large and generous rivalry of the commerce of the world.

Next in order, sir, we held a national convention at Cincinnati, and there and then we reaffirmed the grand platform of 1876 and pledged our best efforts for the attainment of "a tariff for revenue only."

Since 1880 we have adopted many State platforms. Those which most feebly reflect the sentiments of the two successive national platforms I have just mentioned are the latest platforms of Ohio and of Pennsylvania. If they clearly commit us to one or to both of the propositions I have spoken of, then it is not necessary to cite other platforms that are stronger. These two, in fact, are the well-measured expressions of those Democrats who have so much to say about the inexpediency of the bill under consideration.

The Ohio platform says:

We favor a tariff for revenue, limited to the necessities of Government economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, afford just compensation to labor, but not to create or foster monopolies.

Mr. Chairman, there are some things about this plank which are plain, and there are some things about it which are not plain. Without doubt, however, or equivocation, it calls for the limitation of revenue to the necessities of Government economically administered. It also wants the tariff "adjusted" so as to accomplish certain ends. The clear inference is that the tariff does not now accomplish those ends, for if it does why should it be "adjusted." I will not comment upon the impossibility of a man's traveling in opposite directions at one and the same time. I will not comment upon the sincerity or the ability of those who try to make the people think that such a thing can be done. I will not stop at this point to demonstrate that of all the people who are imposed upon and who are made to suffer by a high protective policy the factory wage-worker is the most grievously burdened; but I simply call attention to the plain fact that that faction of our party who prefer to march under this banner of somewhat doubtful device have at least solemnly pledged themselves to reform in the sum and to an "adjustment" of the tariff. If they can not at once keep both of these solemn promises I hope they can at least keep one of them.

And now, sir, if I may be pardoned a slight anachronism, I will here insert the platform recently adopted at Allentown, Pa. This platform was adopted since the organization of this House, since the introduction of this bill, since the indorsement of this bill and of "a tariff bill," by the Democratic caucus—a caucus declared to be neither more nor less than any other caucus—adopted by gentlemen who have given adhesion to the party under the national platforms of 1876 and 1880, by a convention of which the distinguished gentleman from Pennsylvania [Mr. RANDALL] was the hero, and consequently it comes before us at this time as the freshest and most persistent of all the solemn declarations and promises, and its authors are, of us all, should they fail to try to keep their pledges, the most exposed to the charge of mockery.

That platform says:

We favor a tariff for revenue, limited to the necessities of the Government, economically collected, and so adjusted as to prevent unequal burdens, encourage active industries at home and afford a just compensation to labor, but not to create or foster monopolies, and to this end we favor the abolition of the internal-revenue system and taxes.

Let us subject this plank to a brief and a fair analysis. It has obscurities and *non sequiturs* which I do not admire, and it has some looseness of speech that can hardly be intentional. It wants "a tariff for revenue, limited to the necessities of the Government." I take this to mean a reduction of surplus revenues. It may be construed as meaning more; but these gentlemen who have so often and so long clamored for a reduction of surplus revenues will hardly deny that they mean that much. They want the tariff limited, or the revenue limited, or both; but we need not quarrel about that, for we are anxious to give them both or either. To these ends the party has made many overtures to them. They have made none to the party. I trust they want something. They say they do.

They want "a tariff for revenue, limited to the necessities of the Government, economically collected." What do they want "economically collected;" the Government? It would so appear from the context. I presume they mean they want the Government economically administered. That is the usual Democratic form of expression, and that covers the collecting of the tariff as well as all other administrative functions of Government. The deservedly high reputation of Mr. RANDALL as an economist in all the expenses of Government entitles him to the benefit of this more comprehensive construction.

But they want the tariff "so adjusted as to prevent unequal burdens, encourage active industries at home, and afford just compensation to labor, but not to create or foster monopolies." Sir, if the tariff is doing all these things now, it does not need to be adjusted. But they say they want it adjusted. The clear inference is that the tariff is not now doing these things; that it does not encourage active industries at home; that it does not afford a just compensation to labor, and that it does, at this time, create and foster monopolies. If this be so, why not adjust it? Why not try? Why delay so good a work? If delay arises, why not clearly prove that it is the fault of the Republicans? Sir, we have an intimation from the gentleman from Pennsylvania [Mr. RANDALL] as to when he is willing to begin to keep this pledge about a pressing current matter. In his speech in this House upon the 5th of May, 1882, he said that if he had his way the tariff should not be touched oftener than once in ten years. Since that time we have the confessed breach of faith of tariff reform and reduction arising from the Tariff Commission. That change, falsely so called, went into operation in 1883. The gentleman from Pennsylvania has been the steady advocate of resting upon that "change" and "adjustment." Hence we are to conclude that he would not touch the tariff until the expiration of ten years from July 1, 1883. That would be July 1, 1893. Yet he says now that he wants the tariff "adjusted." Is this hot or cold? It is neither hot nor cold. What conclusions are the people to draw from such talk as this? Mr. Chairman, the people are honest, they are earnest, they are sensible, and I leave them to draw their own conclusions.

But, sir, we are not wholly done with this remarkable platform. Sir, after favoring an adjustment of the tariff for all the purposes I have quoted, a plan of action is proposed. As a close and logical proposition I commend it to the consideration of this House and to that of the country. They want the tariff adjusted so as to accomplish many things not now effected, "and to this end we favor the abolition of the internal-revenue system and taxes."

They are going to change the organism of the tariff right now by abolishing the internal-revenue system. Sir, the doctor is going to cure your sickness by performing a surgical operation upon another man.

What stuff is this? What faith can the people have in such practitioners? Can it be possible that gentlemen can so delude themselves? Can it be possible that the poor, monopoly-ridden workmen and miners of Pennsylvania, now killing each other with guns and clubs in their desperate competition and struggles for work and for bread—can it be that they are so benumbed by starvation and oppression as to be imposed upon in this way? Is their reason dead? Is their manhood starved out of them? Such may be so; but if it be, let us take time by the forelock and spread this agitation, before our people too are ground entirely into the dust by heartless class legislation, now hard enough to bear, pampering a selfish and an insolent few, and we will adjust the tariff by adjusting the tariff, and not by touching something else and letting the tariff alone.

Sir, when the contest for the Speakership was pending the idea was

abroad that the difference between the two leading aspirants was only one of degree, and not a very great one at that. I had little faith in all that then. I have less now. It seemed that it was only a question of discretion as to when and how tariff reform should begin, and I for one hoped the declaration of the sense of the Democratic party in that contest would secure a graceful acquiescence in that expression of discretion and of policy that the majority might indicate. But such did not prove to be the case. There were rumors of stubborn dissent, and those who had in charge the tariff and revenue question did not think it expedient to try to materially adjust the tariff, but they framed a bill designed to reduce the surplus revenue, leaving the general structure and arrangement of the tariff about as it was. This was a very great compromise of what the majority considered was best for the country and best for the party. The action in caucus proved that the decision of the result of the election of Speaker had not finally settled the question of policy. This fact alone justified the framing of so moderate a bill as the one we have under consideration.

But, sir, the question of policy was decided by the caucus as it had been indicated by the election of a Speaker. All platforms had spoken clearly in favor of a reduction of surplus revenues. This bill proposes almost solely that. I have no apology for those who restricted us to this. Yet we still have assurances that the minority will not submit upon a pure question of policy—if we take them at their own words—to the decision of the majority; nay, to that of a two-thirds vote of their own party. The logic of this is that those who fail to go with their party refuse to do so simply upon a question of policy. Their allegiance does not cover even a question of discretion. I submit that this is a poor exhibition of party loyalty, the poorest that can be imagined, and I trust it will be so considered by the country and by those of our friends who may be the victims of the piques and errors of others.

Many of our old comrades have even gone so far as to refuse to vote for the consideration of a bill thus indorsed in principle by themselves and thus formally indorsed in principle and policy by the committee and by the caucus of their own party. They have even tried to deny this bill a hearing. Mr. Chairman, these things are too new, they are too unprecedented to me for me to comment upon them.

In support of conduct of this sort gentlemen can not cite their platforms, and they need not cite the views of the fathers of the Republic. All of these but commit them to what they profess they want and to what they refuse to do. None of them justify you in refusing to keep or in refusing to try to keep your pledges. None of them justify you in bolting your party, in making a breach of party discipline in violation of your pledges, in violation of what you have professed to want, upon some idle and fanciful question of discretion and of style. The people will understand this. They have ordered a great work to be undertaken, and if those of their Representatives here who are seeking to do their duty should now be foiled, we shall go back to them clean-handed and undaunted, explain to them how we have been encumbered by those who will not stand by our colors, who do more for the common enemy in this cause than the enemy can possibly do for himself, who are here only to get position and to oppose the faith and policy of the party. We will carry the cause to Chicago and to the hustings, and, reinspired by contact with the people, presenting an issue and a devotion worthy of their confidence and respect, we will return to this Hall willing to grant, but not having to ask, terms of the lovers of monopoly. The people of our country are too great for revolution, and they are also too great and too sensible to long remain the victims of deception and oppression.

But, sir, let us look at some of the arguments employed by the minority of about one-fifth, the bolting Democrats here, as an explanation of their refusal to submit in the matter of discretion and policy to the decision of the great majority of their party associates. As we have lost all faith in their desire to "adjust the tariff," we present substantially only the proposition to reduce the surplus revenues. Upon this point they have ever clamored. The way they meet it must be the test of their sincerity. We have made every possible compromise and overture consistent with honor and with the slightest semblance of fidelity to the people to reconcile them, and to get them to show that they value the party and the pledges they have made more than they do the extreme high protection which they have ever pretended to denounce but never ceased to work for.

They say they would reduce the surplus revenues by repealing the internal taxes. "Practical statesmanship" has ever been a favorite expression with those gentlemen. I suppose that means something that will work. If a matter will not work, I suppose it is something worthy only of the "doctrinaires." Very well; how does this proposition to repeal the whisky tax work? You have the decision of the caucus of your party upon the question, where it was overwhelmingly defeated. A further test has been made. A resolution testing the question was submitted to the House only a few days ago, and the vote in favor of it was only 33 in this House of 324 members.

Will that work? Will it work in the Democratic party? Do even the Republicans dare at this time to let it work? It is true that the Republican party presents the only hope and refuge for those who propose to persist in the fight for this plan and idea. But if you want and intend to reduce the surplus revenues now, you clearly must do it by some other means than that. You have filed and made plain your preference of a plan. The responsibility of a compromise of the perfect symmetry of your theory is lifted from you by the decisions I have cited. You can not do it that way now in either party. You can not do it ever in any but the Republican party. Then to persist in that plan, and to refuse to co-operate in that which has been adopted by your own party, is to demonstrate that you propose to carry your "practical politics" and your "practical statesmanship" either into the Republican party, or else to cling to your "doctrinaire" theory by flocking off into a third party, celestial and alone, with free whisky as your beverage and with Bacchus as your god. This idea can not suit the people, and this defection will not long delay the great cause of reform.

I will not discuss the merits of the question of repeal of the internal taxes now. I have only sought to speak of it as it relates at this time to the proposition of supporting this bill. Upon this point the court and the jury have decided in our favor, and there for the present we can let the case rest. When the case comes up again, and upon its merits, I hope to discuss the merits, and to get a decision as ringing and conclusive as that we have just received.

But they say they want to get the Presidency first, and then they will reform the tariff and reduce the surplus revenues. That, Mr. Chairman, will be molesting the tariff more often than "once in ten years." That will not, I hope, be deferred until 1893. Yet, if this policy is pursued, I think it will defer our accession to power much longer than 1893. But this question also is simply a question of policy, and unless gentlemen have some ulterior point in view, or else are utterly at variance from all that is accepted as due to party fealty and to party discipline, as the only known means of advancing, in a free country, the public weal, they will submit to that decision as to policy upon which the great majority of their associate representatives have formally agreed.

It is hardly necessary, sir, to argue as to the folly of such a course. It is hardly necessary to show that the burden of proof rests upon the plaintiff. Most men know that those who would sneak into power are not worthy custodians for power. If we simply say, "Turn the rascals out," echo retorts, "Keep the rascals out." Those who are afraid of their principles have got no principles. The opposition may be unworthy, but we must prove that we are less unworthy. This can not be done by fanaticism upon the one hand nor by duplicity and double-dealing upon the other. All this has been fully and formally gone over; and those who are oblivious or impervious to it, and who persist in bolting their party upon mere questions of policy or of style, are either like Ephraim—given over to the folly of their idol—or they have deep, ulterior purposes, which even kisses can not disguise from us or from the people. If there be such as the latter, I trust they may get their reward but with it its full concomitant of disappointment and remorse.

Again they say that "this is the first step," and that "the Democracy mean ultimate and absolute free trade."

What platform advocates direct taxes for revenue? What thinker of our party, ancient or modern, has ever advocated it? What platform has ever failed to advocate "a tariff" for revenue? The effrontery of such a charge is only equaled by the objection to vote for this bill because it is a first step. You say that you yourselves want to "adjust" the tariff and that you are opposed to "protection for the sake of protection." If that be so, are you not willing to take the "first step?" No; and those who are not willing to take the first step would not be willing to take the second step, and those who are never willing to take the first step do not want to take any step, and it is very well for this fact to come out plainly now.

Some object to this bill upon the ground that the proposed reduction of taxation will not result in a reduction of the revenue. If that be the objection, it is astonishing that they can not yield their doubts about so trivial a matter to the assembled and expressed wisdom of the great majority of their party. A careful estimate, made by an expert of the Bureau of Statistics, Mr. Evans, shows that the reduction of revenues under this bill will exceed $30,000,000. No effort or calculation is made to refute this further than bald assertion. But grant, for the sake of the gentlemen who urge this plea as their reason for not standing by a party measure, that the reduction of taxes will not reduce the revenue receipts, and then where do they stand? They are then contending for taxation for some other purpose than revenue with incidental protection. They are contending for taxation above the revenue point, to a prohibitory point, and for what? It can be for nothing else than for protection. That is taxation for protection with incidental revenue. That is "protection for the sake of protection," which Mr. RANDALL emphatically stated, in his speech of May 5, 1882, he was opposed to, because, he said, he "doubted" the constitutionality of it, and because it built up monopolies. We did not need for him to enlighten us as to the facts, the character, and the results of such a practice; but we do need now and the country needs and you yourselves need that some explanation be given of your present support of "protection for the sake of protection." You confess by that argument that you now favor protection for the sake of protection. This bill you confess would reveal that condition.

Another objection urged is that this is a horizontal bill. If that "style" does not suit you the caucus takes the responsibility off of your shoulders. This is, indeed, the best preliminary test in all things of where the revenue point is.

But you say it is a new method of treatment. The first change in the tariff, that urged by Mr. Hamilton before the dawn of this century, was a horizontal change. Under the compromise bill of Mr. Clay in 1833 there was a horizontal reduction of 10 per cent., the same in 1835, the same in 1837, and by 1842 the same. In 1861 the framework was fixed to suit the manufacturers. That was what they had set the country on fire to get, and that was the beginning of that great system of transposition of wealth earned by the many into the pockets of the few, and of our millionaire, I may almost say of our billionaire, era. Enough passion was stirred and enough of trouble and complications were brought about to keep the people from seeing the main purpose of that system until now the coffers are full, the great centers of trade are bursting with wealth, while the other parts of the country and the great mass of our people are of course in a correspondingly hard and depleted condition. This was all designed and obtained. I will not dwell upon it at this point. My present purpose is to prove that gentlemen have no ground to stand upon when they bolt their party upon the plea that a horizontal treatment of the tariff is new. I need not discuss why the horizontal plan was adopted; I need simply to prove the fact here that it is not new.

These gentlemen urge no reason now why it should not be adopted except that it is new. In 1865 there was a horizontal increase of taxes upon domestic manufactures of 20 per cent., and a corresponding increase was made for the double purpose of revenue and of compensatory protection upon imports. The tax on domestic manufactures was decreased horizontally 20 per cent. in 1866, and it may be well to add that the compensatory protection was not decreased, and it has not been to this day, save the small, and, as I will show further on, delusive reduction in 1883 of less than 6 per cent. In 1872, under a pressure that I need not now dwell upon, and a false pretense, there was a horizontal reduction of the tariff of 10 per cent., only to be followed three years afterward, in 1875, by its restoration. So this method of treatment, Mr. Chairman, is not new. Gentlemen may say it is new, but nobody will believe it. They may say that that is their reason for not supporting this bill now, but nobody will believe that. They may say that that reason justifies them now in bolting the Democratic party, but nobody will believe that either. They will believe none of these things if my poor voice can get the facts before the people.

I need not further enumerate the objections urged by gentlemen here. I have enumerated the principal objections. The others are of the same sort, only, if possible, weaker. Those who persist in taking refuge in such flimsy objections would deserve better of public opinion if they came out frankly and said that they may love the Democratic party much, but that they love protection more; that they are not willing to follow the Democratic party in the great work it resumed in 1876 and is now fairly warmed up to. That would be manly. It would command respect, if not approval. It would be free from equivocation. All men respect a man who follows his convictions of principle and duty, let them lead him where they may. But we can not understand a man's seeking public place with the certainty or purpose of occupying an equivocal position. It will not long continue to be equivocal in the public estimation. If gentlemen desire to do what their platforms promise, or to do any part of it, they must know that if this bill passes to the stage for amendment they have every opportunity to incorporate their views upon it; and should they fail to succeed, they then have the opportunity of voting against the bill and of defeating it at its presentation for final passage. It seems to me that that time would surely be early enough for any Democrat to bolt his party and to affiliate with the opposition, without rushing thus early into their arms. Even appearances are worth something except to those who want to treat their own party and pledges with contempt.

Mr. Chairman, I might have spoken of the talk that we can not do anything on account of the Senate and the Executive being Republican. But, sir, as that involves the supposition that the other branches of the Government will not keep the faith, it is a violent, gratuitous, and discourteous assumption upon the part of those who refuse to test them. I will embrace this in supporting the proposition that the Democratic party now occupies a vantage ground that commands the present field of political battle, and which the threatened bolt of some of its members may cause us to lose. I will review the Republican record as respects the ground covered by this bill before I close this part of the subject.

The Republicans could not inspire a policy more in consonance with their political interests than that of our letting the tariff alone for "ten years," or, for that matter, for one year, and thereby attempting less than they themselves are pledged to. I only trust that, should we lose the fight on this bill, we shall still show at Chicago that we do not mean to retreat from the position we resumed at Saint Louis in 1876 and have maintained ever since. In considering the proposition I have enunciated, we must take a look at the terms and conditions upon which the present tariff was enacted, which embraces the pledges of the Republican party, and also the extent to which the condition of trade conspires for the success of reform.

Sir, when a protected industry is favored by natural conditions it soon reaches a point when it can go forth in open competition with the world, and at a later period it reaches a point where its own interests require that it shall be permitted to go forth and compete with its rivals for the trade of foreign countries. It starts in infancy. It acquires the vigor and training of additional years, and can be readily weaned from the Government bottle. Later than this and it has acquired all the characteristics of manhood. At this stage it must go forth, or else it finds the local browsing inadequate for the support of its expanded growth, and it begins to collapse into an enervated and depressed condition of little profit to itself yet crushing to others.

This point is reached when production has grown equal to consumption. Prior to that, while it weakens others it enriches and strengthens itself. After that, it begins to fall back upon itself. Everything then becomes a sort of makeshift and patchwork. Overproduction is the constant recurring evil, and failures, lockouts, and strikes become the order of the day. Sir, with many of our industries this danger line was fairly reached, as I have said, in 1873. Vast accumulations of capital had helped to cause the building of an unprecedented extent of railroads. Overproduction had filled the warehouses with surplus goods, upon which the banks made loans to continue production with, when suddenly the canvass became rent at a weak point and the truth was revealed. That was the time to begin to unload protection upon certain industries (I speak now especially from the protectionist standpoint) and to pay especial attention to the building up of foreign markets.

But it is notorious that people in a given pursuit accommodate themselves to changed outward conditions affecting their business very slowly. Production was stopped. Armies of tramps were turned loose upon every part of the country, poor hungry fellows, first seeking work, afterward begging bread. Foreign markets were not opened up. Trade was not liberated and liberalized. Home consumption alone, the old well-tried bridge, as they still call it, was relied upon. We all remember how slow our recuperation was. The surplus was slowly consumed, at prices approximating what we ought to have had all along, yielding a less royal profit to the proprietors, and six years afterward we had the fine crop of 1879, a scarcity of manufactures was found to exist, and then the "boom" of 1880 began.

Old protective prices were realized again, the consumers giving up their hard-earned money for the desirable things of life at double the just and proper prices. For some years we have been blest with good crops, and until now Europe has needed our surplus food at prices that enabled us to go on making millionaires and still to live ourselves. There has been more or less friction at times, and now we are at the end of our patched-up tether again.

Mr. Tilden saw the true state of things, and he sent our grand platform of 1876 to Saint Louis. He made but one mistake. He underrated the delusion of the people. He thought the monopolists were as wise as he was, and that they would begin to throw overboard their Jonahs. He failed to remember that a failing cause seldom compromises. Charles I lost his head. James II lost his crown. Louis XVI went to the guillotine. The South lost all it had invested in slavery.

But we are more conservative now, all of us. We do not eat as much fire as we used to. We do not denounce the Constitution as we used to. We are reaching the William and Mary age. At least we are passing Charles II, if we do pass it. We are waiting for the repeal of the "corn laws." The roundhead and the cavalier have fused into a homogeneous whole. Wrongs at home are not like wrongs from abroad. Brothers quarrel now, but they do not fight. But people learn by experience and they learn by discussion. What the manufacturers failed to do in 1873 they are many of them seeking to do now. In my humble opinion the protectionists are in an astonishing condition. They are committed fast and strong to protection for the sake of protection, and are threatening to commit themselves to the infidelity of opposing what is involved in this bill, and yet if they win they will have to inaugurate reforms in many repects far more radical than that proposed by this bill.

The time has come when they will have to camp after us, unless we retreat and deliberately take position in their rear. They will not revise the tariff in a way fair to consumers. They will seek to sell their surplus abroad and still, by prohibitory laws and combinations among manufacturers, continue to plunder the people at home. The ripe occasion has come for us to deliver successful battle from our position of just treatment to both producers and consumers. Shall we abandon this position now? Shall we or any of us handicap our own party and play into the hand of the other?

What I have said of the general condition of the country is especially true of the East. The Eastern States have a sufficient plant in manufactures to supply our whole country. But the position of raw materials and the differences in freight rates have caused establishments to be erected in the West and in the South which largely supply all the wants west of the Alleghany and the Blue Ridge Mountains. We buy cutlery of Connecticut and some boots and shoes of Boston, but nine-tenths of our steam-engines are made in the West, and as we increase the shipments of dressed meats from our stock farms we prepare our hides where the oak grows and make more boots and shoes and other things in Cincinnati, Chicago, Saint Louis, Louisville, Little Rock, and other cities. Our reapers, plows, carriages, wagons, gin-stands, jeans, coarse cottons, and a thousand other things are now supplied to us more cheaply near home than the East can or does do it. In 1880 California had $61,000,000 of capital invested in manufactures, Georgia had $20,000,000, Illinois had $140,000,000, Indiana had $65,000,000, Iowa $33,000,000, Kentucky $45,000,000, Kansas $11,000,000, Michigan $92,000,000, Ten-

nessee $20,000,000, Alabama $9,000,000, Missouri $72,000,000, and so on I might enumerate. But we have much more now than we had then, and we are growing with our growth, and as we float down the Mississippi and build railroads to Mexico we will come in under the new treaty and sell our surplus to that growing empire.

What are you going to do with your surplus? What entails a loss on you affords a good profit to us. We want a greater freedom of trade, and then in cotton goods, in the products of iron and of wood, as well as in food products, we will command the principal markets of the world. But we can get along without it longer than you can. Where are the strikes and the lockouts at this time? They are east of Pittsburgh, and not west or south. Thus, Mr. Chairman, we see that the condition of business forbids the policy of retreating from our righteous position.

Looking, then, at the industrial situation, what answer should we give to the question as to where a reduction of taxes should strike at this time? The answer is, the tariff. Of course the Democratic party, the party of the great mass of consumers, would always say the tariff, until it is reduced by proper steps to a strictly revenue basis.

But then let us look at it from the ordinary political standpoint and see with what conscience even the Republicans can refuse to let the tariff be reduced at this time to the Morrill basis of 1861. If they are untrue to their pledges and wrong, then let us fasten that fact upon them and take an appeal to the country upon the approaching ides of November.

As I have said, in 1861, with war on hand and with the low-tariff Democrats out of Congress, the Republicans arranged the tariff under the Morrill bill so as to provide a great revenue, and with it all the protection that the protectionists said they could ask. The adjustment was made by themselves to suit themselves. They knew that up to the point where production equals consumption a high tariff is the sweetest thing, the most convenient and respectable form of slavery ever practiced upon a people, and the most enriching process conceivable to the proprietors. But the demands for additional revenue soon arose, and every conceivable form of internal taxes was laid. Among these taxes there was a direct tax amounting to as much as $128,000,000 a year laid upon the manufactured products produced in this country. This, of course, correspondingly diminished the protection that had previously been granted. Hence what was called a compensatory increase of the import tax was laid at the same time. It was a solemn agreement that this increase was only temporary, and that it was to be repealed, like and like, as the direct tax upon the home products of manufacture should be taken off, and until only the former but still "bonanza" basis of the Morrill tariff of 1861 should be reached.

Now, have the direct taxes of $128,000,000 a year been taken off of the domestic manufactures? They have, long since. Has the "compensatory and temporary increase of the tariff" been correspondingly reduced back to the Morrill basis of 1861? No; it has not. Has any part of it been taken off? Practically, no. For the tariff was ingeniously laid so that certain duties were far above even the necessary prohibitory point, and those items could be, and in 1883 they were, reduced so as to make things look like there had been an average reduction, when in fact even those items were still left at a point practically prohibitory, as I will show, while the tariff was made even higher, in the professed reduction, upon those items which were not already taxed to the prohibitory point, and which are consumed by the plain people of the country.

Thus the tariff by the law of last year was reduced less than 6 per cent., instead of 25 per cent. as promised, and the reduction was so placed upon items as had previously been prepared for some such contingency and cheat and so increased upon such articles as woolens, &c., as to make it higher to consumers, as I have said, than it had ever been before.

Now, let us first look at the record as to this agreement, and be it remembered that the present bill has a condition in it that no reduction shall go below the rates fixed in the Morrill bill of 1861, the point to which even the Republicans promised it should go long since, and then let each Democrat answer to himself the question why should not the reduction of the surplus revenue take place on the tariff at this time and late day.

Upon June 2, 1864, when these additional taxes and this additional protection were being piled up, Mr. MORRILL, the Republican leader and spokesman in that business, said:

> This is intended as a war measure, a temporary measure, and we must, as such, give it our support.

Again, June 28, 1866, under like circumstances, Mr. MORRILL said:

> The present bill is not likely to suit everybody, and I regard it as only a temporary measure, fit to be introduced because of the imperious necessities of our present condition.

Mr. ALLISON, in his very able speech in this House on the 24th and 25th of March, 1870, said:

> I desire to call the attention of the committee to the growth of the present tariff. In 1861, at the close of the Thirty-sixth Congress, the policy of the Government was changed by the passage of what was called the "Morrill tariff;" a tariff prepared in the interests of protection, and distinguished from the tariff of 1846 and of 1857 by the imposition of heavy duties upon articles manufactured in this country, and by admitting free of duty many raw materials used in such manufactures. This tariff was modified twice during the year 1861, for the purpose of increasing the revenue, but upon leading articles remained substantially the same until July 14, 1862, when a thorough revision of the tariff of 1861 was made. By this revision the tariff was increased generally to compensate for the internal-revenue tax, and upon a few articles for the purpose of increasing the revenue. Mr. Stevens, in debate, said that the principle adopted was the one that was mentioned when the tax bill was under consideration, namely, the additional duty was fixed, as nearly as possible, at the same rate as taxation, except in a few cases, where necessary to correct errors in the present tariff.
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> Mr. Shellabarger, then a member from Ohio, rose in his seat and asked Mr. MORRILL if there was any increase of duty over and above the tariff of 1861, save and except the compensating duty made necessary by internal-revenue taxes. Mr. MORRILL said in reply that there was no increase except for that purpose, or for the purpose of revenue upon articles not produced in this country.

Mr. ALLISON added:

> At the close of his speech Mr. MORRILL made this pledge:
> "This is intended as a war measure, a temporary measure, and we must give it our support as such."
> Again, he speaks of it as "a war measure, imposed by the necessities of the Government, the scarcity of laborers, and the enormous direct taxation."

And further on in that speech Mr. ALLISON said:

> This large internal-revenue tax was made the excuse and the cause of the advance of the tariff of July 14, 1862, and June 30, 1864. I quoted the language yesterday of the then chairman of the Committee on Ways and Means in 1862, Mr. Thaddeus Stevens, himself a protectionist, and certainly in favor of the protection of the great interest of Pennsylvania, iron. He made a pledge upon this floor in 1862 that those additions of duties upon manufactured articles imported in this country were made necessary because of the internal-revenue taxes. Both he and Mr. MORRILL, subsequently chairman of the Ways and Means Committee, declared that the act of June 30, 1864, was a temporary measure, a war measure, and was not intended as a measure which should remain upon the statute-book as a protective tariff in the time of peace.

Then yielding the floor for a moment to Mr. COX, who had been a member of the conference committee of the two Houses, that gentleman said:

> I desire to say, in addition to what has been said by the gentleman from Iowa [Mr. ALLISON], that I was on the committee of conference upon the tariff of 1864. The reason why that conference report was made as it was made, the reason given by Mr. MORRILL and Mr. Fessenden, was that the internal tax had been raised, but that the moment that tax was reduced they would be in favor of reducing the custom duties. That was understood when the report was made upon the tariff of 1864; it was one of the conditions leading the conference committee to report that measure.

Then Mr. ALLISON resumed the floor and said:

> It is admitted by all that the increase of the tariff was commenced and carried on upon the basis of the protective duties of the Morrill tariff of 1861; the increase of direct taxation, added to the price of domestic manufactures, rendered an increased tariff necessary in order to prevent our country being flooded with cheaper foreign productions. Certainly, then, upon the decrease of internal taxation the tariff may be, and ought to be, decreased in proportion, the danger being no longer in existence which was sought to be averted by these increased duties.
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> But I may be asked how this reduction shall be made. I think it should be made upon all leading articles, or nearly all; and for that purpose, when I get the opportunity in the House, if no gentleman does it before me, I shall move that the pending bill be recommitted to the Ways and Means Committee with instructions to report a reduction upon existing rates of duty equivalent to 20 per cent. upon the existing rates, or one-fifth reduction. Even this will not be a full equivalent for the removal of all internal taxes upon manufactures. It will not be difficult to make a reduction upon this basis.

Now, as to the amount, again, of the direct tax, long since all repealed, to offset which the present compensatory or equivalent tariff duties still retained were laid, I quote from the same speech of Mr. ALLISON. He said:

> The total of this domestic tax amounted in the fiscal year 1865–'66 to the enormous sum of $310,000,000; and upon domestic goods alone to the sum of $128,226,784.

All of this domestic tax of over $128,000,000 has long since been repealed.

This has nothing to do with the cotton tax of 2 and 3 cents a pound. This was maintained against a large class of our agriculturists in plain violation of article 1, section 9, clause 5, of the Constitution, which says:

> No tax or duty shall be laid on articles exported from any State.

I hope to live to contend for that tax to be repaid to the States. It is due to the honor of our country.

Here we are refunding taxes every day upon whisky and tobacco that may be exported, if any tax may have been paid on the tobacco, instead of its being taken out of the warehouse, and yet not a cent of the same sort of tax has ever been refunded upon cotton. This, too, was kept up for the manufacturers in large part, but for sheer shame it had to be stopped.

In addition to these repeals in their favor we have had the free-list on raw materials largely increased or approximated, they the while not abating but actually increasing the protection.

But let us look at some still later utterances about the "compensatory" part of the present tariff. Mr. MORRILL, on May 9, 1870, said:

> At the same time it is a mistake of the friends of a sound tariff to insist upon the extreme rates imposed during the war if less will raise the necessary revenue.

How must this sound to those who object to the present bill upon the ground that it will not reduce the revenues and that this bill is unjust to manufactures? And in the same speech he says:

> Whatever percentage of duties were imposed upon foreign goods to cover internal taxes upon home manufactures should not now be claimed as the lawful prize of protection when such taxes have been repealed. There is no longer an equivalent.
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> Protection has here no legitimate claims, and it may be taken off whenever direct taxes are repealed and less revenue is desired.

It was under some sense of obligation to the people that at that time, 1870, a reduction of the small extent of 10 per cent. was made in the tariff. This was only a very partial keeping of the pledges that had been given. The love of money was stronger than every consideration of humanity and of honor. Only this much was done, and even this was not permitted to stay done, for in 1875 the 10 per cent. was restored back to the tariff and to the manufacturers, as I previously stated.

But, sir, the popular outcry at this causeless restoration of the 10 per cent. to the tariff, when there ought to have been an additional step taken toward the tariff of 1861, caused the Republicans and other protectionists to see the necessity of some show being made of a reduction. The Republicans had more faith also in the professions of the present bolting faction of the Democratic party then than they have now. At this time that faction is their only hope of saving them from having now to keep their own pledges.

I repeat, it is gratuitous for any one to say at this time that we can not frame a bill that the Senate will pass, committed as the Republicans are by pledges, urged as they are by their own Executive to reduce taxes and to reduce the tariff, and assured as they are that the act of last year is a failure as respects the reduction of either tariff or revenue, so ingeniously was it contrived for the purpose of failing in both particulars.

But what did the Republicans next do? They had conferences everywhere respecting their perils and the order in which they would agree to keep the faith. Then, upon the 7th of May, 1878, they were represented by their chosen spokesman, Hon. N. P. Banks, of Massachusetts, a member of the Ways and Means Committee of this House, and he said:

These papers which I hold in my hand bear the official signatures of the authorized representatives of one hundred and twelve manufacturing corporations and firms of New England, in which they themselves suggest and consent to reduction of duties upon an extended and complete list of articles of foreign manufacture which come actively and directly in competition with the industries in which they are engaged, rising from 10 to 20, 30, 40, and 50 per cent. upon the present schedule of duties upon such importations. More than a hundred and twelve corporations and firms of cotton and woolen manufacturers alone, of their own choice, and after repeated conferences, in which all the interests of the textile fabrics of this country were considered, high and low, made this proposition. * * * As it was with the cotton manufacturers, so it was with the woolen manufacturers. They consented to and in a certain sense recommended, as of their own accord, a reduction of duties of from 23 to 25 per cent.

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Mr. HOOKER. Will the gentleman allow me to ask him why these interests asked a diminution of the tariff?

Mr. BANKS. Because their attention had been called to the subject. It was their duty to make known to the Government what they desired. They found when they brought their representative men together from all parts of the country that the duties could be reduced and they could still pursue their vocations with more or less success, and like honest and honorable citizens they made that declaration to the Government. And so did the wool-growers, from California to New England. They assembled in the State of New York for the same purpose, and after long and anxious conference one with another and with the woolen manufacturers they agreed, as did the silk manufacturers, to what extent they would recommend a reduction of the duty.

It was all appearance and deceit. How stand the wool-growers of California and elsewhere now? How stand the manufacturers? They said they could stand more then than is asked now, and protection was only asked for infancy. What has become of the patriotism and of the "honest and honorable citizens" who then spoke? They did nothing then and they refuse to do anything now, because they vainly think they can still afford to defy and deceive the people, and by combinations to limit production to continue to let the workmen starve on half-time work, while the proprietors continue to rob the people out of double prices.

And so things went on until President Arthur and others became alarmed at the suffering and mutterings of the people, and in his message to Congress of December 6, 1881, the President said:

In view, however, of the heavy load of taxation which our people have already borne we may well consider whether it is not the part of wisdom to reduce the revenues, even if we delay a little the payment of the debt. It seems to me that the time has arrived when the people may justly demand some relief from their present onerous burden, and that by due economy in the various branches of the public service this may be really afforded.

Forced expressions like this gave rise to another pretense and humbug show at reduction and reform. Hence we had the fraudulent Tariff Commission, made up of manufacturers and of representatives of protected interests, six, I believe, out of the seven, and they went through a great show and recommended a one-sided reduction; but so conservative is this bill that it actually does not reach further than the measure proposed by that commission would have gone. But we are invoking certain supposed moral forces to compel some Republicans and the Democratic protectionists to help us take at least a small, meager first step in this direction.

The commission's report was not adopted. The whole thing was only for delay and appearance. Congress then resumed its control of the tariff, adopted a revision that raised the real burdens still higher upon the people, and that is now pronounced by the Secretary of the Treasury a complete and a consummate failure in all that even the Republicans promised from it.

Such treatment of the people and of the public interests is all the more shocking when we contemplate the sentiments from the President in his December message of 1882. He said:

I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government. It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. And though there have always been, among our people, wide differences of sentiment as to the best methods of raising the national revenues, and indeed as to the principles upon which taxation should be based, there has been substantial accord in the doctrine that only such taxes ought to be levied as are necessary for a wise and economical administration of the Government. Of late the public revenues have far exceeded that limit, and unless checked by appropriate legislation such excesses will continue to increase from year to year. For the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000; for the fiscal year ended 30th of June last the surplus was more than $145,000,000. The report of the Secretary shows what disposition has been made of these moneys. They have not only answered the requirements of the sinking fund, but have afforded a large balance applicable to other reductions of the public debt.

But I renew the expression of my conviction that such rapid extinguishment of the national indebtedness as is now taking place is by no means a cause for congratulation; it is a cause rather for serious apprehension. If it continues, it must be speedily followed by one of the evil results so clearly set forth in the report of the Secretary.

Either the surplus must lie idle in the Treasury, or the Government will be forced to buy, at market rates, its bonds not then redeemable, and which, under such circumstances, can not fail to command an enormous premium, or the swollen revenues will be devoted to extravagant expenditure, which, as experience has taught, is ever the bane of an overflowing Treasury.

It was made apparent, in the course of the animated discussions which this question aroused at the last session of Congress, that the policy of diminishing the revenue by reducing taxation commanded the general approval of the members of both Houses. I regret that because of conflicting views, as to the best methods by which that policy should be made operative, none of its benefits have as yet been reaped.

And yet in the face of all this here we are begging some Democrats and trying to shame the Republicans into even considering a measure to reduce the surplus revenues. In the face of all this they say it must not come off of the tariff, where every dollar of tax you take off of the people will relieve them of some $5 of subsidy also, making a total saving to the people of the $30,000,000 or more of tax, plus, say, $150,000,000 of subsidy—nearly $200,000,000 of burden. You would rather take thirty or fifty millions off of the internal-revenue tax, which would lift just that and no more off of the people, where they do not want it taken from, where you know it can not be taken from, by the indicated sentiment of this House and of the country; and you would hold on to your excessive privileges and unlawful prizes, asking the people to stand robbing a while longer, or, as Mr. RANDALL indicates, until 1893, and then you give us another promise. The people must awake! They will get nothing they do not compel. They were not made to be your bondsmen.

One word more about the work of the Tariff Commission and of the act passed last year.

In his report of December last to this Congress the Secretary of the Treasury, after urging and arguing for "a reduction of taxation," after saying, "the question still presses, what legislation is needed to relieve the people of unnecessary taxation?" after warning us of the evils and the hardships to business of our excessive exactions of money from the people, says:

In the recommendations of the President and those of this Department and the action of Congress and in the expression of public opinion there has been substantial concord as to how the needed reduction of the revenue should be brought about. * * * It was conceded by all that a substantial reduction should be made upon nearly all imported articles subjected to duties.

To make a start in the proposed reduction of revenue from imports the Tariff Commission had been created.

In the report of the commission it said:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country.

Then the commission recommended the reduction of the tariff, and said:

Entertaining these views, the commission has sought to present a scheme of tariff duties in which a substantial reduction should be the distinguishing feature. The reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent.

I take all of these extracts from the report referred to of the Secretary of the Treasury.

We know that the Republican Congress did not begin to adopt these recommendations. The protectionists, as usual, quickly repented of trying to keep their promises, of the "generous" offers they had made, and they returned "like a sow to its wallowing in the mire." They discredit their own commission, which I believe they always intended to discredit and were only using as a blind, and adopted a bill last year that professed something, but which we knew was false and bound to fail, and that would increase the burdens upon the people; and now the Secretary says of it—for the truth must out—even in six months after its adoption, that the "calculations have not been verified."

And again he says:

Shall we seek again for that reduction which was not attained?

And again he says:

There was a general agreement that a substantial reduction of the tariff should be made.

And again he says:

The actual results so far attained indicate that the reduction labored for has not been effected by the new tariff act.

"Labored for" by whom? Not by the Congress that passed the act. It may have been labored for by the commission, who, not appreciating

the ridiculous part they were called upon to play, protectionists though they were, may have vainly thought that the protectionists generally were going to stand by their "general agreement." The expression is a good piece of irony upon Congress or upon the commission or upon both, for perhaps only the Secretary has been duped.

Again the Secretary says:

It can not be assumed that the estimated surplus for the current and next years under existing laws will remain at the same rate in succeeding years. The increasing population and swelling business of the country will add to rather than take from the amount of the surplus as now estimated, while the decrease of amount on the public debt, and probably of the amount disbursed by the Pension Bureau, as arrears of pensions are paid off, should diminish expenditures.

Here, then, Mr. Chairman, is the situation from this point of view. In the light of all this some Democrats ask us not to keep the "general agreement" of the Republicans, and not even a part of our own solemn pledges. Here is surplus piling upon surplus, and the amount being still more heaped up by the retrenchments of the Committee on Appropriations; and what are we going to do about it? Mr. RANDALL and his committee do well, of course, to retrench expenditures; but do we not see that we must the more imperatively provide for reducing the surplus revenue? This is "practical statesmanship" with a vengeance.

I will do my part, as an American, to the best of my humble ability to make this all plain to the people. I want them to scan well this long line of violated faith, to judge men by their protracted actions, and if they want the surplus left in their own pockets and the tariff burdens reduced, then they must send men here who do or who will work for those ends, and not those who have been and who now are working against them, and who bolt their party upon the first step toward the accomplishment of a small part of what they are solemnly pledged to.

Sir, I have often visited the last resting-place of Henry Clay, and I have stood by his sepulcher, reflected upon his policy, and upon the high spirit of his life. I have thought that his compromises had perhaps better never have been made. I do not know. His gift of his children did not sufficiently check the rapacity of the pursuing pack to enable his people to reach a place of safety. But, as I have gazed upon his sarcophagus, this inscription has challenged my unqualified admiration, that "though many years in the public service, he never once attempted to deceive his people." Gentlemen, I submit that for your imitation.

Relief must come. If not given gradually, it will come rashly, a way I would deplore; but I would rather see it come that way than not at all. To concede what is just is the only possible prevention of rashness.

Grant that this margin we cut is a sacrifice, is it "a lawful prize" you give up? Suppose it were a lawful prize, would not the sacrifice now be necessary? What interest can afford to be less liberal and less patriotic, if you please, than another? Let no prejudices be excited by any industry against itself. The next cut will be by selection, and then you want a well-disposed jury to consider your claims as a revenue-producing article. We can raise our revenue without taxing either wool or sugar. The manufacturers and the Republicans want both of them made free. Your only hope in the early future is upon your showing as a revenue-producing article, and then from the Democrats alone will you stand a chance of fair treatment.

Gentlemen have voted against the consideration of this bill, and they have proposed in caucus or introduced in this House none other. I say again that if they refuse to vote for this bill to the point where they can amend it, for if not amended to suit them they can still vote against it upon its presentation for final passage, they will then conclusively show that they are the uncompromising foes of reform, and I trust the issue will be the more sharply drawn in the future; and I repeat that our cry then should be, "On to Chicago!"

Mr. Chairman, in my remarks so far I have tried to confine myself to those matters which rightly pertain to the proposition of supporting the bill we have under consideration. As I have said before, independently of the question of the right or wrong of the tariff, this bill ought to pass, and the time when gentlemen can contend for the "lawful prizes" of protection is still in the future. This is the first step, the next will be the second step. I have tried to show that it will be time enough for gentlemen to oppose the policy of their party when the party opposes the policy that even the Republicans are pledged to, though now they are faithless to it. This is too early, I say again, for gentlemen to be throwing themselves into the arms of the Republican party, unless they wish to show to the country that the majority of the Democratic party is the only organized faith-keeping element in the country, and that they, the bolters, are in the party only to get the offices and to oppose the policy of the party.

But, sir, I do not wish to conceal my desire to take the second step. For my part I would take it now, and I only refrain from the effort in deference to weighty considerations of policy, approved of by the great majority of my party associates.

In this connection it becomes necessary and proper for us to set forth, not only the claims of this bill, but also the general subject of the tariff.

I now proceed from the consideration of the bill before us to that of the tariff itself.

This subject which we call the tariff, and it means taxes, is but a part of our system of Federal taxation; and while the tariff is our principal mode of Federal taxation, yet it has to be considered in connection with the whole system and principle of Federal taxation, to be rightly viewed; and while a tariff system of taxation is in very many respects the best that can be pursued, and it is a system that I never want to see abandoned, yet of all others it is the one that can be most perverted from a blessing to a curse, and that requires the narrowest and the closest scrunity upon the part of the people.

I think it was Turgot who said that "the art of taxation was to pluck the feathers without making the goose scream."

This is a very necessary art in a despotic government like that which Turgot served, and it is equally necessary to those in a free country who wish under the forms of taxation and law to practice all manner of wrongs upon the people.

Sir, the tariff system, with all its possible blessings, has been made in the hands of selfish and designing men a sad illustration in this country of that "art" not simply to procure vast and needless revenues, but also to cloak and obscure the practicing of the most shocking, unequal class legislation. It is by this and by kindred legislation that monopolies have been fostered and produced among us, and I may almost say billionaires have been created, to the oppression of our own people and to the amazement of the world. It is thus that the wealth of our matchless country, produced by the labor of our matchless people, has been steadily turned from the fair distribution that would follow under natural and equal laws to the present vast distortion, while the toilers have been ground down from bad to worse until already we present many of the most revolting aspects of a despotic and decaying nation.

When I see how hand has joined in hand to procure and to perpetuate these inequalities and wrongs—none but the rich enriched—how the passions and prejudices of the masses have been worked upon to divert their minds and to make them the instruments of mutual destruction and of self-enslavement; how God and liberty and humanity and country and honesty have all been made the rallying-cries for gain, thus uniting itself with fanaticism, from, I may say, generation to generation; how all priceless things have been imperiled and good men confused and estranged in the chaos; how the while the web has been carefully and steadily woven; how the pyramids of gold have been steadily added to; how the manufacturers have been subsidized with thousands of millions of dollars that they never honestly earned; how the railroads have been endowed with hundreds of millions of acres of the finest lands on earth, and their bonds indorsed for millions upon millions by a "paternal" Government; how solemn contracts have been violated with the people's creditors by the people's representatives to give advantages to national creditors which have been denied them by solemn agreements and by previous laws; how others, too, have been lifted from the common lot and struggles of life and have been given more money for nothing by the Government upon securities that they in turn would often lend to the people upon the same basis at 10 per cent.—when I consider these things I have sometimes almost despaired of our ability for self-government, and I know not which is the greater, my condemnation of these colossal wrongs or my astonishment at the ability, perseverance, and amazing cunning of those who have practiced and do now practice and maintain them. It surpasses the wrongs and corruption of the age of Alexander, of the age of the Roman emperors, and of the age of the partition of Poland.

Many of these things are past recall. Many of them are not, and some of them are now before us. The system is on trial. I for one, recognizing the vastness of the undertaking which is set before us, but having at heart only the liberty, the happiness, and the true grandeur of our whole and our common country, and knowing that only death can discharge us from the obligations of earthly duty, gird my loins about me and strike hands with those who are ready to strike for the right.

Sir, the origin of this system is calculated to warn us against its abuses. And at every step I wish to refute the misrepresentations of those who pretend to believe that we want to abolish the system instead simply of correcting its abuses, and to refute the equal error that if we had all power at this moment we would reform these evils without regard to the relative consequences. As I understand it we want "reform, not revolution." We want a growth, not a burst; but to have a growth we must not have stagnation. But whence was this system first derived, and what is its meaning?

Worcester defines tariff as follows:

A schedule or table of duties or customs payable to the government on merchandise imported or exported.

Mark the true meaning. It is "duty payable to the government," and not duty or subsidy payable to a preferred class of our people. Yet the present tariff is so arranged that for every dollar we pay the Government we pay perhaps five dollars or more to the proprietors, and to the proprietors alone, of a few subsidized industries. As opposed to this, we demand a tariff only for public revenue, and not for subsidy.

But as to its origin, Trench says:

If you turn to a map of Spain, you wil take note at its southern point, and running out into the Straits of Gibraltar, of a promontory, which from its position is admirably adapted for commanding the entrance of the Mediterranean Sea, and watching the exit and entrance of all ships. A fortress stands upon this promontory, called now, as it was also called in the times of the Moorish domination in Spain, "Tarifa," the name, indeed, is of Moorish origin. It was

the custom of the Moors to watch from this point all merchant-ships going into or coming out of the Midland Sea, and issuing from this stronghold, to levy duties according to fixed rates on all merchandise passing in or out of the straits; and this was called, from the place where it was levied, "tarifa" or "tariff," and in this way we have acquired the word.

Sir, if I may digress to say a word upon an etymological question, I will say that while from this promontory the Spanish got its "tarifa," the Italian its "tariffa," the French its "tarif," and we our tariff, yet the word "tarif" is pure Arabic, meaning in the Arabic just what it means in our present English, but perverted by the robber Moors, just us it has been perverted from Government revenue by the robber protectionists. A legitimate tariff, a revenue tariff, a tariff upon our own people for the sole purpose of providing a public revenue for public purposes, and so placed as to cost the people as little as possible outside of what goes into the public Treasury, is a blessing. A tariff perverted from this public purpose, but designed to so disturb trade as to give to a few people, from the earnings of the many, five dollars or more, where it gives one dollar to the public treasury—this I say is robbery; it is a curse; it is slavery; and those who favored it and now favor it are, and have ever been, the real foes to human rights and to human freedom.

But, sir, it is much easier for us to see the mote in our brother's eye than it is for us to see the beam in our own eye, and hence I will make use of the robbery committed by the Moors to illustrate the nature and the working of our present system. As commerce passed this "custom-house" of Tarifa it proved suggestive to the Moor. He wanted to be "encouraged" and "protected" as he followed the common lot of life, and so he concluded to lay tribute upon those who traded under his observation. Indeed, he cut east and west, while we cut mainly our own people. It was simply a sum of money that he exacted upon merchandise. For a long time the people along the Mediterranean considered that he did no harm or wrong to them as consumers, but that he simply helped them to get even with the bargain-driving merchants.

But this merchandise consisted in large part of the necessaries of life, and by dint of long robbery the people learned that what came out of the merchants ultimately came out of them. The merchants never could let their competition go further than to sacrifice a part of their profits. Under all circumstances the merchant had at least to get back the cost of the goods. What they paid out for tribute at Tarifa was as much a part of the cost price as was the freight or the original cost of the article. The percentage of profit also had to be computed upon a much larger basis than would otherwise have been the case. Thus the matter was compounded upon the consumer.

Another element of the case, and as with us by far the bigger element, was that most of the imported articles were also produced in part by the people living upon the shores of the Mediterranean, inside of the point where this tariff was exacted. With our varied climate, soil, and minerals this is much more the case than it was with the people of whom I speak.

Those people living inside of Tarifa, and who produced some of the articles that were imported, were not slow to learn that they might as well take advantage of the enhanced price of the imported article, and hence they quickly marked up the domestic product to about the full price of the imported article, so as to reap the benefits of the enhanced price.

It is not recorded that they had any increased love for "labor." Nor does it appear that the "laboring man" derived any benefit from ceasing to produce a little more of something that went abroad to produce a little more of something that had previously been imported in exchange for his former products. The truth is those people at Tarifa were disturbing the natural order of trade.

Had trade been left alone the people would have continued to get what they wanted, other than what they produced at home, by exchange, giving in return to foreign nations commodities that could be more cheaply produced on the Mediterranean than they could be produced in other countries. This undisturbed flow of commerce and of exchange would have been a benefit and a blessing to all nations in reach of each other. As soon as exchange ceased to be as cheap as home production respecting any article or particular industry, that moment home production would increase. As soon as home production of a given article ceased to be as cheap as getting it by exchange, that moment the people would begin to conform to the wise and gainful policy of ceasing to produce the article. New wants would arise; new articles of commerce would come into existence, and all proper changes would take place for the best as peoples grew and as their industries grew. But these Moors disturbed the whole natural order of trade. They did not simply seek to get a revenue upon those articles that would least disturb commerce, but they threw a drag-net over all things, just as our protectionists have done, and with such results, apart from revenue, as we are beginning to see.

Sir, abstract reasoning is entirely lost upon some gentlemen here, for they continually assert that a tax upon an article cheapens that article to the buyer, and that a tax upon imports does not correspondingly increase the price of the home product. When asked how it can "protect" the manufacturer unless it increases the price to the buyer, they simply fall back upon assertion. Eminent gentlemen talk this way, and hence I make this childlike demonstration. There is no proposition too absurd for self-interest to evolve.

The immediate result, then, of this indiscriminate tariff, apart from the revenue it yielded to the Moors, was a large profit to the particular growers or manufacturers inside of Tarifa of the articles taxed, and a corresponding injury to the great mass of consumers of such merchandise, including those who labored for the small number of proprietors benefited, for, labor being exempted from duty, it could come in at any time in full supply, and then the laborer got no more, while he nevertheless had to pay more of his same scant wages for the very necessaries of life that he himself produced. This left him worse off than he was before; and this is just the way it works with us.

Now, I repeat that the whole natural order of production and exchange was deranged; and whenever the ultimate day of restoration of this order should be restored the laborer and the great mass of the people would be relieved of this burden and injury, but not till then.

Gentlemen may say that these pirates were public benefactors, but the people did not long think so. When they found out the burdens they were placing upon all laborers and consumers the occupation of the Moor was gone. Gentlemen may say that they had been engaged in "developing the industries" of that country; but a little reflection convinced the people that they were really not so much aiming to "develop the industries" as they were to develop the resources of the country. That system had a peculiar charm for the Moors and for the few inside who were making the money.

Now, Mr. Chairman, I have tried to make plain the true nature and character of our so-called protective tariff. What right have we to make our custom-houses promontories of Tarifa?

Sir, the power to tax is the power to destroy. We can take a part by a tax, or we can take all of a citizen's property. But how, and for what? Can we lay an embargo upon imports simply to enrich one man or a few men, to the detriment of the great mass of laborers and consumers of the country? Can we take from one or divert from one simply to enrich another? Can we do it directly? Can we do it indirectly? I do not mean by sophistry and deception, for we are doing it that way now. If done directly we can bring it before the courts, and it is stopped. If done indirectly by a perversion of the taxing power, we can not get it before the courts; we can only go to the people themselves; but the principle is the same whether the wrong be perpetrated either directly or indirectly.

I wish I had time to introduce here the decisions of the supreme court of Maine and of other States upon this subject; but I will at least introduce the decision of the Supreme Court of the United States in the well-known Loan Association *vs.* Topeka case (20 Wallace, page 657). Every speech delivered in this debate ought to have this decision in it. The court said:

> The power to tax is therefore the strongest, the most pervading, of all the powers of the Government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall in the case of McCulloch *vs.* The State of Maryland that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.
>
> To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.
>
> Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."

And the court adds:

> If it be said that a benefit results to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor.

What would be the result of a system that protects equally all around? Suppose we established an expensive, complicated system that gave 50 per cent. additional profit to the laborer, to the lawyer, to the merchant, to the manufacturer, to the preacher, to the doctor, to the sewing-woman, and to every other person in employment in the country; what would be the result? It would be a purposeless exchange of dollars; it would be "swapping dollars" all around; it would be an absurdity. We should be out the expense of the office-holders, without a single man in the country being a gainer.

But unless you protect all you protect only a part. But this the Supreme Court justly says "is robbery." Hence this sort of policy is bound to wind up in absurdity or in robbery; but it never goes far enough to be absurd, for it always stops where it is designed to stop, namely, at "robbery."

Some things are almost too plain to admit of a demonstration. Yet I have taken occasion to turn to the census and to take two States that fairly represent the two sides of this policy, to examine the effect upon them, and I will present it to you.

From 1850 to 1860, under a revenue tariff, the wealth of Iowa increased 942 per cent. During the same period the wealth of Pennsylvania increased 96 per cent.

In 1861 the high-tariff policy was adopted. From 1860 to 1870 the population of Iowa increased from 673,000 to 1,188,000, which is nearly

100 per cent. Yet, despite the vast increase of wealth by immigration, the aggregate increase of wealth in that State dropped off in this period from nearly 1,000 per cent. to about 300 per cent. The ratio fell off more than two-thirds.

How was it with Pennsylvania, a manufacturing State, operating under the new system? The population of Pennsylvania increased only about 40 per cent., yet the aggregate increase of wealth in that State sprang from 96 per cent. to nearly 300 per cent.

What Iowa lost Pennsylvania gained. The law was procured and is now maintained just for the purpose of taking from one man and giving to another.

Deduct from Iowa's gain what was carried there by immigrants, or what is properly chargeable to their work, and how small must have been the real profits of the farmers. Now, allow to Pennsylvania what is properly chargeable to her gain by means of immigration, and yet how vast must have been the profits of the manufacturers.

The farmers and other consumers, including especially those who labor for the monopolist, have not actually been sold into bondage, but they are so "robbed under the forms of law" that they have but little left above a poor living.

My life is a short one, yet I have lived long enough to see agriculture dethroned and the great body of my people practically made bondmen. I trust they will soon, all of them, see this, and then a fire will flash from their eyes which will teach the monopolists that they were not born to be slaves.

No party ever had a higher mission than the Democracy has now. I repeat here that Mr. Hamilton failed to make this country a monarchy, with degrees of peoples other than God's gifts; and Mr. Jefferson settled that this country shall be a democracy. By fraud unparalleled that decision has been set aside. But the perversion will not stand long. This is to be a democracy, a representative democracy, a constitutional democracy. The people will rule with wisdom and justice. Talk no more of your mere equality under the law. It is a delusion and a fraud. We want equality under equal laws, a phrase of some reality. Your loose construction of the Constitution means partiality and favor. You can not run this Government without justice. When justice is practiced, and only then, will labor cease to envy capital, for capital will cease to rob, deceive, and oppress labor. Cease to prate for standing armies, and take refuge in justice. It is a place from which you want to go, but from which nobody wants to drive you.

You do not need so much to legislate for the people as you do to cease from legislating against them. Give them an equal show, and then if misfortunes overtake them, as they most seldom will, the fault will not be ours, but the visitation will be of God, against whom the people are not likely to rebel.

But gentlemen say that this class legislation does not produce monopolies, for all men are free to enter the subsidized industries. What mockery is this? The fact that you at once groan with wealth and that others begin to groan with poverty and toil is enough to refute it. But consider the nature of the case.

Do foreigners come in at once to compete with you? No. Only foreign mechanics and miners are enticed by your short-lived, fictitious wages. Capitalists know that you have been stimulated beyond what natural laws justify; that you exist only by an act of Congress, and they are distrustful of your foundation. Hence, so far as they are concerned, you are left unmolested.

Do farmers rush into the subsidized pursuits? Can they do it? The habits of a lifetime are not easily changed. Your skilled knowledge is not quickly acquired, and the property which you have caused to be discriminated against no longer yields a profit, and hence can only be sold, should its owner wish to make a change, at a great sacrifice.

Thus you are secure in your monopoly, and of your vast profits there is no doubt. You readily import all the contract labor you want, and that commodity, one of your "raw materials," as you would call it, is free of impost and correspondingly cheap. You say the laborer abroad is a pauper. He at least then yields to the seductiveness of your contracts, and deceived by temporary and fictitious high prices, comes to swell your wealth and victims.

It is your own delusion to now talk of preventing the importation of labor under contracts. You can readily grant that now, for the market is already glutted. Should future wants arise you could readily evade such a law. The pauper labor is here, and what the oppressed laborer wants is a law that will compel you to compete with the world, sell to the world all you can make, at a smaller profit than by combinations you get at home, and then he will have work the year around at the price he now gets when he gets anything, for he competes and must compete in a free-trade labor market; but his cost of living the while will be much less as well as his employment more constant. It will have to come to this, as sure as there is a natural law; and the laborer will know it, if only by starvation; and the manufacturers and other monopolists will know it, if only by panics and the thunder of the people they rob.

In order that the people may figure out for themselves the amount of subsidy they pay upon the pretense of raising a limited amount of revenue, and what protection for the sake of protection costs them, I insert the following table, which has recently come from the Bureau of Statistics:

Statement showing the values of the principal manufactured articles produced in the United States during the census year 1880, *which, when imported, are subject to customs duties, the amounts thereof exported and remaining for consumption, the amount of such articles imported for consumption, &c.*

Manufactured articles.	Produced in the census year 1880.	Exports, domestic, during the year ended June 30, 1880.	Consumption of domestic, during the year 1880.	Imported for consumption during the year ended June 30, 1880.	Total consumption in the year.	Imported.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
Agricultural implements	68,640,486	2,245,742	66,394,744	.....	66,394,744	.....
Beer, ale, and porter	101,058,385	298,818	100,759,567	754,293	101,513,860	.74
Bells and bell and bronze metal	1,065,824	15,866	1,049,958	5,185	1,055,143	.49
Billiard tables and apparatus	2,289,758	28,390	2,261,368	.....	2,261,368	.....
Blacking	1,491,474	163,021	1,328,453	56,958	1,385,411	4.11
Bone-black, ivory-black, and lamp-black	661,376	66,069	595,307	.....	595,307	.....
Books, pamphlets, maps, and other publications	11,976,764	626,630	11,350,134	2,510,492	13,860,626	18.11
Brass	27,332,483	183,468	27,149,015	414,224	27,563,239	1.50
Bread and breadstuffs:						
Barley malt	18,273,102	(a)	18,273,102	328,900	19,102,002	4.34
Bread and biscuit	65,824,896	686,158	65,138,738	25,113	65,163,851	.04
Wheat-flour, corn-meal, rye-flour, &c.	505,185,712	36,339,286	468,846,426	72,338	468,918,764	.01
Maizena, farina, and all other preparations of breadstuffs used as food	2,493,224	2,439,098	54,126	185,217	239,343	77.49
Brick and tile, drain-pipe, and terra-cotta ware	33,868,131	50,276	33,817,855	113,210	33,931,065	.33
Brooms and brushes of all kinds	10,560,855	110,410	10,450,445	371,138	10,821,583	3.43
Buttons	4,449,542	(a)	4,449,542	3,853,596	8,303,138	46.41
Carriages, carts, and parts of	76,971,137	823,702	76,147,435	88,396	76,235,831	.12
Cars (railroad), passenger and freight	27,997,591	583,723	27,413,868	.....	27,413,868	.....
Chocolate	1,302,153	2,142	1,300,011	27,442	1,327,453	2.07
Clocks and watches, and parts of	15,034,339	1,453,237	13,581,102	1,771,281	15,352,383	11.54
Coffee, cocoa, and spices, including ginger, pepper, and mustard	22,924,894	93,238	22,831,656	2,144,377	24,976,033	8.59
Coke	5,359,489	(a)	5,359,489	18,406	5,377,895	.34
Combs	951,395	16,098	935,297	231,727	1,167,024	19.85
Copper	2,087,773	793,455	1,294,318	432,522	1,726,840	25.06
Cordage, rope, and twine of all kinds, not elsewhere specified	12,492,171	356,808	12,135,363	.....	12,135,363	.....
Cotton	b 277,172,086	9,981,418	267,190,668	25,723,252	292,913,920	8.78
Drugs, chemicals, and medicines, not elsewhere specified	59,657,491	2,938,278	56,719,213	13,085,322	74,354,823	17.69
Dye-stuffs	5,253,038	702,750	4,550,288			
Earthen, stone, and china ware	7,942,729	106,724	7,836,005	5,500,994	13,336,999	41.25
Fancy articles, not elsewhere specified	23,447,321	518,198	22,929,123	4,769,064	27,698,187	17.22
Flax, hemp, and jute	19,331,624	1,263,655	18,067,969	24,698,675	42,766,644	57.75
Fruits, preserved, in cans or otherwise	17,599,576	435,290	17,164,286	393,974	17,558,260	2.24
Furs and fur-skins	8,238,712	5,404,418	2,834,294	3,823,969	6,658,263	57.43
Gas fixtures and chandeliers	4,329,656	36,237	4,293,419	.....	4,293,419	.....
Glass and glass-ware	23,689,580	749,866	22,939,714	5,133,285	28,072,999	18.29
Glucose	4,551,212	103,771	4,447,441	133,614	4,581,055	2.92
Glue	4,324,072	22,650	4,301,422	280,149	4,581,571	6.12

a Not separately specified. b Including mixed textiles.

Values of principal manufactured articles produced in the United States, &c.—Continued.

Manufactured articles.	Produced in the census year 1880.	Exports, domestic, during the year ended June 30, 1880.	Consumption of domestic, during the year 1880.	Imported for consumption during the year ended June 30, 1880.	Total consumption in the year.	Imported.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
Hair	1,467,723	24,552	1,443,171	181,096	1,624,267	11.15
Hats, caps, and bonnets:						
Of wool, fur, and silk	8,516,569	198,639	8,317,930	6,420	8,324,350	.08
Of palm-leaf, straw, &c	32,866,116	23,024	32,843,022	1,244,955	34,087,977	3.65
Ice, artificial	544,763	.....	544,763	.....	544,763	.....
India-rubber and gutta-percha:						
Boots and shoes	9,705,724	28,072	9,677,652	50	9,677,702	.....
All other manufactures	15,603,924	278,608	15,325,316	285,345	15,610,661	1.83
Iron and steel:						
Iron—						
Sheet, band, and hoop	262,351	15,401	246,950	1,455,041	1,701,991	85.54
Nails and spikes	5,629,240	287,939	5,341,301	2,719	5,314,020	.05
All other manufactures	585,927,289	8,671,068	577,256,221	30,986,929	608,243,150	5.09
Steel—						
Ingots, bars, sheets, and wire	19,964,423	15,223	19,949,200	1,710,190	21,659,390	7.90
Cutlery and edge-tools	15,897,938	998,004	14,899,934	1,722,603	16,622,537	10.36
Files and saws	6,429,638	31,118	6,398,520	155,506	6,554,026	2.37
Fire-arms	5,736,936	2,286,091	3,449,845	751,999	4,201,844	17.90
All other manufactures	8,195,501	311,674	7,883,827	6,808,156	14,691,983	46.34
Jewelry and other manufactures of gold and silver	33,896,910	231,531	33,665,379	289,241	33,954,620	.85
Lamps	3,357,829	263,110	3,094,719	.....	3,094,719	.....
Lead	5,600,671	49,899	5,550,772	251,827	5,802,599	4.34
Leather:						
Morocco and other fine, sole, upper, and other	208,587,421	5,744,360	202,843,061	7,614,471	210,457,532	3.62
Boots and shoes	196,920,481	441,069	196,479,412	} 4,155,010	248,386,021	1.67
Saddlery and harness	38,081,643	133,705	37,947,938			
All other manufactures of, not elsewhere specified	10,244,713	441,052	9,803,661			
Lime and cement	5,772,318	52,584	5,719,734	389,116	6,108,850	6.37
Manures	23,650,795	588,777	23,062,018	.....	23,062,018	.....
Marble and stone	33,210,014	453,912	32,756,102	765,732	33,521,834	2.28
Matches	4,668,446	119,246	4,549,200	14,879	4,564,079	.33
Mathematical, philosophical, and optical instruments	4,398,435	87,161	4,311,274	26,941	4,338,215	.62
Metals, metal compositions, and manufactures of	51,608,461	.....	51,608,461	1,096,737	52,705,198	2.08
Musical instruments, all kinds	19,254,739	811,177	18,443,562	898,622	19,342,184	4.64
Naval stores: Tar, turpentine, and pitch	5,876,983	2,452,908	3,424,075	11,894	3,435,969	.35
Oil-cloth	5,814,487	7,034	5,807,553	92,733	6,900,286	1.57
Oils:						
Mineral—						
Naphthas	2,990,678	1,192,229	1,798,449	} 64	11,868,285	.....
Illuminating	37,349,613	31,783,575	5,566,038			
Lubricating	5,542,858	1,039,124	4,503,734			
Residuum	1,724,370	276,490	1,447,880	.....	1,447,880	.....
Animal—						
Lard	4,721,066	816,447	3,904,619	.....	3,904,619	.....
Neat's-foot and other	259,086	23,519	235,567	6,307	241,874	2.61
Vegetable—						
Cotton-seed and oil-cake	7,690,921	9,485,241	c 1,794,320	} 741,160	14,992,584	4.95
Linseed	15,393,812	31,214	15,362,598			
Volatile or essential	902,758	219,612	683,146			
Oleomargarine	6,892,939	2,582,640	4,310,299	.....	4,310,299	.....
Ordnance stores: Gunpowder and ammunition	9,098,127	772,944	8,325,183	239,304	8,564,487	2.79
Paints and painters' colors	23,390,767	231,774	22,958,993	1,065,964	24,024,957	4.44
Paper and stationery	180,179,380	1,183,140	178,996,240	1,795,625	180,791,865	.99
Perfumery	2,203,004	302,993	1,900,011	382,686	2,282,697	16.77
Plated ware, of silver or other metal	11,113,742	292,563	10,821,179	.....	10,821,179	.....
Printing presses and type	3,476,303	251,227	3,225,076	.....	3,225,076	.....
Provisions:						
Beef and pork (slaughtering and packing)	303,562,413	75,294,258	228,268,155	79,244	228,347,399	.03
Butter and cheese	25,742,510	18,862,407	6,880,103	538,576	7,418,679	7.26
Lard	23,195,702	27,920,367	c 4,724,665	75	.....	.....
Pickles, preserves, and sauces	2,407,342	17,158	2,390,184	300,872	2,691,056	11.18
Salt	5,191,222	6,613	5,184,609	1,750,175	6,934,784	25.24
Scales and balances	3,252,460	199,412	3,053,048	.....	3,053,038	.....
Sewing-machines, and parts of	15,028,025	1,649,367	14,278,658	.....	14,278,658	.....
Silk and silk goods	41,033,045	63,013	40,970,032	31,460,947	72,430,979	43.44
Soap and candles	26,552,627	966,316	25,586,311	311,380	25,897,691	12.02
Spirits, distilled	41,394,896	3,027,545	38,367,351	1,751,134	40,118,485	4.36
Starch	7,477,742	447,842	7,029,900	40,702	7,070,602	.58
Sugar and molasses:						
Refined, and molasses	155,484,915	3,257,166	152,227,749	8,979,511	161,207,260	5.57
Candy and confectionery	25,687,033	81,757	25,555,276	9,140	25,564,416	.04
Tallow and grease	14,095,061	8,598,456	5,496,605	193,488	5,690,093	3.40
Tin	606,229	144,185	462,744	16,580,097	17,042,841	97.29
Tobacco:						
Cigars	63,979,575	67,821	63,911,754	2,293,749	66,205,503	3.46
All other manufactures of	54,690,591	1,995,345	52,695,246	46,358	52,741,604	.09
Trunks	7,252,470	183,758	7,068,712	.....	7,068,712	.....
Umbrellas, parasols, and sunshades	6,917,463	8,230	6,909,233	59,732	6,968,965	.86
Varnish	5,721,174	96,062	5,625,112	120,189	5,745,301	2.09
Vinegar	3,418,038	4,123	3,413,915	34,918	3,448,833	1.01
Wearing apparel	279,684,847	486,233	279,198,614	d 1,009	279,199,623	.....
Whalebone	526,777	255,857	270,930	1,190	271,120	.07
Wine	2,109,193	123,317	1,985,876	5,649,034	7,634,910	74.00
Wood:						
Household furniture	77,845,725	1,653,878	76,191,847	5,147,784	76,339,631	.19
Wooden-ware	5,235,474	331,137	4,904,337	} 6,005,277	380,903,505	1.58
All other manufactures of	380,798,266	10,804,375	369,993,891			
Wool:						
Carpets	32,654,512	8,530	32,645,982	1,313,352	33,959,334	3.87
All other manufactures of, not elsewhere specified	240,454,116	208,046	240,246,070	30,514,775	270,760,845	11.27
Zinc	2,725,165	119,264	2,605,901	585,721	3,191,622	18.36

c Excess of exports. d Mostly included in cotton, silk, and wool manufactures.

Additional light will be furnished by the following table, from the same source. I wish to call attention to the fact, as shown by this table, that the average tax collected is over 40 per cent., while previous to the last act, which was to have taken off from 20 to 25 per cent., the duty was a little over 42 per cent. This shows that the reduction on the articles taxed is only, say, 2 per cent. The amount of subsidy paid is difficult

to estimate. We consume over five billions of manufactured goods. I am satisfied that there have been years when the people paid tribute to the subsidized industries of not less than $1,500,000,000 a year. It is much less now, owing to overproduction in many lines of business and to the only partial efficiency of combinations. Perhaps it is not much over $500,000,000 a year; but if the people will figure out what that amounts to each man, to each State, and to each county, they will understand why they are kept poor and others are made rich. I leave those calculations for them to make. These tables give them the data to go upon.

Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the average ad valorem rate of duty collected, during the six months ended December 31, 1882 and 1883.

Articles.	Six months under the old law—1882.			Six months under the new law—1883.			Increase (+). Decrease (—).		
	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem.
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Dollars.*	*Per cent.*
All dutiable merchandise	260,856,237	110,449,331	42.34	241,738,562	98,812,477	40.87	—19,117,675	—11,636,854	— 1.47
Sugar and melada	44,432,311	23,180,590	52.17	46,731,822	23,520,030	50.26	+ 2,361,511	+ 339,440	— 1.91
Iron and steel and manufactures thereof	32,499,426	12,713,996	39.12	23,766,583	8,207,133	34.53	— 8,732,843	— 4,506,863	— 4.59
Wool:									
Clothing wool	1,210,689	671,415	55.46	2,399,515	1,073,311	44.73	+ 1,188,826	+ 401,896	—10.73
Combing wool	135,123	67,839	50.19	615,677	267,704	43.48	+ 480,554	+ 199,865	— 6.71
Carpet wool	3,505,980	974,202	27.79	4,348,132	1,087,519	25.01	+ 842,152	+ 113,317	— 2.78
Manufactures of wool	22,400,387	14,943,626	66.71	23,128,502	15,193,291	65.70	+ 728,115	+ 249,665	— 1.01
Manufactures of cotton	14,967,850	5,629,658	37.61	12,033,872	4,828,117	40.12	— 2,933,978	— 801,541	+ 2.51
Manufactures of silk	19,999,119	11,738,469	58.69	21,287,064	10,615,270	49.87	+ 1,287,945	— 1,123,199	— 8.82
Earthen and china ware	4,423,146	1,896,705	42.88	2,568,288	1,438,035	55.99	— 1,854,858	— 458,670	+13.11
Glass and glassware	4,271,305	2,327,660	54.49	3,942,765	2,206,789	55.97	— 328,540	— 120,871	+ 1.48
Spirits and wines	5,203,625	3,706,142	71.22	2,801,525	2,632,873	93.98	— 2,402,100	— 1,073,269	+22.76
Malt liquors	511,772	227,370	44.43	490,326	235,827	48.10	— 21,446	+ 8,457	+ 3.67

And now, Mr. Chairman, I want to expose a few of the more striking frauds and wrongs, in detail, that are practiced under this tariff law upon the people. The following tables are prepared from the invoices of one of the leading importers in this country. I will not give his name, for the monopolists make it disagreeable to every man who lets out these custom-house secrets. But every gentleman here who has informed himself in these lines of business knows these figures to be correct. They show how a great pretense of reduction of duties can be made when there is practically no reduction at all, for the articles reduced are still left at prohibitory rates of duty. They were prepared by the protectionists for this use and fraud. These tables also show how the articles used by the masses of the people are heavily taxed, and those used by the very rich are relatively lightly taxed. It is the great consumption of the masses that they are after. In every way the monopolists are good to themselves and unfeeling and unjust to the people. What the toiling millions consume is taxed to a prohibitory point, and the people are turned over, bound hand and foot, to the "robbery" of the protected classes. When they overproduce they still seek, by combination, to prevent competition and to exact the full pound of flesh.

Table showing the rate of duty on woolen cloths, woolen shawls, and all manufactures of wool of every description made wholly or in part of wool, under the tariff in force prior to July 1, 1883, and the tariff of July 1, 1883 (act of March 3, 1883).

Valued at—	Prior to July 1, 1883.		Tariff of July 1, 1883.	
	Rate of duty.	Equal to—	Rate of duty.	Equal to—
		Per ct.		*Per ct.*
27c. per pound	50c. per lb. and 35 p. c.	220	35c. per lb. and 35 p. c.	165
40c. per pound	do	160	do	123
50c. per pound	do	135	do	105
60c. per pound	do	118	do	93
70c. per pound	do	106	do	85
80c. per pound	do	98	do	79
90c. per pound	do	91	35c. per lb. and 40 p. c.	79
$1.00 per pound	do	85	do	75
$1.20 per pound	do	77	do	69
$1.40 per pound	do	71	do	65
$1.60 per pound	do	66	do	62
$1.80 per pound	do	63	do	60
$2.00 per pound	do	60	do	58
$2.50 per pound	do	55	do	54
$3.00 per pound	do	52	do	52

Under the tariff act of 1857 woolen cloths, cassimeres, coatings, and shawls paid a duty of 24 per cent.

Manufactures of wool of which wool is the component material of chief value, not otherwise provided for, 24 per cent.

Manufactures of mohairs, or goat's hair, not otherwise provided for, 19 per cent.

It will be observed that the cheaper and medium goods, all along, are still prohibited, while the price plus the tax on the finer goods still keep them safely out of reach from competition with the manufacturer here of the lower grades. You see how short a distance money goes in shopping.

And here I will insert a statement of duties on worsted and cotton dress goods of a character worn by 85 per cent. of the women of this country. I have an extensive table of the same sort of goods of French manufacture, but this will serve as an example. Indeed, it is easy to fill a book with illustrations of these subterfuges and wrongs, but a few will illustrate the character of the universal drag-net that is thrown around the people.

Table showing the rate of duty on worsted and cotton dress goods under the old tariff and the act of March 3, 1883; goods 22 inches wide, weighing under 4 ounces to the square yard.

Cost in England.	Equal to, in currency—	Old tariff.		New tariff.		Reduction.
		Net cost to land.	Ad valorem.	Net cost to land.	Ad valorem.	
	Cents.	*Cents.*	*Per ct.*	*Cents.*	*Per ct.*	*Per ct.*
2 pence per yard	4.05	9.32	125	8.72	110	15
2½ pence per yard	5.07	10.75	107	10.15	95	12
3 pence per yard	6.08	12.17	95	11.57	85	10
4 pence per yard	8.11	15.02	80	14.42	73	7
4½ pence per yard	9.12	16.43	75	15.83	69	5
5 pence per yard	10.14	17.86	71	17.26	66	5
6 pence per yard	12.17	20.70	65	20.10	60	5
7 pence per yard	14.19	25.47	75	24.85	70	5
8 pence per yard	16.22	28.41	70	27.79	66	4
9 pence per yard	18.25	31.35	67	30.73	63	4
10 pence per yard	20.28	34.29	64	33.67	61	3
11 pence per yard	22.30	37.23	62	36.61	59	3
12 pence per yard	24.33	40.18	60	39.55	58	2

Five per cent. for freight and charges added to the cost in Europe to make cost to land here.

It is notorious that we derive only two or three thousand dollars of revenue from blankets, yet we consume millions of dollars' worth of them yearly, and if the law is operative we pay several millions of dollars of tribute to the manufacturers of blankets for their enrichment, certainly not for revenue. This is only one of scores of items of the same kind.

Many tricks are hid under the specific plan of taxation, instead of taxing articles according to their value. The excuse is that frauds are thus prevented. I hope a change of administration will relieve the customs officers of any such reflections upon their intelligence and honesty, and the people of that wrong. A one-dollar article ought not to be taxed as much as a five-dollar article. Yet it is done every day.

Here, too, the pretense of a big reduction on the lower and medium grades of goods leaves them still above all possible competition, and taxed vastly higher than goods for the rich are taxed.

Table showing the rate of duty on flannels and blankets composed wholly or in part of wool, under the old tariff and the tariff act of March 3, 1883.

Valued at—	Old tariff.		Act of March 3, 1883.	
	Rate of duty.	Equal to ad valorem duty of—	Rate of duty.	Equal to ad valorem duty of—
		Per ct.		Per ct.
12c. per pound	20c. per lb. and 35 p. c.	202	10c. per lb. and 35 p. c.	118
16c. per pound	do	160	do	98
20c. per pound	do	135	do	85
25c. per pound	do	115	do	75
30c. per pound	do	102	do	68
40c. per pound	do	85	12c. per lb. and 35 p. c.	65
50c. per pound	30c. per lb. and 35 p. c.	95	18c. per lb. and 35 p. c.	71
60c. per pound	do	85	do	65
70c. per pound	40c. per lb. and 35 p. c.	92	24c. per lb. and 35 p. c.	69
80c. per pound	do	85	do	65
90c. per pound	50c. per lb. and 35 p. c.	91	35c. per lb. and 40 p. c.	79
$1.00 per pound	do	85	do	75
$1.10 per pound	do	80	do	72
$1.20 per pound	do	77	do	69
$1.30 per pound	do	73	do	67
$1.40 per pound	do	71	do	65
$1.50 per pound	do	68	do	63

Previous to the late war, blankets paid a uniform ad valorem duty of 15 per cent. and flannels 19 per cent.

Now, sir, I want to consider some of the false charges that are brought against "the fathers" in connection with the tariff. They are quoted as favoring everything a man can think of. Their language is garbled, and the conditions and limitations under which they spoke are entirely ignored.

As early as 1785 Mr. Jefferson said:

I take for granted that the commercial system, wished for by Congress, was such a one as should have commerce on the freest possible footing. This was the plan on which we prepared our general draught for treating with all nations.

Again, in 1788, he said:

The system of the United States is to use neither prohibitions nor premiums. Commerce then regulates itself freely, and asks nothing better.

Again in 1800, in speaking of foreign commerce and the rights of government, he said:

Our merchants will manage the better the more they are left free to manage for themselves.

Again, he said:

Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible then would be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased and their condition bettered. Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one by one only that it can be extended to all.

In 1811, in writing to General Kosciusko, he said:

The revenues will be levied entirely on the rich. * * * The poor man pays not a farthing to the General Government but on his salt.

What did Mr. Polk say? In his message to Congress in December, 1846, in speaking of the act "reducing the duties on imports," which had previously been passed, he said:

The leading principles established by it are to levy the taxes with a view to raise revenue, and to impose them upon the articles imported according to their actual value.

And he says further, in speaking of the old law:

The act of 1842, by the excessive rates of duty which it imposed on many articles, either totally excluded, them from importation or greatly reduced the amount imported and thus diminished instead of producing revenue. By it the taxes were imposed not for the legitimate purpose of raising revenue, but to afford advantages to favored classes at the expense of a large majority of their fellow-citizens. Those employed in agriculture, mechanical pursuits, commerce, and navigation were compelled to contribute from their substance to swell the profits and overgrown wealth of the comparatively few who had invested their capital in manufactures.

Again he alludes to this system as "unequal and unjust."

And still further on he speaks of this system of taxation having been a part of the class legislation of England until it became "intolerable," and he speaks of the "severe struggle on the part of the protected and favored classes to retain the unjust advantages which they have so long enjoyed."

We hear much of Mr. Polk and "incidental protection." What he meant by incidental protection is not explained as he himself explains it, and for the obvious reason that if he were quoted in a way just to his memory he would ever prove a strong adherent to the doctrine of "a tariff for revenue only." Would that I had time to quote at length and to exhibit his clear and forcible statements of the injury of a protective tariff to farmers, and to all except the proprietors of the protected concerns. But what I have quoted is conclusive.

Mr. Buchanan, in speaking of restrictive legislation, said he favored such restrictive legislation "as may be necessary to counteract the regulations of foreign nations."

This is very different from our past and present proscription of the products of Germany and France, by which we have compelled them to prohibit the products of our farmers in order that they may counteract our regulations instead of our counteracting theirs. We know that the correct remedy for our troubles with those countries is to cease from our proscription of them, and then they will cease from their proscription of us, which we have provoked.

The production of food products in the old countries of Europe has reached its maximum. At their present rate of increase of population they will in ten years add 36,000,000 people to their population. All the food for them must be imported. Shall we supply it? They will not take our goods unless we take theirs. They would gladly exchange with us. But if we continue to restrict the rights and trade of the great body of our people to enrich a few, and thus to cut our people off from their foreign customers, then England will go on developing Australia, India, the Soudan, and other parts of Africa; France and Germany and Holland will still further look to China, Africa, and the islands of the sea.

When Congress was given the power to regulate foreign commerce it was not intended that it should be destroyed, but that it should be extended and improved.

Mr. Buchanan further said that he favored a protective tariff far enough "to secure a supply of those articles of manufacture essential to the national independence and safety in time of war." May his fame be protected from the perversions and slanders of his successors!

I think it was a great mistake to admit, even as a war measure, that taxes could be laid with a view to any other purpose than simply the getting of revenue, and that at the least possible cost, directly or indirectly, to the people. It was with great reluctance that Congress was given the power to tax the people at all. The people feared this central power. They long preferred and required that Congress simply make known its wants to the States, giving each one's quota upon a given rule, and the States collected and forwarded the money, just as the counties now do to the State capitals. But Congress was given the power to tax; but it was given with reluctance. With the power to tax it was simply given the power to tax, and not to go beyond this power grudgingly granted, and as now to extort money for private as well as for public purposes.

It has large discretion as respects the appropriating of the funds thus acquired. These operations are open. The people can see and measure them. This power to apply the public funds is granted only to those who are repeatedly brought back to account to the people, and lavishness and indiscretion is thus easily checked and rebuked. But if such appropriations would be wasted unless the General Government followed them up executively, and the Government is not given the power by the Constitution to thus invade that sphere, then the Government need not and should not make the appropriation. I will offer some additional observations in this connection at a later point, when I wish to consider the "general-welfare" clause.

Andrew Jackson is often quoted as having favored "a judicious tariff." Those who quote him this way never quote him any further. They give none of his qualifications. We all want "a judicious tariff;" and what is more, gentlemen, we intend to have it.

Even England, that foolish, labor-burdening country, living hard by the pauper fields of France, Germany, and Italy, and in open and frequent communication with India and China, maintains "a judicious tariff." England could not outstrip her neighbors any other way. This is the way her laborers are able to save more than ours do, although our natural advantages are the greater of the two. Jackson favored "a judicious tariff, such a one at least as would foster, protect, and preserve within ourselves the means of national defense and independence, particularly in a state of war."

Here, too, the limitation is as a war measure. The men of that day felt the danger of conquest from England, which had failed to conquer us at first, but had then turned her power upon liberty-loving France and had been successful, much more than we can conceive of now. England to-day, however, is the champion of liberty, and we can defy the world.

Additional light is thrown upon the convictions of Jackson by what is said by Henry Clay, who at the same time gives his own position. Mr. Clay said:

If the compromise act had not been adopted, the whole system of protection would have been swept by the board by the preponderating influence of the illustrious man General Jackson, then at the head of the Government, at the very next session after its enactment.

In giving his own views, Mr. Clay said:

In three years we could judge of the ability of our establishments to furnish these articles as cheaply as they were obtained abroad, and could then legislate with the lights of experience.

He added:

Three years would be sufficient to place our manufactures on this footing.

And what was it that he wanted for three years? The tariff then

was 20 per cent., and he wanted only 5 per cent. more, and that only for three years.

The present tariff, vast in its amount, exceeding 40 per cent., lower on luxuries than on necessaries, cruel and unjust in its arrangement, violating every principle of just or scientific taxation, has now raged for over twenty years, and yet gentlemen cite Mr. Clay to sustain them in inaction.

Mr. Chairman, this diverting of the taxing power of the Government from the sole and single purpose of raising revenue was agreed to once in a small way as a war measure. That was a new departure, though early taken. It involved a principle not countenanced by the framers of the Constitution, not dreamed of by them when they formed that instrument, and that to-day enslaves nineteen-twentieths of our people and in various forms more seriously threatens our country than has any peril to which it has ever been exposed.

It is a leading product of the doctrine that the Federal Government is a government of discretion, and not a limited government, nor, in a true sense, a government of constitutional restrictions. In short, it involves the question and is the great question as to whether or not we have constitutional liberty in this country.

Force of arms has failed, and I trust will ever fail, to break up the form of our Government.

But here is a doctrine, practiced by the dominant party, aided and abetted by a handful of Democrats, sustained also by the recent decision of the Republican majority of the Supreme Court, that does not, indeed, assail the outward form of our Government, but simply annihilates its substance, extinguishes its spirit, debases all the Constitution except the "general-welfare" clause, to simply rules and suggestions, erects here a great government of discretion, destroying all guarantees of liberty and property, sowing to the winds and inviting the whirlwind.

As many gentlemen defend this perversion of the taxing power of the Government upon the wretched sophistry of the "general welfare," drawing it with equal falsity from political economy and from our Constitution, I will, having tried to treat in a plain and popular way of the former heresy, now proceed to treat of the latter.

Sir, the "general-welfare" clause, once the most harmless and insignificant clause in the Constitution, is now, as we have seen, the stronghold of protection and the ground of repeal of all the balance of our supreme law. Our hope, sir, is always primarily in the people. I propose to go back to the formative period of our Government and bring down all that pertains to this famous clause, and to do my humble part toward awakening public opinion until it shall give us a Congress and an Administration and a Supreme Court that will not legislate away and give away all that freemen hold dear.

The American people, justly treated, are the best safeguard property ever had. Continue to rob and betray them and I would rather be a Philistine in the temple that Samson wrecked than thus to invite their vengeance.

That clause is the first clause of section 8, article 1, of the Constitution. It is as follows:

> The Congress shall have power to lay and collect taxes, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Sir, looking at this clause in a plain way, and remembering that the framers of the Constitution were earnest, plain, sensible men, what view does it present? It is evidently composed of two elements: first, a declaration of power respecting the raising of money—or call it revenue; and, second, a declaration of purposes, or objects to which that money is to be limited. The latter part is a limiting expression, and not one of expansion. That money is to pay the public debts; it is to be spent in our constitutional efforts for the common defense and in defraying the expense of what we are empowered to do for the general welfare, and for no other objects is it to be appropriated.

Other parts of the Constitution, in connection with the first part of this clause, tell us how far our supreme governing power extends, and the second part of this clause tells us that our use of the money we collect must not be unguarded and reckless or partial in its character, but that our appropriations must be restricted to the payment of the debts of the United States and to those expenditures of a national character that are clearly sustained by the Constitution, and that are clearly for the general welfare.

A policy under this head may touch only spots and individuals, such as pensioning soldiers and similar acts; but the general welfare plainly demands such an expenditure upon the score of national gratitude and prudence, and hence it is national and general in the proper sense.

But under no circumstances does this grant of discretion to appropriate money for the general welfare carry an extension of the functional power of the Government beyond the grants that are distinctly made to it and that are distinctly stated not to extend beyond those limits.

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.—*Article* 10.

And again:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.—*Article* 9.

Thus in every way is this idea of discretion in the exercise of power over the States and the people by perversion of the taxing power or of any other power guarded against. Time and again is it prohibited, and a strict construction of the Constitution is thus demanded by the very words of the Constitution itself. We have large discretion over the money in the Treasury, with certain limitations as to time, respecting appropriations for military purposes; but there our discretion stops. Neither by looking after appropriations nor otherwise can we invade the rights of citizens or of the States.

We may pension a wounded soldier or not just as we think public policy requires; but we can not follow that up and invade his rights and say what he shall eat and drink, how he must vote, and what clothes he must wear. If we think the policy evil we can stop the appropriation; but we can not invade his reserved rights. The same is true as to a State.

The first subtle comment upon this clause contrary to this view was from a source where we might naturally expect it. It was from Mr. Hamilton, the foe of our present form of government, the firm believer in a centralized government, and that, too, of monarchical form. I give all credit to his personal uprightness and to his transcendent abilities.

In his report on manufactures, in 1791, Mr. Hamilton said:

> The terms "general welfare" were doubtless intended to signify more than was expressed or imported in those which preceded.

Why should he use the word "more?" It is the comparative of much. It is the synonym of greater. Those terms were not intended to mean something more than what preceded them. They were intended to mean something different and something less, instead of something greater, or even equal to what preceded them. The first was a grant of power, the latter was a statement of the objects to which the money provided for was to be limited, a restricting clause it was, and the incorporation perhaps of the maxim of "the public weal" as a guide in the exercise of all constitutional power.

All the power you can wrench or squeeze out of it is the power to pay our own debts to the exclusion of the States or munificent private citizens coming in and, *vi et armis*, paying our debts for us; and then the liberty of discriminating as to the proper objects for national appropriations and outlays of money. This liberty is not likely to be long or greatly abused, I repeat, by a Congress the more numerous body of which is drawn directly from the people, and is compelled to go back to the people for new credentials every two years. Yet, sir, we now have taxation perverted from revenue to robbery, in harmony with this adroit suggestion of power from Mr. Hamilton, and a Supreme Court that practically states that our Government is no longer a Government of constitutional limitations.

This will appear the more striking when we consider the custom of Mr. Hamilton to put out a "feeler" in one place and to allay suspicion in the next. He was not only the father of the present opposition, but the natural delineator of their tactics.

He denounced our Constitution as "a shilly-shally thing, of mere milk and water, which could not last." He endeavored in convention to make an old English constitution of this, and failing in that, all his subsequent measures tended to bring it to the same thing.—*Jefferson's Works*, volume 9, page 122.

After the adoption of this Government he said there was "no stability, no security, in any kind of government but a monarchy."—*Jefferson's Works*, volume 9, page 126.

Neither he nor his posterity, the monopolists, ever had any faith in the people, or any use for them except to live off of them, or, as the Supreme Court says, to rob them.

Mr. Hamilton declared his belief in government bottomed on corruption as the only practicable government. In speaking of the English Government, Mr. Adams said: "Purge that constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man." To this, Mr. Hamilton replied: "Purge that constitution of its corruption, and give to its popular branch equality of representation, and it would become an impracticable government."—*Jefferson's Works*, volume 9, page 96, and volume 7, page 390.

His work all comports with this doctrine, and his descendants are like him.

When the bill to assume the continental certificates was about to be passed, and a preliminary test proved it, he had his henchmen informed by couriers with relays of horses, and swift-sailing boats were employed by sea. Active and secret agents were in every city and town. They bought up this paper at 5 shillings and 2 shillings per pound, acting under this "pointer" from the Secretary of the Treasury, Hamilton, and thus the masses found a few days later that they had been imposed upon in the interest of the few. Just after this he "cooked up" a great scheme and put it through to give $20,000,000 to his pet localities and henchmen, and fortunes followed fawning, and came very near breaking up the Union. Congress met and adjourned for days without doing any

business, so great was the anger. The deed was grafted, and to undo it was to break up the Union. In despair Hamilton took counsel of Jefferson to prevent anarchy. At last a few Southern members concurred, seeing it could not be stopped short of anarchy, upon condition that the Federal Capital be put where it now is.—*Jefferson's Works*, volume 9, pages 93, 94.

As for Hamilton's general policy for this Government, Jefferson warned Washington that it was for the General Government to "exercise all powers which may be for the general welfare," as the monopolists might choose to construe it, and he noted the means of general corruption employed.—*Jefferson's Works*, volume 3, 461.

And in the same letter to the President he called attention to the refusal of the monopolists of that day to acquiesce in the decision of the majority. (Page 463.)

The people were quiet for a time then as they have been quiet until now, for Washington was true to the Republic and often protested that he would "lose the last drop of his blood in support of it."—*Jefferson's Works*, volume 9, 96.

But long before they had proceeded anything like as far with corruption and class rule as we now suffer from "the eyes of the nation were opened and a general disbandment of them from the public service took place."—*The Anas*, page 97.

Why, sir, we are given the power "to borrow money on the credit of the United States" (Constitution, article 1, section 8, clause 2), and who ever doubted our constitutional power to pay back the money we borrow? The pecuniary power has sometimes been questioned, but not the constitutional power. This, then, may take us back to our famous clause, and I propose to show that the only idea of power intended, apart from the discretion or liberty of determining what are fit subjects for national appropriations as future exigencies might arise, was the power, not to pay the future debts of the Government then being established, for that idea of power is gratuitous, but to assume and to pay the old debts of the Revolutionary war. It was retrospective power, as it were, not future power. It was feared that the new Government might try to scale off the debts of the Colonies, and if it had not been for that this famous clause would never have been put into the Constitution, and our present robbing tariff would not have the deceptive veil of "general welfare" to cloak it.

Let us go, then, to "the architects" of the Constitution, as Mr. Benjamin calls them, for I think he was the real author of The Republic of Republics, and see what they did and said.

Sir, in the first draught of the Constitution, submitted to the convention August 6, 1787, by Mr. Rutledge, on behalf of the committee of detail, this whole matter was covered only so far as the following language goes:

> The Legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises.—*Elliott*, 5, 378.

That was all it said. There was nothing in the whole instrument, as well as not in this clause, about paying debts or about the general welfare. The power to borrow money on the public credit was given, and that carried with it the right to pay. But the colonies had contracted debts in a war for the "general welfare," and also had the old confederated government contracted such debts, and great concern was felt, as I have said, about the new Government having the power and disposition to pay these old debts.

Hence, on the 18th of August, Mr. Pinckney submitted, among other propositions that ought to be incorporated in the Constitution, the following:

> To secure the payment of the public debt.—*Elliott*, 5, 440.

This related to the old debt, and it was in conjunction with a plan for future debts, embracing also the prevention of a permanent revenue law, which Mr. Mason said "must, of necessity, subvert the liberty of any country." There was a struggle to get the power to tax at all, and a still greater struggle to get the power to lay any but a temporary tax, except taxes to provide for the payment of a debt.

These propositions, with the others, were referred to the committee of detail.

Mr. Rutledge "then moved that a grand committee be appointed to consider the necessity and expediency of the United States assuming all the State debts." This was agreed to, the committee consisting of one member from each State.

Then, on the 21st of August, the grand committee of eleven, upon the proposition, submitted the following report:

> The Legislature of the United States shall have power to fulfill the engagements which have been entered into by Congress, and to discharge as well the debts of the United States as the debts incurred by the several States during the late war for the common defense and general welfare.—*Elliott*, 5, 451.

There was discussion as to whether the assumption should be optional or obligatory; but this was the status up to this point, and only those debts are included which were contracted "for the common defense and general welfare." This is the first use in constitutional language of the term "general welfare," and mark the connection. It relates only to the payment of old debts.

Then on the next day, the 22d of August, the committee of detail came in, through Mr. Rutledge, with their report, covering Mr. Pinckney's proposition upon this question. Their report would make the first clause of the first section of the seventh article of the original draught of the Constitution read as follows:

> The Legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises, for payment of the debts and necessary expenses of the United States; provided that no law for raising any branch of revenue, except what may be specially appropriated for the payment of interest on debts or loans, shall continue in force for more than —— years.

The committee also proposed an addition to the sixteenth clause of the second section, seventh article, of the following:

> And to provide, as may become necessary from time to time, for the well-managing and securing the common property and general interests and welfare of the United States in such manner as shall not interfere with the government of individual States, in matters in respect only to their internal police, or for which their individual authority may be competent.

I think the text should have assigned this to the first section, as the second section has not got a sixteenth clause.

Here is the first intimation of the idea of the liberty to appropriate money in connection with future matters relating to the "general welfare." Previously, only past "general welfare" debts had been spoken of. This was a crude, preliminary proposition, involving some vague and dangerous language about the States; but we will see how it was pruned. We have seen the strict-construction requirements of the Constitution, which I have read, put in as amendments to guard against the slightest danger of looseness, and that, too, when the Constitution had already prohibited the General Government from maintaining the sovereignty and integrity of a State government from domestic violence, except "on application of the Legislature, or of the executive when the Legislature can not be convened." (Article 4, section 4.)

Thus we proceed on through the formative stage of the Constitution.

The consideration of this report was delayed until members could get copies of it. But the convention at once began the consideration of the report of the committee of eleven. They took up the clause—

> The Legislature of the United States *shall have power* to fulfill the engagements which have been entered into by Congress.

The words relating to power are italicised in the text. Mr. Madison wanted to keep this, for some had tried "to show that contracts under the old government were dissolved by the Revolution, which destroyed the political identity of the society."

Mr. Gouverneur Morris moved to substitute "the Legislature *shall* discharge the debts and fulfill the engagements of the United States." This was agreed to.

Then on the 23d of August the first clause of article 7, section 1, was agreed to, as follows:

> The Legislature shall fulfill the engagements and discharge the debts of the United States, and shall have the power to lay and collect taxes, duties, imposts, and excises.
>
> Mr. Butler expressed his dissatisfaction lest it should compel payment as well to the blood-suckers who had speculated on the distresses of others as to those who had fought and bled for their country.

You observe here that this whole business was presumably closed, and not a word said or revived about the "general welfare," past or future.

Then on the 25th of August this clause was taken up again. The word "shall" was considered by Mr. Mason as too strong. "Mr. Langdon wished to do no more than leave the creditors *in statu quo*." Others spoke in the same general tenor, and then Mr. Randolph moved this as a substitute:

> All debts contracted and engagements entered into by or under the authority of Congress shall be as valid against the United States under this Constitution as under the Confederation.

This was agreed to, only Pennsylvania voting "no," there being ten States voting "ay."

Then—

> Mr. Sherman thought it necessary to connect with the clause for laying taxes, duties, &c., an express provision for the object of the old debts, &c., and moved to add to the first clause of article 7, section 1:
>
> "For the payment of said debts, and for the defraying the expenses that shall be incurred for the common defense and general welfare."

This clearly does not intimate that we are to assume any and all power at our discretion, as we may think, regardless of the limitations of the Constitution, the general welfare may be advanced. Fortunately for the general welfare, this is a limited constitutional Government, and not one of wild, reckless Congressional discretion. Indeed, if reckless expenditures were incurred not clearly for the general welfare a future Congress would by this be discouraged from paying them. It is a warning to creditors against reckless Congressional appropriations and credits. It is clearly limiting in its character and shows that some debts may be unauthorized and illegal. It is a clear statement of the objects only, and none other, for which the money collected shall be expended; and it grants power only, and here only by implication, to even the discretion of giving money here and there in a well-guarded way as the general welfare may seem to demand.

But this idea was understood as already agreed to; for, as Mr. Madison says:

The proposition, as being unnecessary, was disagreed to, Connecticut alone being in the affirmative.

See also, Mr. Chairman, how perfectly clear it is that the power granted was primarily and principally to pay the old debts, and only those debts which had been contracted in the public defense and for the general welfare.

Then, on the 31st of August, all this matter was referred again to a grand committee of one from each State, which, on September 4, reported as follows:

The first clause of article 7, section 1, to read as follows: "The Legislature shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States." (Elliott, V, 506.)

This, said Mr. Madison, "was agreed to *nem. con.*"

It was agreed to without discussion. It was agreed to unanimously. And this it is and thus it is that gentlemen say they have power to pervert taxation to other purposes than raising revenue. "Providing for the common defense and general welfare" here relates to that part of the providing which involves the appropriating of money. The other steps, such as suspending the writ of habeas corpus, taxing the property of citizens, &c., is all granted and carefully guarded elsewhere.

Would you say here that we can provide for the common defense in any way our discretion may suggest, namely, by suspending the writ of habeas corpus in time of peace and tranquillity, by quartering our troops upon our people, by taking the property of citizens wantonly and without pay? Would you say this from that? No; not now. Yet you have said and do say even much more than all this in what you say and do for your own enrichment about the taxing power. What the Federal Government can do for the general welfare is to properly exercise the powers that have been delegated to it, and not to encroach upon the other powers, all of which are solemnly and specifically "reserved to the States or to the people." This arrangement was deemed best for the general welfare. And when we were given discretion in the appropriating of the public money, we were not commanded not to refrain from giving that money when we think best, nor were we commanded or empowered in respect to anything but the giving of that money. Certain it is that the men composing that convention did not sit still and without a dissenting voice "give away" all that they were doing and in a moment erect here a despotism with no limitations or restrictions. Their plain words forbid it. The meagerest sense and patriotism forbid it. God grant that the people will now confront this issue and practice, and forever forbid it.

This is what was agreed upon; this is the way it was agreed upon; and thus it stands in our Constitution to-day. And yet you claim discretion here, not only to appropriate money for the general welfare as exigencies may require, but also to assume any and all power, to pervert the taxing power, to lay embargoes in time of peace upon our commerce and against our foreign customers, if you presume only to say you think that to beggar some and to enrich others of our people by legislation is conducive to the general welfare; and feeling secure in this usurpation, and feeling strong in your ill-gotten wealth, you now proclaim for taxation for the sake of subsidy and propose at your discretion to do all things.

We want the Constitution observed. We want a revival of the Constitution. We want freer trade for our people, and we want our commerce restored to the seas.

Sir, this Government does not grow as other governments do. The English constitution is not a written constitution in the way ours is. It is a set of precedents, statutes, and decisions, wresting power from the Crown from time to time, and in favor of the people. No precedent, decision, or statute here can give lasting power to the central Government if they be in violation of the Constitution. This Government can not grow in that way. It can not grow except as the Constitution is amended by the people. It does not grow. It is made. It is not a government of growth. It is a constructed government. It can not evolve itself either to a stronger or to a weaker statue. It may have powers it did not know of; then it simply learns and exercises what it always had. New methods may be employed in order to apply the same revered principles to new conditions, but no new powers are acquired in this way. It is simply the exercise of the same old power and right and grant. The people can make the Constitution, and through it the Government, as they see fit; but of itself the Government can not grow, and it can not long usurp. Until the people make an addition to it or take something from it it is an unchangeable thing. Let no man add to or take from the book of the Constitution. If any man shall add unto these things the people shall add unto him the plagues that are written in this book. And if any man shall take away from the words of this book the people shall take away his part out of this book and of the things that are written in this book.

Sir, Mr. Madison never considered that we even had the power to use discretion in appropriations beyond the specific grants of power. Hamilton did not openly avow more than that we had the liberty of appropriating money for certain contingencies. Mr. Monroe was long in coming to Mr. Hamilton's position. Judge Story went no further than this discretion as to making appropriations. It was by appropriations that Washington would encourage industries and the sciences, and promote the general welfare. Our power to legislate to this end, other than by spending money to disseminate information, seeds, plants, &c., as we do through the Agricultural Department, and by experimental farms, and such limited ventures at the public expense, is limited to the grant of power given us in the eighth clause of section 8, article 1, of the Constitution, which gives Congress power—

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

From this we draw our power to make patent and copyright laws—the only laws we can justly make to encourage, protect, and develop industries, and these monopolies must be "for limited times."

We have the same language now to guide us that they had and no more. And those who are fattening off of the people by class legislation are "robbing" the people, although it be "under the forms of law."

Of the ultimate issue of this great fight I have no manner of doubt. Let us, if possible, compose the schism; but, by all means, let us press the issue. Let us trust the people and carry the truth to the hustings. It is the only course of wisdom. The battle is hotly joined now. Fidelity is the only course of honor. You idly say we shall fail. What boots it if by failure we further arouse the people to the perils besetting constitutional government? The people have ordered this fight and I am glad of it, and I hope no man now on their side will quit the field let the seeming inducements be what they may.

There is just one matter that I want to bring out before I quit, for while I can hope to influence perhaps not one man upon this floor, yet I want what I say to be some contribution of facts and principles to the mass of our people.

In 1880 we consumed over five billion dollars' worth of manufactured goods in this country. We consumed over this much of manufactured goods of domestic make. Nearly all of this is subsidized through and by means of the tariff. The average subsidy is over 40 per cent.; that is the average of what the law aims to give them. If they do not get the good of but half of it, it is not the fault of the law, but because they sometimes overreach themselves. But the theory of the law is to give these people a subsidy of nearly $2,000,000,000 a year.

Now, the wages of the labor that enters into the value of what we buy is, say, 17 per cent. of the value of the article. This makes the amount paid for labor less than $1,000,000,000 a year. Now, if that infamous law could operate in full, and it goes as far as human avarice can go into human flesh and blood, then we could pay every laborer that these monopolists employ by giving him a warrant on the Treasury and let him sit idle and do nothing the whole year through and still save $1,000,000,000 a year to the consumers, farmers and others, of this country. This is what makes "the poor poorer and the rich richer."

One word more. When the manufacturer comes to reducing taxes he wants to carve only on the raw materials. Apart from the proposition that when sacrifices are the order of the day all should make them in equal degree, yet I wish to call attention to the effect, as relates to protection to the manufacturers, of free raw material and a duty retained upon the finished product. I believe in free raw materials and in taxing finished products as they enter into consumption, but I do not believe in being imposed upon in the doing of it. The manufacturer's protection always amounts in such a case as I have cited to more than the duty on the article. This seems paradoxical, but a little illustration and thought will make it perfectly plain.

For instance, take silks. I do not know just now the percentage of labor that enters into a dollar's worth of silk cloth. But say that it is 50 per cent. of the value, which may be too high; but take that for illustration of the principle. Now raw silk is free. Silk cloth is taxed 50 per cent; that means 50 per cent. of the full value. But half of that value is in the raw silk that has been worked into the cloth which our manufacturers get, if brought in its raw state, free. Hence, so far as protection goes, the 50 per cent. upon the whole is doubled upon the half that is represented by manufacture, and consequently a duty here of 50 per cent yields a protection to the manufacturer of 100 per cent. Hence, when the manufacturer says he is protected only to the extent that the article is apparently taxed we need to see the status of the raw material, and inquire if the raw material that composed a part of the finished product is allowed for in any way, or if the gross tax is not applicable to the finishing expenses only. In this connection I subjoin an extract from Senator SHERMAN in the tariff debate last year:

That about one-half of the cost of these woolen goods is in the cost of the raw material, the wool, and the other half is the cost of manufacture. Take, therefore, a lot of these goods; suppose that the value of the goods imported is $1,000, and one-half of that is the cost of the wool, and the other half is the cost of manufacture. The duty on $500, the cost of the wool, has already been fully compensated for and more than compensated for by the specific duty. Then, as to the duty levied, not as 40 per cent. of the $500 the cost of manufacture, which is all the manufacturer puts upon it, but the duty is levied at 40 per cent. on the thousand, thus giving him a protection of $400, or 80 per cent. on the cost of manufacture.

The Tariff.

SPEECH

OF

HON. MOSES A. McCOID.

OF IOWA.

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. McCOID said:

Mr. CHAIRMAN: This seems to me a most unnatural strife. Here we have a government instituted for the purpose of securing the happiness and welfare of its people; a government, not foreign, but of the people; not by any man or number of men over us, but by the people; not for the world, or Europe, or England, or any other, but for us. We have incorporated ourselves with powers which we ourselves execute for our good.

We asserted our political independence of the world, framed the charter by which we should work, ran up our flag to the unmastered winds, started the action of the organs of national life, and were mapped as one of the independent nations of the world. Political independence quickly asserted had to be fought out with heroic courage, and must be defended with jealousy and care, and will ever depend much in its substance upon that other condition of commercial independence.

The map of the world shows that the dream of political independence without the fact of commercial independence is soon and easily dispelled, and is at best "nothing but a dream." The 'one is necessary to the other. No nation commercially dependent upon another can be politically free. Therefore the first aspiration of a patriot whose country has asserted its independence is to see it commercially independent. The debates of the early Congresses are full of the expressions of this sentiment, and I need not quote them here. But this state of commercial independence is reached only by slow and encouraged growth. A country can not leap full armed, Minerva-like, to it.

This is especially true of a country like ours of vast extent and infinite, unexplored resources. It must pass through its infancy, its growth, its development, to its full possession of native strength. And this I suspect is the better understanding of the oft-repeated phrase "infant industries"—industries in an undeveloped country. As long as we have our undeveloped mines, our unplanted factories, and our unconsumed products, we are in our infancy, and will require the same commercial protection, encouragement, development, as the state of infancy ever demands. I have noticed the natural division in the debates of this and last Congress of our commercial industries into producing, manufacturing, and shipping industries. And I have noticed to what fallacies and follies gentlemen are led when they confine themselves to any one and antagonize it to others.

These interests are all one. They are correlated and dependent on each other. There is the physical, the mental, and the spiritual, but they make up but one man. Each is dependent on the other, and the correct development is of all three together. The time taken from one and given to the other is not lost, but results in the improvement and good of all. You may say you tax the one to help the other, or you deny the one to give to the other, or you use the one to protect, encourage, and strengthen the other; but the result is a well-developed, well-balanced, and well-proportioned man.

Is there any antagonism between the three great industries into which the labor of our people may be classed? It is true that agriculture is pre-eminently our staple, but does it not depend upon and lead to manufacturing and prosper and flourish with it, and does this not lead to shipping and trade. No wise farmer should sell his produce, but feed it and consume it and sell the second product. No wise nation or people incorporated in government should sell their raw product, but manufacture it, consume it, and sell the resultant article. The proper subject of trade and free trade is manufacture, and when a people can consume their own products in their home industries and only yield them to trade, when they can fix their price beyond that which it will bring at home, then and then only are they commercially free, and then and then only should they be free-traders.

The gentleman from Ohio [Mr. HURD] illustrated this, and to my mind defeated his whole argument by the admission that Liverpool fixed the price of all that the American farmer had to sell. He had just shown that the power to fix the price of labor was the power to enslave. I turn his illustration back upon him, using as near as I can his own language. The American farmer works a day and produces what in a fair home market should bring a dollar, with which he would buy some needed article. He brings it to the market. But there he is told that the price of his day's labor, of all that he has put into it of his hopes and his fears and earnest toil, is fixed in Liverpool, and Liverpool has decreed that he should have for it but 50 cents. And so he goes back, toils another day, and puts the care, and hope, and fear of another day into it to get the other half of his dollar. That second day is a day of slavery.

Liverpool might as well have waked him up in the morning with the lash and driven him in bondage through that day for it. It was to him a day of slavery—a day of unrequited toil. And he is in bondage to whom? Not to a law of his own making; not to a power of his own choice; not to the interest of his own country, his land, or his own continent. He is in bondage to a power separated from him by seas, unsympathizing, grasping, and tyrannical. He is the serf of a power he and his fathers have vainly tried to throw off. If he is to be in slavery to one who shall have the power to fix the price of his labor, he would rather choose his master and choose him here. Why, sir, if the argument of the gentleman from Ohio [Mr. HURD] was true, it might not be a strange spectacle to see patriots enduring sacrifices in the accomplishment of the noble purpose of building up and enriching and glorifying their own country. For objects like these men have gladly given their fortunes and their lives. But who would choose the shameful bondage to a foreign power and commercial tyrant, out of which could come alone the increasing disgrace and dependence of his country?

Now, sir, it appears to me that our true national policy is to determine that the day shall come when the price of our products shall not be fixed at Liverpool, when we shall consume our own and dictate the price of that which we choose to sell abroad; that, attendant upon our great agricultural industry, we will build up manufacturing and every other variety of productive interests which our abundant resources will sustain, so that we can have within our borders our own markets; and that, attendant on all these, we will reach out with shipping facilities under the patronage of Government, aid and flush the markets of the world. And then we will have reached the *summum bonum* of our friends—free trade. We will have reached that freedom of commerce as England has reached it so far as she has adopted it. We will have reached, it in the only way by which it can be reached and at the same time maintain our commercial independence.

I believe in the principle that our commerce should be free, as free as the policy of nations will permit. But I believe that the policy of our nation, practiced by the States before the Union and at the time of the adoption of the Constitution, acknowledged as a consideration of the federation adopted by our fathers in the first Congress and practiced every since, is to except from that general principle in every case where our national interests demand it. These exceptions are founded upon considerations of the rights of States, our commercial defense, the development of our domestic resources, the necessity to diversify our industries, the raising of revenue, the protection of our labor, &c.

To do this the power to lay impost duties on imports was given to the national Legislature. And it is to be used for the promotion of these interests, in order that our country may grow up to that state of commercial independence where, freed from these conditions of infancy and strong enough to cope with the competitors, it can adopt commercial freedom.

The great question is now upon us, how shall we best develop the material prosperity of the Southern and Western States? The loyalty and sympathetic unity of these vast areas of territory to the Union is closely allied to that of their development under the generous policies of the General Government. If antagonisms ever arise in this country again it will be over these policies.

I believe this material development can only come through a wisely adjusted system of protection in the especial interest of agricultural industries. I believe that there is sound economical philosophy in the doctrine that the prosperity of agriculture must come through diversification of industries, in peopling areas of land, by which a large proportion of non-agricultural people may be secured to them.

This principle and its results are so well stated and illustrated in Report No. 3 of 1883 of the Agricultural Department, pages 22 and following, such as I have marked, that I feel justified in inserting them here:

To test the value of this hypothesis let us divide the States and Territories of the United States into four classes, the first having less than 30 per cent. engaged in agriculture; second, those with 30 and less than 50 per cent.; third, those with 50 and less than 70 per cent., and fourth, those having 70 per cent. and over, being almost exclusively agricultural States.

VALUE OF LANDS.

Applying this test to the value of lands, the following result is obtained:

Classes.	States and Territories.	Farms.	Value.	Value per acre.	Workers in agriculture.
	No.	*Acres.*	*Dollars.*	*Dollars.*	*Per ct.*
First class	15	77,250,742	2,985,641,197	38 65	18
Second class	13	112,321,257	3,430,915,767	30 55	42
Third class	13	237,873,040	3,212,108,970	13 53	58
Fourth class	6	108,636,796	562,430,842	5 18	71

Diagram showing value of farm lands as affected by increase of non-agricultural population.

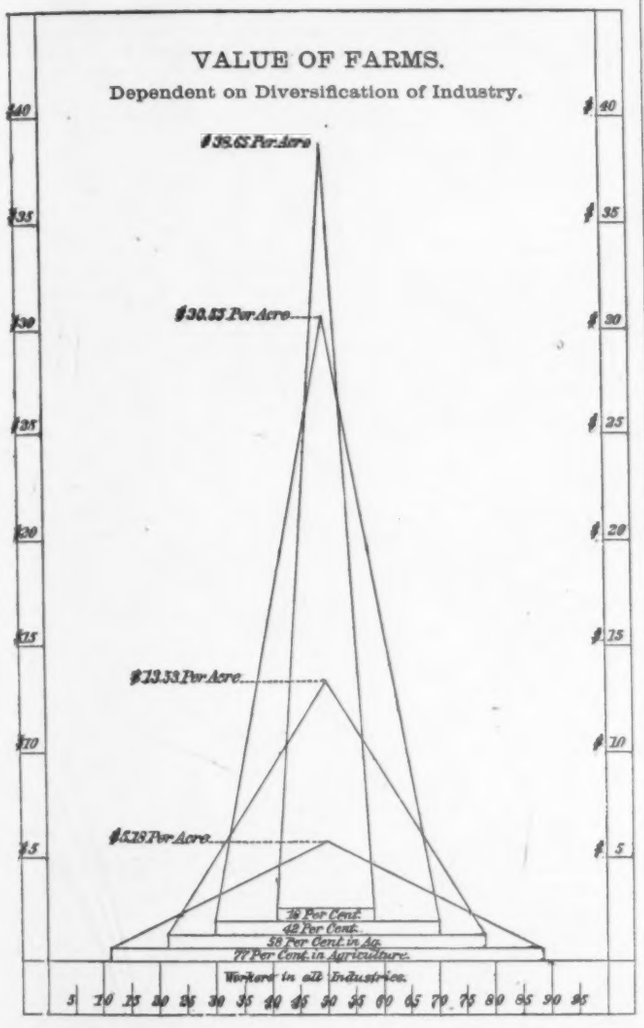
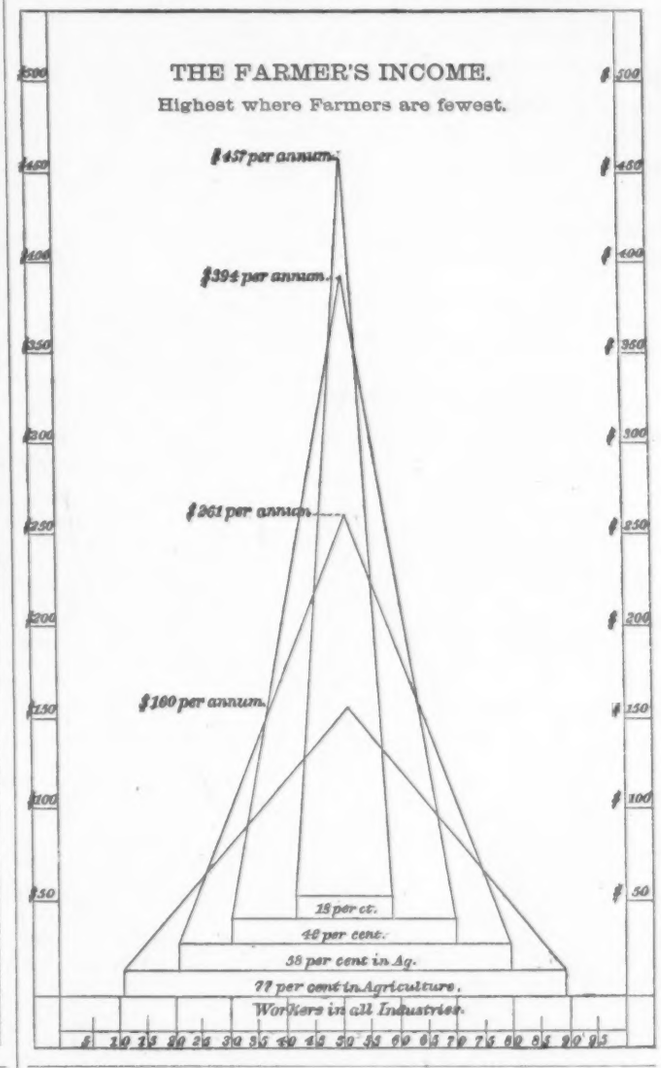


Diagram of value of products as affected by increase of non-agricultural population.



As the proportion of agricultural to other workers diminishes the value of land increases, but in a much higher ratio. In the almost exclusively agricultural States eight acres are worth little more than one in the first class, consisting of States of the largest non-agricultural population. In the class which averages 42 per cent. in agriculture the land is of more than twice the value of farms in the class which averages 58 per cent. of the people in rural employments.

The following States and Territories all have less than 30 per cent. of their aggregate of persons in all occupations engaged in the pursuits of agriculture, and they average but 18 per cent.:

States and Territories.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
District of Columbia	18,146	3,632,403	200 18	2
Massachusetts	3,359,079	146,197,415	43 52	9
Rhode Island	514,813	25,882,079	50 27	9
Colorado	1,165,373	25,109,223	21 55	13
Nevada	530,862	5,408,325	10 19	13
Arizona	135,573	1,127,946	8 32	15
New Jersey	2,929,773	190,895,833	65 16	15
Wyoming	124,433	835,895	6 72	18
Connecticut	2,453,541	121,063,910	49 34	18
Montana	405,683	3,234,504	7 97	20
New York	23,780,754	1,056,176,741	44 41	20
Pennsylvania	19,791,341	975,689,410	49 30	21
California	16,593,742	262,051,282	15 79	21
Idaho	327,798	2,832,890	8 64	25
Maryland	5,119,831	165,503,341	32 33	28
Total	77,250,742	2,985,641,197	38 65	18

In this list the most diverse conditions are represented. On one extreme the District of Columbia has but 18,146 acres of agricultural land, which is valued at $200 per acre as suburban property under the shadow of a large city. On the other, small areas in the Territories are surrounded by immense bodies of unoccupied lands, which are given away by the United States Government, keeping the prices of cultivated farms low, though they are rising with great rapidity. California and Colorado are similarly situated, yet further advanced in point of time and in development of industries, and of course showing higher prices. In the States in which there is no public land to depress prices there is no average that is not higher than the general average of the next class of States having 30 to 50 per cent. in agriculture. The range of prices is from $32.33 per acre in Maryland to $65.16 in New Jersey. Though New Jersey has 15 per cent. in agriculture, the influence of the adjacent populations of Philadelphia, New York, and Brooklyn reduces practically her percentage to a lower proportion than Massachusetts and Rhode Island.

The second class includes the smaller manufacturing States of the East and the older States of the West, in which the agricultural population is less than half of all.

States and Territories.	Farms.	Value.	Value per acre.a	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
New Hampshire	3,721,173	75,834,389	20 38	31
Delaware	1,090,245	36,789,672	33 74	33
New Mexico	631,131	5,514,399	8 74	35
Maine	6,552,578	102,357,615	15 62	35
Utah	655,524	14,015,178	21 38	36
Ohio	24,529,226	1,127,497,353	45 97	40
Oregon	4,214,712	56,908,575	13 50	40
Washington	1,409,421	13,844,222	9 82	42
Michigan	13,807,240	499,103,181	36 15	42
Illinois	31,673,645	1,009,594,580	31 87	44
Wisconsin	15,353,118	357,709,507	23 30	47
Vermont	4,882,588	109,346,010	22 40	47
Dakota	3,800,656	22,401,084	5 89	49
Total	112,321,257	3,430,915,765	30 55	42

a Average.

This list embraces also a few of the Territories, and a State or two in which the unoccupied public lands continue to depress prices of farm lands.

It is conceded that differing degrees of fertility must affect prices, and other causes may be operative; yet such is the controlling force of preponderating non-agricultural population in raising prices that we find the average of this class to be more than 25 per cent. lower than class first.

When the proportion of farmers is increased to half or two-thirds the price of land declines seriously, as follows:

States.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
Virginia	19,835,785	216,028,107	10 89	51
Missouri	27,879,276	375,633,307	13 47	51
Minnesota	13,403,019	193,724,260	14 45	52
Indiana	20,420,983	635,236,111	31 11	52
Louisiana	8,273,506	58,989,117	7 13	57
Iowa	24,752,700	567,430,227	22 92	57
Nebraska	9,944,826	105,932,541	10 65	59
West Virginia	10,193,779	133,147,175	13 06	61
Kentucky	21,495,240	299,298,631	13 92	62
Florida	3,297,324	20,291,835	6 15	64
Kansas	21,417,468	235,178,936	10 98	64
Tennessee	20,666,915	206,749,837	10 00	66
Texas	36,292,219	170,468,886	4 70	69
Total	237,873,040	3,218,108,970	13 52	58

The States having over 70 per cent. engaged in agriculture are as follows:

States.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
Georgia	26,043,282	111,910,540	4 30	72
North Carolina	22,363,558	135,793,602	6 07	75
South Carolina	13,457,613	68,677,482	5 10	75
Alabama	18,855,334	78,954,648	4 19	77
Mississippi	15,855,462	92,844,915	5 86	82
Arkansas	12,061,547	74,249,655	6 16	83
Total	108,636,796	562,430,842	5 18	77

INCOME OF THE FARMER.

The owner of land finds a great advantage in the increase of the proportion of non-agricultural population. Does the cultivator of the soil obtain an annual product of higher value? The answer is an emphatic affirmative in the following statement from the census of 1880:

Classes.	Engaged in agriculture.	Products of agriculture.	Value per capita.	Workers in agriculture.
	Number.	*Dollars.*	*Dolls.*	*Per ct.*
First class	1,060,681	484,770,797	457	18
Second class	1,566,875	616,850,959	394	42
Third class	3,017,971	786,681,420	261	58
Fourth class	2,024,966	324,237,751	160	77

There are nearly twice as many agricultural producers in the fourth class as are found in the first, yet the crops of the million are worth much more money than all the results of labor of the 2,000,000 workers. The class that has 58 per cent. in agriculture makes $101 per annum more than that which has 77 per cent., and the class with the lower average of 42 per cent. gets $133 above the earnings of that which averages 58 per cent. in agriculture.

It is not assumed that there are no other causes affecting the quantity and value of the farmer's crops which cause variations in the exhibit of individual States, but the relative proportions of agricultural and non-agricultural population constitute a factor which dominates all other factors, so that when such data are co-ordinate in classes of States the result appears with the invariability of the operation of law. That all these variations may be seen and the causes sought by the rural economist, the following details are given:

States and Territories.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
District of Columbia	66,624	1,464	2	$514,441	$351
Massachusetts	720,774	64,973	9	24,160,881	372
Rhode Island	116,979	10,945	9	3,670,135	335
Colorado	101,251	13,539	13	5,035,228	372
Nevada	32,233	4,180	13	2,855,449	683
Arizona	22,271	3,435	15	614,327	179
New Jersey	396,879	59,214	15	29,650,756	501
Wyoming	8,884	1,639	18	372,391	227
Connecticut	241,333	44,026	18	18,010,075	409
Montana	22,255	4,513	20	2,024,923	449
New York	1,884,645	377,460	20	178,025,695	472
Pennsylvania	1,456,067	301,112	21	129,760,476	431
California	376,505	79,396	21	59,721,425	752
Idaho	15,578	3,858	25	1,515,314	393
Maryland	324,432	90,927	28	28,839,281	317
Total	5,786,710	1,060,681	18	484,770,797	457

The largest income is enjoyed by the farmer of California, not only because 79 per cent. of the people of that State are outside of agriculture, making a market for his crops, but because of the demand throughout the United States for fruits, wines, and other peculiar products of that favored State. Wool is also a productive source of income, due to the market made by the woolen mills of other States.

Only in Oregon and Illinois, in the second class, are rural incomes up to the average of the first class, and only in New Mexico and Dakota are the annual earnings down to the average of the third class, so uniform is the action of this principle of industrial economy.

States and Territories.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
New Hampshire	142,468	44,490	31	$13,474,330	$303
Delaware	54,580	17,849	33	6,320,345	354
New Mexico	40,822	14,139	35	1,897,974	134
Maine	231,993	82,130	35	21,945,489	267
Utah	40,055	14,550	36	3,337,410	229
Ohio	994,475	397,495	40	156,777,152	394
Oregon	67,343	27,091	40	13,234,548	489
Washington	30,122	12,781	42	4,212,750	330
Michigan	569,204	240,319	42	91,159,858	379
Illinois	999,780	436,371	44	203,980,137	467
Wisconsin	417,455	195,901	47	72,779,496	372
Vermont	118,584	55,251	47	22,082,656	400
Dakota	57,844	28,508	49	5,648,814	198
Total	3,764,725	1,566,875	42	616,850,959	394

In the almost exclusively agricultural States the range of income per man is quite uniform, from $140 in South Carolina to $262 in Arkansas, the average of all being $160. It may be claimed that labor, from climate or race considerations, is less efficient than in other States, but it is evident from the small areas planted, except in cotton and corn, and the small products gathered, that the lack of diversity in industry, and even of variety in agriculture, is dwarfing the magnificent resources of this great belt of States. The wisest and brightest of these farmers have reiterated this sentiment for a generation, and many are acting on it; but the reflex influence of manufactures and mining would accomplish more for agriculture than the most persistent direct efforts for the improvement of agriculture.

States.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
Georgia	597,862	432,204	72	$67,028,929	$155
North Carolina	480,187	360,937	75	51,729,611	143
South Carolina	392,102	294,602	75	41,108,112	140
Alabama	492,790	380,630	77	56,872,994	149
Mississippi	415,506	329,938	82	63,701,844	187
Arkansas	260,692	216,655	83	43,796,261	202
Total	2,639,139	2,024,966	77	324,237,751	160

In the following list Iowa, Minnesota, and Nebraska lead in average income. They have below 60 per cent. in agriculture, have rich lands, easily cultivated, and send a large proportion of their products to Eastern and foreign markets, and therefore have less of the stagnation of isolation.

States.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
Virginia	494,240	254,069	51	$45,726,221	$180
Missouri	692,959	355,297	51	95,912,660	270
Minnesota	255,125	131,535	52	49,468,951	376
Indiana	635,080	331,240	52	114,707,082	346
Louisiana	363,228	205,306	57	42,883,522	209
Iowa	528,302	303,557	57	136,103,473	448
Nebraska	152,614	90,507	59	31,708,914	350
West Virginia	176,199	107,578	61	19,360,049	180
Kentucky	519,854	320,571	62	63,850,155	199
Florida	91,536	58,731	64	7,439,392	126
Kansas	322,285	206,080	64	52,240,361	253
Tennessee	447,970	294,153	66	62,076,311	211
Texas	522,133	359,317	69	65,204,329	181
Total	5,201,525	3,017,971	58	786,681,420	261

WAGES OF LABOR.

Having shown that the value of the farm and the income of the farmer are enlarged by increasing the proportion of non-agricultural laborers in a State, it is important to inquire whether the farm laborer shares in the advantage to the owner and cultivator of the soil. Fortunately a definite answer can be given from repeated and trustworthy returns of the wages of farm labor to the Department of Agriculture.

In 1870, when wages and prices generally were high, the average wages of farm labor in the first or manufacturing class of States was $34, while in the last, exclusively agricultural class, it was but $15. When the panic came, and years of manufacturing depression followed, mechanics and artisans competed with farm laborers and reduced the price of rural labor. It is a fact that prices at different times furnish an accurate measure both of the industrial status of the laborers and the prosperity of the great industries of the country.

In 1882 the wages of agricultural labor averaged nearly $25 in the first and second class, $19.50 in the third, and $13.20 in the fourth. The demand for wheat and corn, beef and pork, the product of Ohio, Michigan, Illinois, Wisconsin, and other States of the second class, to supply home, eastern, and foreign markets, brought up the value of farm labor to an equality with wages in the States of the first class. The scarcity of laborers, who prefer farms of their own, also contributed to high rates in this class. Where more than half of the workers are farmers, the competition of laborers reduces inevitably the rate of wages. So we find that where the proportion reaches three-fourths, the reduction usually amounts to 50 per cent.

The influence of manufacturers, of mining, of any productive industries on local prices, whether of farms or farm products or farm labor, is plainly traceable in States and in various districts within the States by the furnace fires, the mines, the factories that thickly dot the location where high prices for farm labor prevail.

The diagrams illustrate in a striking manner the operation of what may be deemed a law in industrial economy, and show that the value of farm lands depends more upon the diversification of industry than upon the fertility of the soil, and that the farmer's income is highest where farmers are fewest.

If, then, national prosperity as exhibited in property values, in income, and in prices of labor is demonstrated to depend on diversified industries in States, how shall this result be secured? Let every State look about for the natural resources within her borders in which these industries may be founded. Encourage them, invite capital to them, and present their claims to the General Government for protection against hostile foreign competition. Let the General Government meet these demands upon correct principles.

Whenever we can by encouragement develop resources and establish factories here which can supply us the article, in a healthy home competition, cheaper than foreign manufacturers can sell it, it is our duty to discriminate in order to do so. Now, that is a matter of fair discussion, in which we must consider our resources, their abundance and character, &c. Again, when we know that we can not produce sufficient for our demand of any article, but may by encouraging the establishment of factories compel importers to sell cheaper than they otherwise will, it is our interest to do so.

Mr. Chairman, what we want is a reasonable, fair adjustment of the tariff from the standpoint of national interests. We do not want to do it for the special benefit of any particular locality, but broadly for all. If this Congress had undertaken to reduce the revenue and reform and equalize the tariff as a business Congress, I should have heartily supported that effort so far as I could see that it was wisely done.

The most absolute and accursed folly of this whole question is the wicked use of it by the Democratic party as a political question in order to get themselves into power.

The adjustment of a tariff is a business question. It is a question of detail, and the policy, necessity, and propriety of the duty comes up on each article as an independent question. It is then a question of revenue, of the relation it bears to our labor, our resources, our industries, our defense, and our ultimate commercial prosperity. When you take up the subjects of glass, iron, salt, wool, lumber, horses, wheat, meats, liquors, sugar, cotton, they should be handled in a patriotic, business way, with a view to raise our revenue and equally distribute our tax for it, and at the same time to wisely maintain our American interests.

Sir, I think a Presidential year is not a favorable time to do this. It is our political year and not given to business. I think the mistake of action now is illustrated by this bill. There was not time to enter upon a careful revision and adjustment of inequalities before the campaign, and evidently our Democratic friends wanted to do something to make an issue and do it soon, and from necessity took this method.

I think it would have been better to have waited until the work could be wisely and carefully done. There are times when this method would perhaps be justifiable, but no such necessity exists now. And in my judgment the inequalities of the present adjustment of the tariff would rather be increased than cured by this bill. I think we ought not to have a surplus in the Treasury. The revenue should never exceed the actual demands of Government. We are disappointed to find that the revision of the tariff last year did not make a greater reduction of revenue. But would this? Gentlemen on that side say not. Experience teaches that it would not. It would be better to take up the items from which our redundant revenue comes and provide for a reduction there.

Mr. Chairman, I seek no political advantage from the success or defeat of this bill. I would not detract from the great reputation of its author or reflect upon his earnestness or ability. Both are well-known and recognized.

If a measure like this was in my judgment wise and I felt that it would be of benefit to the country, I should be glad to support the distinguished gentleman from Illinois in it. But I do not believe the good results which he anticipates would follow it.

I regard this as a question of national concern, to the consideration of which we should come as one people against the outside world, and which we should settle with that high and lofty spirit of patriotism which animated our fathers. The policy which we adopt should not be a local or sectional one, but a broad and national one. The interests of Massachusetts and all New England, with her whirling wheels of tireless toil, are our interests; the interests of New York, New Jersey, and Pennsylvania, with her flaming forges, are our concern; the interests of the States that circle down the Appalachian range and bathe in the tides of the surrounding seas or which shock their golden grain in the fertile valleys of the Mississippi and its great tree of tributaries are ours; and the fortunes of the regions of richer ores on either side of the snowy Sierras and away yonder to the Puget Sound are as much to us as the fortune of the pleasant valley where from the porch of cottage homes we take in view those familiar signs of civilization—the modest school-house, the spired church, the bell-towered college, and the domed temple of justice. It stretches out before us, one exhilarating panorama, one common country, whose every interest is our own, whose highest welfare is our dearest wish.

Contested Election—O'Ferrall vs. Paul.

SPEECH

OF

HON. JOHN C. COOK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House having under consideration the contested-election case of O'Ferrall vs. Paul—

Mr. COOK said:

Mr. CHAIRMAN: In order that a correct conclusion may be arrived at on any question of this kind it is essential that we should first fairly understand the facts in the case. I shall content myself to-day with simply giving a statement of the facts in this case and what I conceive to be sound rules or principles applicable and that experience in this class of cases convinces me are essential in the discharge of that duty imposed on us to judge of the election of our fellow-members. I start out, Mr. Speaker, with this fact: that the contestee received a majority of the votes of the district by over 300. There is no dispute about that. Now, how is it proposed to reduce this majority? Upon what facts is it proposed that over 300 votes shall be deducted from Mr. Paul in the county of Albemarle?

It is claimed that about five hundred men voted for Mr. Paul who had not paid their capitation tax, and as evidence we have the poll-list of each township. Then we have the list of colored delinquent taxpayers, one for each of the two districts, the county being divided into two districts.

Now, I insist that when a name occurs on this delinquent-list it is not sufficient to fairly show that that man voted because a similar name occurs on the poll-list of a precinct embraced in that half of the county. Suppose we find the name of John Jones upon the poll-list in one of the precincts of that county. We now turn to the colored delinquent-list of that half of the county that embraces this precinct. There is no testimony to show that John Jones whose name appears upon one of the poll-lists is the same man whose name appears upon the delinquent-list. There is no circumstance to identify the man.

There is no testimony whatever introduced to show that John Jones upon the one list is the same as the John Jones upon the other list. How, then, do you know that John Jones who voted in a certain precinct is the John Jones whose tax was not paid? Nothing, except that a man by that name appears upon the delinquent-tax list. There are repeated instances where there are half a dozen men having the same name appearing upon the two lists.

Where you have two lists of this character limited to a small precinct, limited to a small number, and you find only one instance of the same name upon the two lists it is safe to assume that they are the same person. But where it is a list that covers one-half of a county, that embraces more than a thousand names, and especially where there are repeated instances of the same name occurring upon the two lists, it is unsafe to assume that the two names stand for the same man.

I have here the case of Letcher against Moore, decided by Congress before the day when partisanship ruled in the determination of election cases. And I say, Mr. Speaker, looking back to the times when partisanship first seems to have entered into these contests no man can do otherwise than to regret the extent to which it has governed the votes of members of the House for the last twenty years. It is a thing that grew out of the heat and passions of the war, which it seems impossible to break up.

It must be with regret that we look back and see not only what outrageous decisions were made in the House, but how the committees, sitting as judges, have not scrupled even to put upon record unjust rulings as being safe precedents for the future. We look to them with regret, because the extreme doctrine used one day by the House when a majority was of a certain political persuasion is used years afterwards on the other side. I say it is fair for us to look back for precedents beyond that period; and I have here a case I want to refer to, the case of Letcher

against Moore, which was in the House a long time and which was thoroughly and ably considered.

Mr. CALKINS. In what year was that?

Mr. COOK. In the year 1833. I find this resolution was adopted by the committee unanimously and was accepted by the House in that case, and it is a fair doctrine to stand by to-day:

Seventh. That when a name is found on the poll-books, proof that an individual of that name resides in the county who is a minor is not sufficient to strike the name off the poll-book, and that some proof, direct or circumstantial, other than finding the name on the poll-book will be required of the vote having been cast by such minor in the county or precinct where the vote is assailed. Adopted unanimously.

Mr. CALKINS. I wish to ask the gentleman whether that same doctrine was not reaffirmed in the last Congress in a case that was tried here?

Mr. COOK. It was, although I do not believe it appears directly in the report; it is in a case I do not care about referring to very often. And yet I believe the doctrine is sound that where you have for one-half of the county the names of over a thousand men appearing on the delinquent-list it is not safe to assume because there is an identity between a name upon that list and a name upon the poll-list the parties are the same.

I insist that the rule which should be adopted in this House, because it is a safe one, because it is the only safe one, should be this: that before a vote is deducted from one side or the other we should have proof upon which it is fair to rely that that vote was cast and that it was cast for the person from whom it is to be deducted. We should have some degree of certainty upon both these points, and especially when the identity of the voter can be established, when you have the name of the man whose vote you are seeking to deduct from the one or the other candidate.

Before you are to do that, the party who is desirous of having the vote thus deducted should bring before the House evidence of a character sufficient to fairly warrant the conclusion that the vote was cast for that man; and that evidence should be of the highest character fairly attainable under the circumstances.

Now, when you have the names of four hundred men whose votes you propose to deduct from the vote of Mr. Paul, what reason is there for not calling the voters themselves, for not taking up each individual vote and identifying it, and showing that the man without paying his tax did in fact vote, and then showing by the best evidence you can secure that he voted for John Paul?

Before I forget it I want to say here that I am now only speaking upon the question whether it is right under the proof to seat the contestant. My views might go so far as to lead me to say that the election in this case should be declared void. But before you shall readjust the account and say definitely that John Paul shall have so many votes accorded to him as having been legally cast for him, and that the contestant shall have so many votes accorded to him as having been legally cast for him, I insist that the House should have evidence that is fairly reliable for that conclusion.

Now, what evidence have you to show that any of these men voted for Mr. Paul? All the evidence that has been given upon that point has been of a general nature only. It is true that perhaps a precedent in the past might be found for coming to the conclusion which the majority of the committee has come to; but such a precedent, if it can be found, is not reliable. I say that it is unsafe to accept general and unreliable testimony, to accept mere guesswork, when the facts admit of proof by circumstantial evidence that is far more reliable.

How do you know that these four hundred men, or whatever number you propose to deduct from the vote of Mr. Paul, voted for him? Is it because A, B, and C give it as their opinion that those men voted for him? But the assertion is made, which I admit is reasonable, and it is supported by proof, the force of which I admit, that these tax receipts were given to parties for the purpose of qualifying voters who would vote the Readjuster ticket. That is the only fact upon which you can hinge the conclusion that they did vote for him. That a work was inaugurated for a certain purpose is apparent from the testimony, and it would not be fair to deny it.

But where men vote by secret ballot it is unsafe, I repeat, to accept any general declaration, or any fact that is general in its nature, and make that of universal application, because you are seeking to throw out every vote that was cast upon this class of tax receipts. I say that in view of the fact that the contestant had it in his power to summon as witnesses these men who voted, and ask them for whom they voted, and in view of the fact that if they declined to state for whom they voted the contestant could have proved to what party each belonged, with what party each affiliated, and could have proved their political choice; he could have placed in evidence circumstances bearing upon each individual vote, and in that way could have proved for whom the men voted. Such testimony should have been produced.

I wish to say one word in reply to my friend from Iowa [Mr. HEPBURN]. He asks the other side of the House whether they are willing to establish the precedent of assuming that because a man is a colored man he therefore voted the Readjuster or Republican ticket. I do not care whether they are willing to do so or not; I am not. I have always noticed that Republicans are entirely willing to claim that when it is to their advantage. I do not think it is fair upon either side. I do not think it is safe or right to accept that as self-evident in a matter requiring judicial determination.

I want to apply here to-day the same rule of action that I would be willing to have applied in the next Congress, if the Republicans shall have the same majority then that the Democrats have here to-day, and I would apply none other. I believe that in all these contests we should disregard the present and look to the future. By my votes on this floor and by my voice in the committee I shall oppose the adoption of any rule now which I would not have apply in the future. And when every political party comes to that in this House, when the Republicans, being in a majority, shall apply in these cases only such rules as they are willing that the Democrats should apply when they have the majority, and when the Democrats shall act in the same way, then we will have more fairness in the decision of these cases, and there will be less room for the criticism which is now universally made upon our decisions.

Look over the country, take the public opinion of to-day, and you will see that no regard is paid to the decision of this House in election contests, because they consider it a foregone conclusion that such decision will be a partisan one. I am surprised, and I may be pardoned for referring to it, to find on the Committee on Elections and in this Congress men who in the last Congress voted for the unseating of men on this floor, and now when parties are reversed are ready likewise to reverse their opinions and turn their backs on their past positions.

It is for that reason that I speak on this occasion. I want a rule adopted which will be safe for all future time. I want the best evidence which is attainable under the circumstances, and I want that evidence to be such as is fairly reliable, before any vote shall be deducted from one man or given to another.

The other point in this case, which relates to the question of whether these men's taxes were in fact paid in time, I leave to those more familiar with the details.

The Tariff.

SPEECH

OF

HON. BURR W. JONES.

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. JONES, of Wisconsin, said:

Mr. CHAIRMAN: The history of politics is full of illustrations of one fact that is, that the masses are not easily led away from those vital issues on which all great questions depend. The average common sense of mankind somehow sees through the rubbish of false statement, of abstraction, of prejudice, down to the live practical issue about which the whole contest turns.

Some forty years ago there was struggle, memorable in English history, in which the political economists deluged all England with facts and falsehood, with theories good and bad. If that had been possible the judgment of the common people would have been utterly dazed in the confusion of all the sense and nonsense, oratory, statistics, and literature, poured in upon them. Meanwhile the multitude quite ignored the doctrines of former centuries. They gave themselves no trouble about the doctrines of the future. They decided that during their own day and generation one tax at least should be removed; that bread should go untaxed to the mouth of the consumer. Their will became law. The corn laws were repealed.

In our own country there is now going on a struggle between contending views on the subjects of revenue and taxation. Extremists on both sides are seeking to direct the contest. There are those perhaps, though I doubt if there is one in this House, who would sweep away all duties upon imported goods. These extremists are so few in number or so widely scattered in this country as to be not easily found. And yet every man who asks for a reduction of taxation is described in some quarters as a free-trader. Then there are theorists and extremists of the other sect: those who seem to believe that international trade is a curse; that no good thing can come from abroad; that the ocean should be the uttermost boundary of commerce and not its highway; that taxation is not a clog and burden upon industry, but is its life and motive power. Meanwhile the people who sent us here are not worrying about the abstract principles of protection on the one hand or of free trade on the other. Those principles must take care of themselves;

and woe be unto either of them if it shall stand in the path of a great nation's progress.

While the theorists are contending among the clouds, those who sent us here are also contending, but over a very plain and an intensely practical question. That question is: ought the extraordinary taxation of the war period to be made perpetual in time of peace? In this House we find ourselves divided upon this question. Our Republican friends are practically united in saying that there should be no change. They have voted against the consideration of the only bill brought before the House to reduce taxation. They will now seek to summarily behead the measure by voting to strike off the enacting clause. It is not merely that they oppose this bill; they ask no opportunity to amend it or make it better. They oppose all legislation tending to reduce the present high taxation. A very large majority of those on this side of the House maintain that there ought to be a material reduction from the rates of taxation imposed by the tariff bill of 1861 and the other bills of the war period. We believe that the question now before us is the precise question which was submitted to the people of this country in the elections of 1882, that it will thrust itself upon our attention until decided upon its merits, and that it will down at the bidding of no monopoly or no party.

I quote from the last report of the Secretary of the Treasury:

> Upon the estimate of $85,000,000 as the surplus for the current year, we find a surplus for that period of nearly $40,000,000 not wanted for the regular expenditures of the Government or for the payment of the national debt through the sinking fund.

Again in the report he says:

> The estimates for the fiscal year ending June 30, 1884, show a surplus revenue of $85,000,000 per annum. This is enough to pay all the 3 per cents in about three and one-half years and before the close of the fiscal year ending June 30, 1887.

It will be remembered that after 1887 no other of the Government bonds can be called until 1891. They can only be purchased in the market and by the payment of a large premium. The Secretary estimates that this surplus will be increased year by year by the increasing population and swelling business of the country.

In the elections of 1882 our people decided by an overwhelming vote that Congress at its last session had been derelict in not reducing taxation. They condemned in no uncertain manner that Congress for spending improvidently the public moneys instead of reducing the surplus revenues. At the last session of the last Congress, after the elections and the whirlwind, there was a pretended yielding to the imperative demand for reduction of taxation. Even Mr. KELLEY, of Pennsylvania, was constrained to say "the present object, dear to the heart of the people, is to diminish an excessive revenue." The tariff commissioners had recommended a bill reducing tariff rates on the average 20 per cent., and had stated that in their opinion the reduction would reach 25 per cent. The same statement was made by the gentlemen who had in charge the tariff bill which finally became a law. In order to show how this promise has been kept, I will ask leave to print a short extract from the report of Mr. Nimmo, of the Bureau of Statistics. It tells its own story.

Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of ad valorem rate of duty collected, during the six months ended December 31, 1882 and 1883.

Articles.	Six months under the old law—1882.			Six months under the new law—1883.			Increase (+). Decrease (—).		
	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem.
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Dollars.*	*Per cent.*
All dutiable merchandise	260,856,237	110,449,331	42.34	241,738,562	98,812,477	40.87	— 19,117,675	— 11,636,854	— 1.47
Sugar and melada	44,432,311	23,180,590	52.17	46,793,822	23,520,030	50.26	+ 2,361,511	+ 339,440	— 1.91
Iron and steel, and manufactures thereof	32,499,426	12,713,996	39.12	23,766,583	8,207,133	34.53	— 8,732,843	— 4,506,863	— 4.59
Wool:									
Clothing	1,210,689	671,415	55.46	2,399,515	1,073,311	44.73	+ 1,188,826	+ 401,896	— 10.73
Combing	135,123	67,839	50.19	615,677	267,704	43.48	+ 480,554	+ 199,865	— 6.71
Carpet	3,505,980	974,202	27.79	4,348,132	1,087,519	25.01	+ 842,152	+ 113,317	— 2.78
Manufactures of wool	22,400,387	14,943,626	66.71	23,128,502	15,193,291	65.70	+ 728,115	+ 249,665	— 1.01
Manufactures of cotton	14,967,850	5,629,658	37.61	12,033,872	4,828,117	40.12	— 2,933,978	— 801,541	+ 2.51
Manufactures of silk	19,999,119	11,738,469	58.69	21,287,064	10,615,270	49.87	+ 1,287,945	— 1,123,199	— 8.82
Earthen and china ware	4,423,146	1,896,705	42.88	2,568,288	1,438,035	55.99	— 1,854,858	— 458,670	+ 13.11
Glass and glassware	4,271,305	2,327,660	54.49	3,942,765	2,206,789	55.97	— 328,540	— 120,871	+ 1.48
Spirits and wines	5,203,625	3,706,142	71.22	2,801,525	2,632,873	93.98	— 2,402,100	— 1,073,269	+ 22.76
Malt liquors	511,772	227,370	44.43	490,326	235,827	48.10	— 21,446	+ 8,457	+ 3.67

From this statement it would appear that the promised reduction of 20 or 25 per cent. has proved a ridiculous failure. I ought perhaps to state that on page 9 of this report Mr. Nimmo states it as his belief that, owing to causes which I have not now time to repeat, the former report should be somewhat modified, and he estimates the reduction at between 5 and 6 per cent. Whether his first estimate or his second is more nearly correct I do not know. In the first, the figures speak for themselves and indicate a reduction of less than 2 per cent. In the second, the result is based upon a process of reasoning about the accuracy of which there may be differences of opinion. Suppose it be granted that 6 per cent., the utmost that is claimed by any one, measures the amount of the reduction under the law of 1883, what would have been the answer of an indignant people if Mr. KELLEY and Mr. MORRILL had told the public that the bill would only reduce the war-tariff rates 5 or 6 per cent.? The leaders of the Republican party knew very well, as did every one else familiar with public sentiment, that a proposal for so slight a reduction from the enormous war tariffs would have been received with almost universal contempt. They made the most solemn promises to reduce taxation, to relieve the people of at least 20 per cent. of their tariff taxation. No man pretended that less than that would be satisfactory. Every one agreed that the reduction should be made, and be made at once. Those in the minority asserted on this floor that the bill was the handiwork of the manufacturers; that it would not satisfy the popular demand. The minority sought, but in vain, to obtain much greater reductions than Republicans were willing to yield. Under these circumstances the bill was passed. The Tariff Commission was one expedient for delay; the tariff bill of last winter seems to have been little else than a second continuance of the people's suit for a reduction of taxation. But the people are still demanding a trial on the merits.

Thus far the results have shown that the people are not likely to receive any substantial relief from a party whose cardinal doctrine is high-tariff taxation. We who favor this bill charge that the solemn promises made to the people that they should have a substantial reduction of taxation have been most flagrantly disregarded. The party which made those promises can make no denial of the charge. Men have only to read the pledges which were made by those who were responsible for that bill and the reports of public officials of that party high in place to learn how freely the promises were made and how freely they were broken. Not one-quarter of the long-sought and long-promised relief has been given. Now when the deficiency is demanded it is stubbornly refused.

In the face of these solemn promises every man of every class still pays an average of nearly 40 per cent. tariff tax on the great mass of the necessaries of daily life; by the lowest estimate, 42 per cent. on his sugar; 33 per cent. on steel and iron, and manufactures thereof; 62 per cent. on his woolen goods; 39 per cent. on his cotton goods; 56 per cent. on his earthen and china ware; 55 per cent. on his glass and glassware.

The survivors of the brave men who fought their country's battles in the last great war are now on the downhill of life. Since the time when they responded to the solemn call of their country a new generation of men and women have appeared. But the war taxes still remain. They still wring from the earnings of every humble citizen his tribute not only to the Government but to the monopolies whose influence has continued the extraordinary taxation of the war period long after its necessity has passed away.

For years past the most liberal appropriations have been made for all the needs of Government—appropriations so large that more than once they have been heartily condemned as extravagant. Yet, after the payment of all expenses, including pensions, the sinking fund, and interest on the public debt, the fact still stares us in the face that a large surplus remains in the Treasury, increasing year by year.

Here is a plain, simple issue; one which every man can understand: do the people of this country desire us to continue the levying of needless taxation year by year on the theory that Congress can be better trusted than themselves to spend their surplus earnings? Do they wish to pay for the necessaries of life 30 or 40 per cent. more than they are worth in the markets of the world? And, if so, for what purpose? Is it because they think it desirable that after the necessary expenses of Government are paid there should remain annually a surplus of fifty or sixty million dollars to invite fresh raids upon the Treasury?

Those who believe in this policy may be right; yet it may be worth

while to reflect that the $85,000,000 surplus referred to by the Secretary of the Treasury would have paid all the expenses of this Government in 1860 and there would have been some millions to spare. It would have paid more than four times over all the expenses of Government in the days of Jackson. Now our expenses are more than $265,000,000 per year, and they can be increased, the people may be sure, quite as rapidly as they may desire.

If the people enjoy the policy of paying into the Treasury many million dollars each year more than is needed for the legitimate expenses of the Government, they have only to say the word and that policy will be continued. So long as we continue the present rates of tariff taxation the surplus in the Treasury and an increasing surplus will be the necessary result. Nor will Congress find any difficulty in expending that surplus if public sentiment shall indicate that it is regarded as a blessing to be continued. The Republican Senate have already sent us a bill appropriating $77,000,000 for educational purposes. That snug little sum is to be collected from the whole people if we shall approve the bill, and then is to be filtered back through the several States to be expended, not evenly, but in the ratio of illiteracy.

There are other ways in which Congress could easily enough expend such money as the American people may fancy they do not know how to spend themselves. The president of the Mississippi River Commission says that it would be a good investment to expend $75,000,000 in improving that river. The friends of the proposed Hennepin Canal can suggest a way to use divers and sundry other millions, when the people become quite certain that they are going to enjoy forever the high tariffs and the high taxation that Mr. KELLEY and the other leaders on the other side are determined to perpetuate.

Congress ordinarily appropriates six or seven millions per year for the erection of public buildings. There are bills before us at this session asking for about fifteen millions for this purpose. I trust that we shall see to it that a goodly portion of them do not pass; but yet if we felt certain that those who sent us here are longing to have us spend their surplus earnings, we could erect magnificent buildings of rare architectural design in a hundred cities.

I understand that the annual river and harbor bill is to be reported in a few days and that it will ask for about twelve millions and a half. That is undoubtedly more than would be asked but for the plea made every day that we have a plethoric Treasury.

If the people insist upon the policy of paying this large surplus into the Treasury year by year the Government engineers can find manifold ways in which to spend it. They can find a thousand rivers to be dredged and as many harbors to be created. Behold the beauties and the consistency of the high protective system! It has practically driven the American flag and the American ship from the high seas. It has left our foreign carrying trade at the mercy of England. Only 16 per cent. of our foreign commerce is carried out in American bottoms, whereas twenty-five years ago the proportion was 66 per cent.

The system looks with jealousy and distrust upon the approach of every vessel to an American harbor if that vessel brings any product which could be manufactured in the United States. The entire system is adapted to drive away those vessels and those products, especially if they be cheap, and yet with lavish appropriations of public moneys it improves and opens with one hand the same harbors which with the other it seeks to close to the commerce of the world.

High tariffs mean high taxation. A tax is a tax all the same whether paid to the tax-collector in bulk or whether paid in driblets day by day at the store and shop, in the form of higher prices for sugar, cotton cloth, boots, hats, blankets, lumber, and all the necessaries of life. It is still a tax, and it lessens by so much the substance of him who pays it. Those who would maintain the present high taxation and high tariffs insist upon large appropriations. The latter follow as the natural sequence of the former. Our Republican friends on this floor fought long and ably to add to the postal appropriation bill and to the naval bill several million dollars more than we believed to be necessary. They accepted their failure in no merry mood. From the beginning of this session until this hour they have voted in almost solid phalanx to increase the expenses of Government and against reduction. I do not say this in any spirit of criticism, but I state it as a fact known to us all. They vote for large expenditures, not because they like extravagance, but because they are wedded to the system of high-tariff taxation.

That system produces large revenues, which in turn result in large expenditures, just as inevitably as the waters of the swollen river find their way to the sea. The issue has never been so clearly drawn as now. We who favor this bill assert that taxes, whether direct or indirect, should not be levied beyond the proper wants of Government; that a large surplus revenue should not be collected from the people either to be divided partially among the States or to be wasted in needless appropriations; that the true way in which to dispose of an excessive revenue is not to collect an excessive revenue, but to leave whatever is not needed for the legitimate expenses of Government with the people, where it belongs. Any other system is not protection in any just sense, but is extortion pure and simple, and none the less odious because under the guise and pretense of law. We believe that the present surplus should be immediately cut down by a reduction of taxation; that the promise made to the people in the last Congress, though not made by us, should be sacredly kept.

If this reduction of taxation means protection, I am for protection. If it means free trade, I am for free trade. I support the Morrison bill not because it squints toward protection, nor because it squints toward free trade, but because it is the only measure before us promising a reduction of taxation and of the surplus revenue. I believe that this large surplus revenue is a standing menace to honest administration. It is a temptation to every hungry lobbyist. It gives new strength and vigor to every weak and antiquated claim against the Government. It fires the imagination of every crank and excites the cupidity of every knave.

All history teaches that an excessive revenue tends to make extravagance the fashion and frugality unpopular.

The every-day expenses of Government are now more than four times the expenses of 1860. Deducting the items of pensions and interest on the public debt, and they are still nearly two and a half times the expenses at that period. Is it desirable to check this rapid increase of public expenditure? There is one way, and only one way, to accomplish that result: it is to limit and reduce taxation. Any other method will prove a delusion and a snare.

The people whom I have the honor to represent are intelligent enough to dispose of their own surplus earnings. I can not believe that they care to yield that privilege into the hands of this or any other Congress. I have every reason to believe that they would gladly see such a substantial reduction of taxation as the last Congress promised but did not give. The only question then remains, how shall that reduction be made? Mr. KELLEY and those who follow him would exclaim, "If you must reduce taxation, abolish your odious internal-revenue system! Take off the tax on whisky and tobacco!" That is the programme of protection, the programme of the Republican party. I am sorry to say also that it is the programme of Mr. RANDALL and the few protection Democrats who are threatening to form an alliance with Republicans to defeat this bill.

On the other hand, we who support this bill believe that it is more important to give the people cheap sugar, cheap salt, cheap clothing, and cheap lumber than it is to give them cheap cigars and cheap rye and bourbon whisky. I am already committed by my action in this House to the policy of maintaining the internal-revenue system. If, then, I am to favor a reduction of taxation there is but one alternative, and that is to sustain the reduction of tariff duties. It is because this bill promises a substantial reduction of those duties that I give it my support. During this long debate the measure has encountered every form of criticism. Among other things it has been charged that the bill is inopportune; that it follows too quickly after the tariff bill of last year.

No measure can be inopportune which proposes in a fair and moderate manner to reduce excessive taxation. We have waited long enough to learn that the tariff act of last year was a hollow pretense. If this bill should become a law the reduction of tariff rates would be no greater by the operation of both laws than was promised by Republican leaders as the result of the former law.

Then all promised that a substantial reduction should be made. This bill is nothing more than an attempt to pay 100 cents on the dollar of that repudiated debt.

It is charged, too, that the Morrison bill is illogical because it proposes a horizontal reduction of taxation; because it proposes to reduce indiscriminately one-fifth of the tariff tax from nearly every article on the list.

Any objection of this kind applies with equal force to the existing tariff laws. We concede that the present tariff laws are so full of absurdities that no process of addition or subtraction can change their inherent defects.

The inequalities of the present laws have long been the subject of just complaint. When the poor man looks for the symmetry of the existing tariff laws he will find that he has to pay a tariff tax of more than 40 per cent. on his sugar, while his wealthy neighbor pays only 35 per cent. on the sweetmeats imported for his more favored table. The carpenter or farmer pays more than 100 per cent. bounty on the rice for his breakfast table. If the millionaire imports his fancy jellies and sauces he pays only 35 per cent. The blacksmith and the farmer pay a duty on their daily salt of 73 per cent. The more favored gentleman whose labor consists in spending his inherited wealth also contributes to the general weal by paying 10 per cent. upon his diamonds.

The poor man's family pay upon their worsted goods a tax of from 70 to 90 per cent. The rich man's family pay for their embroideries of silk only 50 per cent. This is what is meant, I suppose, by a discriminating tariff.

When the laboring man begins housekeeping he is taxed on the dishes which he buys nearly 60 per cent. When wealth and fashion prepare for the ball, they are taxed upon their jewelry, but only 25 per cent.

When the day laborer builds his home he pays a tax upon his window-glass varying from 55 to 70 per cent. Perhaps he ought to do so cheerfully, especially when he learns that the millionaire for whom he toils pays his share of tax; that is, he pays for the paintings on glass, the statuary and porcelain in his mansion, a tax of 30 per cent.

The farmer or mechanic in Wisconsin is taxed for his jeans or denims about 40 per cent. Mrs. Vanderbilt or Mrs. Astor returns from a Eu-

ropean voyage with her European trousseau costing $5,000 or $10,000 or $15,000, and pays not a cent.

I might go on, if time permitted, almost without limit showing the symmetry of the present tariff and with what tenderness it protects the poor man!

There is one way in which to make the present revenue system sternly logical and consistent. That is, to adopt the unadulterated protection policy; to abolish the tax on spirits and tobacco. Then you would have that system in all its glory; the system which would tax to the utmost the necessaries of life, but would make luxuries free as air. Under that system taxation would rest with leaden weight upon the shoulders of the poor and middle class, while the rich would be as far as possible freed from all contact with such vulgar cares. We have gone quite far enough toward such logic and such perfection. When the gentlemen who criticise the Morrison bill as illogical and unscientific will point out a better plan we will follow it with pleasure. We will join them any day in an attempt to thoroughly revise the old law and to lop off its defects. But they make no such proposition. They expend their patriotism not in suggesting any better legislation, but in denouncing the only plan before us to reduce taxation. The Morrison bill in no way impairs any semblance of symmetry that may be found in the present laws.

It proposes a very moderate reduction of the tax on all those articles which enter into use and consumption in our every-day life. It singles out no one industry or monopoly for attack, but says to all the protected industries you must now surrender to the common people a small part of that tribute the law has so long exacted in your behalf. This small abatement on each article of the war-tariff taxation will in the aggregate swell to a large measure of relief, amounting, it is estimated, to $35,000,000.

One gentleman seemed to think that he had deeply buried this bill beneath the criticism that it is so simple and plain that, as he expressed it, any car-driver could have drafted it. If it is a plain measure, it is in striking contrast with those tariff bills which the manufacturers have heretofore presented for the ratification of Congress; bills so complicated that they were neither understood nor intended to be understood except by the experts who drew them. Those who wish to continue high taxation by skillful indirection are not expected to find any virtue in a bill which only pretends to reduce taxation in the fairest and simplest way.

Those who have no interests to be protected by special legislation, those who pay the taxes, may not find it such an insuperable objection to this bill that its provisions are plain enough to be comprehended by common men.

We all know what kind of a bill would be prepared by the gentlemen who ridicule the simplicity of this one. They would begin their work by announcing with some flourish of trumpets their intention to satisfy the desire dear to every American heart by a reduction of taxation.

In order to place their work far above the comprehension of the common mind, they would begin by adding three or four new classes to the schedules of woolen, cotton, and iron goods. They would reduce slightly an ad valorem rate here and there, but would not forget to increase at the same time the specific duty on the same article. They would occasionally change the duty from ad valorem to specific or the reverse.

After the lapse of a year the public would perhaps find that all relief had been delayed for a year at least, and that a reduction of 1 or 2 per cent. had taken place, but that it had been made in a very scientific manner, and it would prove entirely satisfactory to the "business interests;" that is, to Pennsylvania.

In currency questions a few years ago all became familiar with the saying, "The way to resume specie payments is to resume." We who vote for this bill act upon the principle that the way to reduce taxation is to reduce, and with as little circumlocution as possible.

An intelligent public will not lose sight of the fact that this bill would not reduce the tariff rates below those of the Morrill bill of 1861. It will not be forgotten that the act of 1861 was formed to produce large revenues for the emergencies of war, and that it met the approval of the manufacturing interests as a high protective tariff. It will be remembered that as the rates were afterward still more increased, it was with the understanding, often expressed in Congress, that they should be reduced when the emergencies of war should pass away. There was another reason assigned for the increase of the tariff rates far above those rates which had been maintained in peace, namely, that the long list of internal taxes greatly increased the cost of manufactures, and that the increased tariff rates were in compensation for this new burden. It was promised by those who urged this reason for higher tariffs that those tariffs should be reduced when the direct and internal taxes should be removed. If there were time, I could read copious extracts from the speeches of such leaders as Senator MORRILL to verify this statement. The direct and internal taxes thus affecting the cost of manufactures have long since been removed, but the manufacturers now seem utterly oblivious of the pledges by means of which the high war tariffs were obtained.

By every rule of fairness and good faith the manufacturers ought long before this to have consented to a reduction from the enormous bounties which the laws passed under those circumstances have so long exacted. But it is and has always been the curse of any system of favoritism in government that the recipients of favors will inevitably beggar the liberality on which they feed.

At the beginning of our Government, when manufactures were indeed in their infancy, they had such protection as was given by average tariff rates of about 8 per cent. Under the Walker tariff of 1846, a tariff under which manufactures and commerce enjoyed a prosperity unparalleled in the history of this country, the average rates were only about 23 per cent. Under the circumstances and by the pledges I have already mentioned the tariff rates of the war period were obtained, and they have been to this time maintained to the standard of about 40 per cent. It would be only a graceful and manly observance of their plighted faith if the protected industries would voluntarily reduce their bounties to the standard of the wants of peace.

But they enjoy these bounties quite as well in robust manhood as when they were in tender youth.

A glass manufacturer recently told me that the manufactory in which he is interested in New Jersey had existed for more than one hundred years. During most of that period that industry has had the aid of so-called protective tariffs. The logical tariff bill of last year did not diminish but increased the rate on this youthful centenarian industry. It will also be observed that the tariff law of 1883, which was ushered in with the announcement of reduction, increased the duties on cotton goods and earthen and china ware, although it could scarcely be claimed that those industries were either feeble or of recent growth.

The manufacturers engaged in these industries which have been protected for nearly a century do themselves and their own enterprise great injustice in this claim that they can only live as the petted favorites of Government. Those industries are not the weaklings that such a theory would imply. Our exports of manufactures for 1883 were about $112,000,000. And this, too, despite that narrow commercial policy which discourages to the utmost all foreign trade.

It is an interesting study to trace the wanderings and the destination of our American goods. American furniture is finding its way into the quaint old homes of the Japanese. Those steady-going, conservative people are wearing American boots and shoes and handling American tools. The New Zealanders are making woolen goods with machines which Yankee ingenuity has invented and American workmen have constructed. American-made sheetings are used by the tawny Madagascans, and the cotton drillings, sheetings, and jeans turned out of American factories are welcomed in the staid old empire of China.

American clocks are used almost the world over. Their familiar faces welcome the American traveler whether he be wandering in Zanzibar, Bogota, or Canton. For years American glass has been crowding its way into those old cities of Germany which have long claimed supremacy in that industry. It is well known that the Swiss watchmakers for seven or eight years past have been anxious lest they should be driven from their own markets by the wonderful progress of American skill. The pauper labor of Europe is well represented in broken-down old Spain and Portugal, yet our American labor sends to those ports its products of chemicals, glass, cotton, and other manufactures. American cutlery finds its way into Dresden and Berlin, and the new American stoves are transported beyond the seas to be sold into the old German homes.

In the long list of exports from young America to antiquated Egypt you will find almost infinite variety, from the boot-jack to the cotton-gin, from the ax to the wind-mill, from the paper collar to the billiard-table. We have not only competed with the English trade in cotton goods in India, China, Africa, and South America, but the New England cotton fabrics have contested their ground on the soil of old England and in the very streets of Manchester. The gentleman from Connecticut [Mr. EATON] comes from a protection district, and well represents that sentiment. These are the words used by him on this floor:

> Talk about the cotton of which my shirt is made. There is 50 per cent. duty on that cotton. And it can not be made anywhere on God's great earth except in New England; it can not be made for the same money anywhere else. I know it, I assert it; I defy contradiction from anybody and anywhere. Take the Collins axes, that have driven the English axes out of England, and Scotland, and Ireland, and the Swiss ax out of Switzerland, and yet there is a duty of 50 per cent. on the Collins axes, made in my county, their office under mine. There is not an ax that can be sold anywhere on the face of the earth in competition with the Hartford ax, and yet they pay—permit me to say, to meet the argument of my friend from New York—they pay for what is called raw material, and it is not raw material; it is material, but it is not raw. They pay duty on their iron and steel, and yet make an ax which has driven every manufacturer of every other country out of the market.

And yet when we seek to reduce the tariff duties on such articles as these the manufacturers denounce us with one acclaim. If these statements of the gentleman from Connecticut are true, and they undoubtedly are true, the articles he names should go upon the free-list without one day's delay. It is noticeable that among the industries which are sending their wares to the farthest quarters of the globe are those which have never had any benefit from the protective policy. The American wagons, carriages, sewing-machines, plows, reapers, steam-engines, and other tools and machines are so far superior to those of other nations

that they have needed no protection at home and have been troubled by no competition. The tariffs have hampered them at every step by adding to the cost of the materials entering into their production. Notwithstanding this embarrassment they are being carried thousands of miles beyond the seas to almost every foreign land. Complaint comes to us from many foreign cities that the American trade-marks on their goods are being stolen and counterfeited on the imitations of those who can not compete with Yankee skill.

Those who insist upon that high-tariff policy which tends to exclude foreign trade have but a weak conception of the destiny of American manufactures and American commerce.

We have such natural advantages for manufacturing as are possessed by no people on the face of the globe. England sends to the four quarters of the globe for her raw material. We have ours cheaper and easier of access than any nation on earth. The natural and rapid growth of our population and the opening up of the great West will inevitably give birth to manufactures. Those manufactures will spring up wherever new homes are made and new cities founded. They are the necessity of civilization. Statutes can neither make nor unmake them. They will be such manufactures as are needed and such as will pay. They will be conducted on business principles and will not look to Congress for the breath of life. Such manufactures there are to-day all through our Western States. Those manufacturers have not learned to haunt the room of the Committee on Ways and Means. They do not enjoy the great bounties which the people are compelled to pay to the manufacturers of iron, but they have a healthy and prosperous business, depending upon the natural laws of trade.

Meanwhile those great manufacturing industries of the East, which for nearly a hundred years have been receiving bounties at the hands of the whole people, should commence in earnest their contest for equality in the markets of the world. New railroads are linking us more closely to the vast fertile regions of Mexico and South America. We are united to those countries by such ties of interest and sympathy that our manufacturers could practically control their markets if they should use in that direction half the skill and effort which they devote to tariff legislation. In every civilized nation there is a demand for the genuine products of American skill in the place of those clumsy imitations of European manufacture which now largely take their place. The present high tariffs hamper the manufacturer who would seek this foreign trade at every step. The tariffs on the raw material of course greatly enhance the cost of the finished product and thereby render more difficult competition in the foreign market. They drive from our ports those who would gladly exchange their goods for the products of American skill.

Those great industries which have so long enjoyed protection, with all their wealth and with their almost perfect machinery, should now prepare to cease their trading and lobbying for legislative aid. The history of these last twenty-three years of enormous tariffs has well illustrated the evils of the system to which they cling.

Under such a policy there comes a brief period of prosperity. For two or three years manufacturers are almost bewildered by their prosperity. Stocks pay large dividends, and even when watered command enormous premiums. Manufacturers erect their palatial homes. Extravagance runs riot in the prosperity which gives no sign of its quick decay. Meanwhile overproduction follows as surely as night follows the day. There comes after a time a lull in the unnatural production; dividends cease; stocks are at a discount; banks begin to fail; inflated prices drop as far below their natural level as they had risen above. The millionaires of yesterday are the bankrupts of to-day. Laborers are driven from their employment to fight the hard battle with poverty and want during the weary months, and until the overstocked market needs to be filled anew.

The dazzling but transitory prosperity which such a policy gives to the manufacturer may be fascinating to him; it may account for the eagerness with which he begs for a continuance of the system, but it is a policy which builds up colossal and sudden fortunes for the few; which dooms the many to that condition in which they are not certain even of the poor chance to toil for their daily bread.

It is not in these great extremes of success and disaster that a people find any lasting basis of prosperity. When manufacturers shall learn to depend upon the great laws of trade, of supply and demand, and not upon the unnatural and uncertain stimulus of legislative aid, there will be that regularity of production and that certainty of employment at steady and moderate wages which are the real guarantees of prosperity both to capital and to labor.

For nearly a hundred years the manufacturers of the East have been claiming and receiving bounties on the ground that they were young and feeble industries. They begin to realize that the infancy argument is becoming ancient. And they are now seasoning the old argument with the newer one, that high tariffs and high taxation are necessary to give good wages to the laboring man. They seize hold of the fact that wages are higher in the United States than in Europe, and claim with cool assurance that this is caused by the tariff laws. Wages are higher in this country, I am glad to say, than in any country in Europe. Doubtless the nominal difference is far greater than the actual difference, owing to the greater purchasing power of money, where the necessaries of life are cheap, as in Europe.

I am willing to concede what some do not concede, that is, that the laborer here can obtain more of the comforts of life in exchange for his earnings than can be obtained by the laborer in England. I believe this to be true now and that it has been true during the whole history of our Government; that it was equally true when tariffs were high in England and when they were low in the United States.

The same causes which have in the past given us higher wages than those of Europe will I have no doubt operate in the future in the same manner, and they will be but little affected by any system of taxation or tariffs we may adopt. Our German and Irish fellow-citizens have left their native lands, where more than two hundred people are crowded upon one square mile of land, to find more room and cheaper homes. The cheap lands of the United States are a refuge not only to the crowded nations of Europe, but they afford an outlet to the laborers of every industry in this country. No man can be very long compelled to work for inadequate wages in free America so long as he can have his own fertile farm from the Government on the single condition that he will go and possess it. The standard of wages is high for this reason if for no other. The laborer is independent. The workingman of Chicago can say to his employer "Give me better wages or I will take my homestead in Dakota." The workingman of Manchester or Berlin has no such easy refuge. To him a change means either idleness or a long journey to a foreign land.

The fertile fields of our single State of Texas would furnish a home to every man, woman, and child in the United States, and still would be less thickly settled than Great Britain and Ireland. We shall no doubt have our trials and our troubles as a people, but the problems of an overcrowded population and of pauper labor are not likely to disturb the American people until many generations shall have passed away.

There need be little fear of cheap or pauper labor in the United States if we allow labor and industry to follow their natural channels. If, however, we attempt to coerce labor into unprofitable employments, if we close our doors to foreign trade, if we make it impossible for other nations to bring their goods in exchange for the surplus products of our farms, if we hold out that false stimulus to production which floods the home markets with a surplus to go begging for purchasers, we may be sure that the tendency of wages will be on the downward scale.

Such a policy is the fruitful cause of strikes, of idleness, of discontent, of all those evils which result when thousands of laboring men are turned out of employment and know not where to look for their daily bread. If high tariffs insure high wages how is it that in England, with free trade, wages are considerably higher than in any country of Europe where the high-tariff policy prevails? How is it that the condition of the laboring man in England has steadily improved since the time when the high tariffs were swept away? There was a time when the laboring poor of Ireland and England were told by the protectionists that high tariffs meant high wages and low tariffs the degradation of labor. The great Irish orator Daniel O'Connell answered this proposition in Covent Garden forty years ago. I have only time to quote a part of that memorable address:

> But, then, out comes another landlord "leaguer," a man of the league for making bread dear, another protectionist, another robbery man; he says, "Oh, don't make bread cheap; that would be horrible!" This man says "it would be horrible to make bread cheap, for if you did there would be less employment and lower wages." We will see how that is. If the bread were cheap you would get it cheap by getting corn from foreign countries, where it is grown cheaply, but from whence it can not be imported now. What is the consequence? If it had been imported, then for every pound's worth of corn that you obtain a pound's worth of your manufactured goods would be sent out to pay for it. Those who had not formerly the means of paying for your manufactures would now have them, because you would buy their bread. So that, instead of lessening employment, it would increase it; and then it is as clear as that two and two make four that you must also have increased wages; therefore the argument totally fails. Why, I speak from my own knowledge of Ireland and as one of the representatives of Ireland, and I say that if the corn law was of any use anywhere it would be valuable in Ireland, which is essentially an agricultural country. If that enactment raised wages anywhere it would do so in a country purely agricultural. But are wages raised in Ireland in consequence of its existence? Oh, no! for, unhappily, you can get men to work there for 4*d.* a day. [Shame!] The laborer thinks he is a bountiful benefactor who pays him 6*d.* a day; and he feels supremely blessed if he gets 8*d.* a day.
>
> There is the effect of the corn law for you! It is in full force in Ireland and doing all it can for that country, and yet this is the state of wages there; and what is worse, there is very little employment for the laborer even at these rates. Therefore the people of Ireland and those of the gentry who take a conscientious view of affairs and are kind to the people regard this matter in the same light that I do; so that instead of Ireland being an impediment in the way or one of your difficulties [laughter] you have the people of that country heart and soul at your side. [Cheers.] I declare to you that the injustice and iniquity of the landed aristocracy overcome me with horror and loathing which I can not describe. Why, if there was no corn law now existing, and the ministers were bold enough to bring in a bill to tax the people's bread; if they placed, as they do in some despotic countries, a man at the door of the bakershop to insist on one-third part of the price of the bread, which the baker would of course be obliged to charge to the consumer—if this were attempted there is not a man in the country who would endure such a tax. It would be of no avail for the minister to say, "I want the money for my financial plans; I can not make the year's account balance unless I have such a tax." John Bull would roar out, "No! tax anything else you please, but you must not tax bread." Yet by the swindling scheme of "protection," as it is called, they do the very same thing. They tax the bread, not for the good of the state, in which you might all equally participate, not for protection against a foreign enemy or

to keep domestic peace, but for the benefit of one particular class. All the rest of the community are taxed that that tax may not go into the purse of the public, but that it may go into the pockets of private individuals. ["Hear!" "Hear!"]

The common people of America are not asking for cheaper bread, it is true, but for cheaper salt, cheaper clothes, cheaper coal, cheaper sugar, cheaper lumber. The same argument which demanded cheaper bread for oppressed Ireland demands cheaper goods for overtaxed America.

If high tariffs insure prosperity to the laboring man, how is it that in the United States during the last twelve or fifteen years, while tariffs have been not only protective but in a large degree prohibitory, labor has had so precarious an existence? How is it that labor strikes have been so common as to scarcely excite attention; that manufacturers readily accept the theory of horizontal reduction in wages, though they abhor it in the Morrison bill? Why are more than two-thirds of the furnace fires extinguished and the men who live by them out of work?

I take the liberty to quote a few paragraphs from the able speech of the gentleman from New York [Mr. HEWITT] who is himself a manufacturer, and who has well improved his opportunities of studying the effect of tariffs on the condition of the laboring man. He says:

When I learn that there are miners of iron ore working in the State of Pennsylvania for 75 cents a day, then I know that there is something wrong in the legislation of this country, for the duty upon iron ore was put up by the last tariff act on an average from 40 to 45 cents a ton to 75 cents a ton in order to protect these very miners and to give them high wages. When that act was passed they were in receipt of $1.25 a day; to-day they are in receipt of 75 cents a day. Surely, if there be virtue in legislation these men, hard-working, industrious, independent voters, if you will give them the means of living, ought not to have been reduced to this wretched state of misery.

But the end is not yet. The owners of these great coal-mines have recently met in conference in the city of Philadelphia, which my friend so ably represents, and which I trust he may continue to represent for many years to come—they lately met and solemnly came to the conclusion to suspend work for three days in the week, and after this month they concluded that possibly they might keep up the price of coal by suspending work only nine days in the month. Keep up the price of coal! Ay, to the workman, to the farmer, to everybody who earns his living by his daily labor, and put down the wages of the man who digs it from the earth, and then tell him that he is protected by the tariff. Can there be a more stupendous specimen of audacious assertion than we have heard upon this floor, that the workmen of this country are well rewarded and made happy by the operations of the tariff?

It is conceded on every hand that overproduction by the great industries is being followed by its inevitable reaction; that a large proportion of the laboring men in those industries have been compelled to live in idleness or to seek new employments. Why should we by excessive taxation continue a false stimulus to production when the markets are already full, and when many of the manufactories are already idle?

The whole situation is a warning to manufacturers that they must look elsewhere than to Congress for relief. When they have filled the home markets with the products of their almost perfect labor-saving machinery they must send the surplus abroad. Fourteen hundred million people are eager to get their goods, and eager to get the products of our farms; but if we give them grudging and unwelcome entrance to our ports, they can go elsewhere.

It requires no great foresight to see that if this narrow policy is too long persisted in it will inevitably result in driving the European consumers of our grains and meats to India and Australia for their supply. Already the great nations of Europe are becoming impatient with the policy which treats their goods as unwelcome intruders.

If we should crowd them to the policy of leaving our surplus grains on American soil we would very quickly awake from our delusion that American labor is for America alone.

There is something deeply affecting in the solicitude of the Eastern manufacturers for the laboring man.

They send their agents to Congress year after year to ask justice for the laborer. They well-nigh double the normal price of their goods because they so love the laborer. They are eloquent and liberal—in printers' ink—in the cause of labor. I have not heard that in their prosperity they make any division of dividends with the laborer, but we all know that the laborer never fails to share in their misfortune.

It is well known that these gentlemen have a great aversion to the pauper labor of Europe, and that they delight to expatiate upon its evils. They often seek to demonstrate that American labor can not compete with this hated European pauper labor.

They have lately taken to demonstrating this theory in quite a practical way; that is, by importing the pauper labor they so despise. It will be seen from the testimony taken before the House Committee on Labor that the manufacturers rather enjoy the pauper labor of Europe when it appears on American soil. It is not distance but nearness that "lends enchantment to the view." By thus bringing the pauper labor among us the manufacturers are enabled to relieve American laborers and to materially lighten both their toil and wages. Let the testimony speak for itself.

Mr. Barclay said:

"Paul O. De Esterhazy, Austro-Hungarian consul in New York, has acknowledged the existence of such an agency, but says he is unable to do anything in the matter. The class imported by the coke manufacturers are the lowest beings that have ever been in the State of Pennsylvania, subsisting upon what an American laborer could not eat—such as mules, hogs, &c., which have been killed or died with cholera and other diseases. Not one has ever been known to become an American citizen, but all return to Hungary within a limited time (about four years) with what money they can save by living in this miserable condition of filth and squalor. Women and children work, too, drawing coke and forking coke into cars, commencing work about 1 or 2 o'clock a. m., and returning to their shanties as late as 7 p. m., working through all kinds of weather from two to five days per week. They seldom sleep in beds, but lie on the floor, with a board or a stick of wood under their heads, as large a number probably as forty in one house intended for a miner with an average family, one female serving about ten men in all relations between male and female, housewife and laborer, in the coke-yards. They are not known to purchase any of the luxuries which tend to elevate and enlighten the people, living in filth and wretchedness, but hoard up their small earnings, which they promptly forward to Hungary, thereby draining our district of the circulating medium. Being low in the scale of intelligence, they are the willing slaves of the coke manufacturers, willing to submit to almost any conditions.

"One of the tricks of the manufacturers is to import these people for the purpose of evading the laws enacted for the protection of the laboring classes.

"The 'check-weighman law' is an example. The people being unable to read and write, they promise them 30 cents per wagon of one-half ton each, but when they arrive here they are compelled to sign an agreement, making only 18 cents per ton for mining.

"I have known these beings during the time of the strike to have been dragged from their homes and driven down into the mines by the managers and coal and iron police. I have also known them to have been knocked down and kicked under cars for refusing to do more contract work. In all, they are mere tools by which the manufacturers gain almost any point they desire, to the degradation of our native workmen and the detriment of our business men, making tramps of the former and bankrupts of the latter."

William Ashton, of Philadelphia, Pa., W. G. W. A., said:

"My information is in regard to importation of foreigners to Baltimore, Md. These men were brought under a contract; they were window-glass blowers. The first importation took place in 1879; forty-eight were then brought over by Swindell Bros. The following year Baker Bros. imported seventeen, King Bros. twenty-two, and Swindell Bros. twenty-three. The first importation occurred during a strike; there was no strike when the second importation occurred. Some of the foreigners refused to work and were arrested, but discharged before a hearing was had; their clothing was retained by the firm and it was weeks before they could secure it. They were kept locked in houses when not working, and could not be seen by the Americans. Most of them have since returned home, some being sent by the Glass-Blowers' Association, and some by the Belgian consul, who complained bitterly of the treatment they received. The effect of their importation was the reduction of wages about 12 per cent. An injunction was issued against the American workmen from interfering with them and made perpetual by Judge Brown, of Baltimore. Before these men were imported we had as good a set of American workmen as could be found anywhere. The system in vogue in Europe and America differs materially. The Europeans work according to old methods and processes; in fact, they bring their tools and molds with them. The European workman cannot turn out within 35 per cent. as much ware as the American workman, and as a result do not or are not able to fulfill their contract, hence the employers are at liberty to pay them what they please."

John Schlicker, of Pittsburgh, Pa., W. G. W. A., said:

"The labor of window-glass blowers is very hard; but few men are able to work at it after the age of 45 years; the average is but 35 years. In consequence of the exhaustiveness of the labor, we decided to not make more than forty-eight boxes of glass per week, which amount is more than 200 per cent. more than what was a week's work some years back. This limit of forty-eight boxes is a good week's work. To break this limit was the purpose of the importation. These foreigners could not make this amount, and consequently could not fulfill their contract, and were, therefore, subjected to its penalties for failure. One lot of men that were brought to Kent, Portage County, Ohio, were not employed, as the glass-house was not started, and these poor men and their families were left destitute in a foreign land and in a hostile community, a charge on the public."

* * * * * * *

"The difference in working in the glass industry in this country and Europe consists in the fact that there they have two factories and work eleven months a year. I have worked in glass works for thirty years and have not averaged eight months per year in that time. The difference in wages is not material, when all things are considered, between this country and Europe. At Kent, Ohio, these imported men are working on Sunday."

Mr. A. C. Robertson, of Pittsburgh, Pa., said:

"The number of foreign glass-bottle blowers brought to the Western States under contract is about eighty in all, distributed in five factories, namely: La Salle, Ill., thirty-six; Covington Ky., thirteen; Louisville, Ky., fourteen; the balance in Streator, Ill., and New Albany Ind. They receive about 40 per cent. less wages than American blowers, or, in other words, they get 8 cents per dozen for quart beers, while the American gets 13 cents per dozen. The effect of this competition will be to bring the native workmen down to the level of pauper labor. The hollow-glass workmen west of the Alleghany Mountains have not worked since last June. They have been, during all this time, enjoying the luxury of a lockout. Last years' revision of the tariff virtually increased the duty on green glassware nearly 100 per cent., but notwithstanding this increase, the manufacturers are endeavoring to force a reduction of 20 per cent. in wages. Previous to the revision there was an importation of about 200,000 gross of bottles. Since the new tariff went into effect there has been scarcely any importation of this ware. Two American blowers will turn out eighty dozen bottles per day, while two of the foreign blowers turn out but fifty dozen per day. The manufacturers seem to favor free trade in labor and a high protective tariff upon their manufactured goods or wares."

The manufacturers of Pennsylvania and New England are men of far-reaching sympathies. They are moved by deep solicitude not only for their employés, but for the farmers of the West. It is noticeable that their zeal for him expends itself in liberally taxing him, and they have abundant arguments to convince him that taxation is not a burden but a relief. They survey their swelling bank accounts, their brown-stone fronts, their blooded horses and liveried servants, and exclaim: "Blessed is the tariff, blessed is taxation—for the farmer." Heretofore they have so far controlled the taxing power as to impose a tax on the lumber, the nails, the glass, the iron, that go into his house and barn. They teach him by liberal taxation to appreciate the salt, the sugar, the spices, the rice, the molasses, the dishes, the knives, the forks, the glass which go upon his table. In order to sweeten his daily toil they tax the material which goes into his plows, his wagon, his harness, his reaper, his drill, in fact every implement or tool for which he spends his hard-earned money.

In the list of over 3,000 dutiable items there will be found almost every article which the farmer has to buy for the house or for the farm, for sickness or in health. The tax-paying never ends until the long sleep begins.

The average of this taxation is only about four dollars on every ten paid by the farmer for the necessaries of life. The farmer is supposed to pay this tax from day to day with a lively sense of gratitude because the manufacturers have consented to a tariff upon his wool. This is the poor price which is expected to lead the farmer into alliance with monopoly.

I understand that it is claimed by the wool-growers that they were duped and betrayed by the manufacturers in the provisions of the tariff law of last year. I do not know how well-founded this claim may be. If those who represented the interests of iron, cotton, and woolen manufactures proved more successful in obtaining legislation than the wool-growers whom they had professed to take into the alliance, it is not the first time that the monopolies have postponed the interests of the farmers to their own.

The true interest of the wool-growers lies not in the direction of alliance with the advocates of excessive taxation, but in breaking the power of that combination which compels them in common with all other agriculturists to pay daily tribute to the capital of the East.

The farmer must understand that a high tariff on wool means a high tariff and high taxation all along the line. If the farmer wishes to become the advocate of high tariff taxation and of class legislation, it is his privilege. He may enter into partnership with the monopoly if he will, but when the accounting comes he will look in vain for profits. In my judgment the average farmer pays far more for the enhanced cost of woolen goods alone than he receives in the way of increased price for wool.

The Madison Democrat, a newspaper published in Wisconson, states the account very well, and I will quote from the article its conclusion:

At the end of the year Mr. Coldfacts, who prides himself on keeping track of things, posted up his accounts with protection. It stood thus:

Protection in account with Coldfacts:

CR.	
By tariff on wool, say	$5 00
DR.	
To tariff on lumber	10 00
To tariff on nails	1 50
To tariff on glass	1 50
To tariff on woolen goods	50 00
To tariff on carpet	10 00
To tariff on tools	15 00
To tariff on sugar	2 00
To tariff on sundries	30 00
Total	120 00

Thus Farmer Coldfacts found that though he was frugal and plain, confining his purchases to the mere necessities of life, he and in common with himself the wool-growers of Wisconsin, paid out $24 for the protection of other industries where they got $1 back by the highest tariff on wool.

The farmer is the natural enemy of excessive taxation. However others may escape the burden, he has to bear it. He has no large blocks of stocks or bonds which can be skillfully shifted or concealed from the assessor's view.

I have said enough to show that the tariff duties are so devised that they crowd upon the farmer at every hour of his existence, and that they seem designed to rest but lightly on the rich. Can it be possible that the masses of the people do not desire a reduction of these surplus and useless revenues? We could reduce taxation much more than $35,000,000 per year, and still have abundant revenues for every need of Government. I should not regard it as a calamity if the revenues were reduced much more than is proposed by this bill. If there should arise an emergency calling for greater revenues we could easily supply them by a judicious income tax. A tax levied upon those who receive large incomes from their professions or from accumulated wealth would correct many of the irregularities which now exist.

Gentlemen who oppose this bill need not flatter themselves that its defeat will stay the agitation now going on. The real issue is already before the people. They are wondering how the public good is advanced by the hoarding of many million dollars in the Treasury; how it is that they are compelled year after year to pay this surplus revenue into the hands of officials who constantly report that they have no use for it. There may be enough representatives of the manufacturing interest on this side, joined with the solid vote on the other, to prevent the passage of this measure. But in my judgment the public will hold to a strict account the men who will not raise a hand to lower the excessive taxation which has come to us as the inheritance of the war. You will strike out the enacting clause if you can, but do not indulge the vain hope that it will give you peace.

Said William H. Seward in the Senate of the United States:

You may slay the Wilmot proviso in the Senate Chamber and bury it beneath the Capitol to-day, the dead corse in complete steel will haunt your legislative halls to-morrow.

The opposition threaten by to-morrow's vote to slay this bill. They may succeed in doing that, but let them not delude themselves that thereby they will very long delay or very greatly injure the cause of revenue reform. They may strike out the enacting clause; they may thus behead and bury this bill; but if so, out of its grave will rise other bills. Its ghost will haunt these Halls, and it may be the political lives of those allied to destroy it, until the demand of an indignant people is obeyed, until an excessive revenue no longer exists to burden the people and to tempt their servants.

Protection—Patriotism—Prosperity: A Safe Trinity.

"Let well enough alone."

SPEECH

OF

HON. CHARLES R. SKINNER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. SKINNER, of New York, said:

Mr. CHAIRMAN: Judging by the usual standards of observation, the people of this country are not profoundly interested in the discussion now taking place, and it is a debatable proposition whether we gain more by our speech than we would by our silence. There is no evidence that the people of the United States are dissatisfied with their condition as a people, or with the growth or progress of the nation. They have more reason to be dissatisfied with the hesitation manifested in legislative assemblies to meet the vital questions of the day in a prompt and intelligent manner, and the readiness shown to indulge in aimless and disturbing discussion of a subject upon which one great political party is practically united and another divided against itself. For myself, I have the honor of representing both an agricultural and a manufacturing constituency, and therefore a laboring people, enterprising and industrious, intelligent and watchful, careful and studious in observation concerning the needs and tendency of legislation fair in judgment of men and measures, and from no person among that constituency has ever come any demand for the agitation of the tariff question at the present time. On the contrary there has come not only a general condemnation of the policy which has forced this discussion at an inopportune time, but of the bill itself, the subject of the discussion. There seems to be an accurate understanding of the measure, and it is pronounced defective in design, wrong in principle, crude in conception, and enigmatical in its purposes. There is lacking a correct appreciation of the real needs of the country and an intelligent comprehension of the sentiment of the people.

During the first session of the Forty-seventh Congress there was an apparently sincere demand for a revision of the tariff. There had been no legislation of importance upon this subject since 1867. After an exhaustive and prolonged debate, which opened the whole question in Congress, a bill providing for the appointment of nine commissioners was passed. The duties of these commissioners were specified in the act of May 15, 1882, as follows:

To take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, upon a scale of justice to all interests.

Commissioners were at once named, and they began their labors without delay. Their careful and elaborate report was presented to Congress at the opening of the second session. A bill was prepared by the proper committee, discussed at great length, the whole subject again opened, and the result was the passage of a measure during the last hours of Congress which is now law, and the effects of which during the past six months have recently been pointed out by the Bureau of Statistics. It is needless to state that a portion of the measure which became law was not fully discussed in both Houses of Congress from lack of time, but it was considered as an answer to the demand, and was accepted as the best that could be obtained. It certainly contained many important features; its defeat would not have been justified, and its passage was a signal that discussion of the subject had ceased and that stability was possible.

NO DEMAND FOR AGITATION NOW.

The business of the country at least was satisfied. It gave a sigh of relief as it conformed to new conditions created, and settled itself down again in the serene knowledge that for six months at least there would be a respite from Congressional discussion and uncertainty, and there was a widespread hope that the subject would not be reopened in this Congress. The feeling a year ago was much the same as that experienced by business industries once every year, that, "Congress having adjourned, the business of the country will be resumed."

There has been no perceptible change in public sentiment upon this subject since that time. Certainly the bill before us comes not in response to any general public demand asking further or present agitation. The manufacturers of the country have not asked it, the laboring interests have made no appeals for it, the farming interests do not want it, neither producers nor consumers are here demanding it; there is no genuine call for it from any source whatever, unless, as may be shown later, it comes from advocates of English free trade or from professional

politicians. Those who take part in the industries and progress of this country are quietly attending to their legitimate business and are content to be "let alone." They know that continued discussion of questions of political economy, which affect so deeply the welfare of all when agitation begins and values fluctuate, is not in the interest of progress or prosperity; they know that agitation keeps trade unsettled, makes business uncertain, capital cautious, and labor fretful and uneasy. The promoters of the present discussion seem to say to the manufacturers, the laborers, the farmers, the producers, and consumers of the country: "You profess to be satisfied with your condition and with the general condition of the nation, but we propose to satisfy you that you are not satisfied with your condition, and to bind you hand and foot by senseless agitation until we convince you of your mistake."

SURPLUS REVENUE.

If the bill has not its origin in a genuine public demand for it from the capital or industry of our country we must seek to find it elsewhere. We are reminded by many who have discussed this subject of the amount of surplus revenue in the Treasury and its relation to the tariff. It is often represented as the embodiment of all the ills which republics are heir to. We are told by the distinguished gentleman from Georgia [Mr. HAMMOND] that "a surplus of anything is bad."

It is true that a surplus existing in the Treasury may tend to liberality if not to extravagance in the minds of many legislators whose chief desire seems to be to "open the doors of the vaults of the Treasury."

Let us see what there is of this much-discussed surplus, what it means, and what it amounts to. If by the term "surplus" the excess of receipts over expenditures is meant, the amount on January 1, 1884, was $55,686,362.11, the net receipts for the six months having been $178,600,157.70, and the net expenditures $122,913,795.59. If, however, the so-called "reserve" is to be included, being the amount remaining after deducting from the total cash in the Treasury the amount of the outstanding demand liabilities, except United States notes, it was on January 1 last $141,610,028.13. It is the aim of the Treasury Department to maintain the reserve at about 40 per cent. of the outstanding notes, which amount to $346,681,016. Admitting the surplus to be at the largest figure, namely, $141,610,028.13, it is not alarming when we consider the obligations now resting upon our Government, the demands being made upon her, and those which will surely follow within a few years.

On the 1st of May, 1884, our national debt amounted to $1,464,030,733.80. It is impossible to comprehend the vast amount represented by these figures. The decrease of the public debt during April was only $5,232,075.29. This is about the monthly average since 1865, but it is far below the average of recent years. There were on May 1, $254,621,950 of 3 per cent. bonds redeemable at the option of the Government.* There will become due September 1, 1891, $250,000,000 of the 4½ per cent. bonds, and on July 1, 1907, the 4 percents, amounting to $737,651,950, will become due.

Considering, then, the amount of the surplus and comparing it with the amount which the nation owes, there is little cause for regret or alarm, except as the surplus may invite to extravagant expenditures. This is not likely to be carried too far with two branches of the legislative department to hold each other in check, with an Executive to protect against mistakes or harmful combinations, and an intelligent people behind us to watch all who are in power.

But the existence and disposition of this surplus seems to perplex many in the consideration of this bill, even though it is claimed by those who have given it careful study that the effect of the bill itself, should it become law, would largely increase the revenues of the Government, and consequently the surplus. Has it never occurred to you, gentlemen, that this "obnoxious" surplus revenue may be, and is, applied to the payment of the public debt? It is hard to understand how a national debt is a national blessing any more than an individual debt is an individual blessing. A wise man generally uses his surplus to pay his debts, if he has any. It is wisdom in a government to do the same thing. Mr. Jefferson was quite right when he said that "public debt is a moral canker, from which we ought to emancipate posterity." It was an English statesman who objected "to doing anything for posterity, on the ground that posterity has never done anything for us."

The most exacting will find it difficult to find much fault with the course already pursued by our Government in the direction of the reduction of national indebtedness. Since this Congress convened in December last the following 3 per cent. bonds have been paid:

One hundred and twenty-second call matured December 1, 1883	$15,272,100
One hundred and twenty-third call matured December 15, 1883	15,133,650
One hundred and twenty-fourth call matured February 1, 1884	10,208,850
One hundred and twenty-fifth call matured March 15, 1884	10,047,850
One hundred and twenty-sixth call matured May 1, 1884	10,093,100
Total	60,755,550

*Amount of 3 per cents outstanding April 30, 1884		$254,621,950
Amount included in one hundred and twenty-sixth call	$10,093,100	
Amount of one hundred and twenty-sixth call before maturity	244,600—	9,848,500
Amount now subject to calls		244,773,450

It will be seen that during the past five months the payments have averaged over $12,000,000 per month. The amount of 3 per cent. bonds now subject to call is $244,773,450, and it is reasonable to suppose that calls will be made as rapidly as public interests require. If necessary to secure the steady payment of the public debt, authority should be given the Secretary of the Treasury to purchase the 4 and 4½ per cent. bonds. At any rate let the debt keep going down.

REDUCTION OF PUBLIC DEBT.

The steady and rapid reduction of the nation's obligations since August 31, 1865, when it reached its highest point, is one of the wonders of modern finance, and demonstrates not only the vitality of our nation, but the wisdom, faithfulness, and honesty of those who have been placed in control of the Government. August 31, 1865, the total debt of the United States was $2,756,431,571.43. The debt per capita was $78.25 for every man, woman, and child in the country. It is not necessary to refer to the cause of this debt, or to the condition of the country's finances before the war of the rebellion.

The following gives the decrease in the public debt during the fiscal years following:

1869	$36,460,779 43
1870	102,643,880 84
1871	94,327,764 84
1872	100,544,491 28
1873	43,667,630 05
1874	4,730,472 41
1875	14,399,514 84
1876	29,249,381 33
1877	39,281,121 73
1878	24,371,391 44
1879	8,579,575 45
1880	85,034,961 03
1881	101,573,483 36
1882	151,684,351 26
1883	137,823,253 24

May 1, 1884, the total debt, as before stated, was $1,464,030,733.80, showing a reduction since 1865 of $1,292,400,837.60. In 1883 the debt per capita was only $28.41—lower than at any point since 1862, and a reduction per capita since 1865 of $49.84.

The following table gives the net revenues and expenditures of the Government since 1856, with the surplus revenue each year:

Year.	Net revenue.	Net ordinary expenditures.	Surplus revenue.
1856	$74,056,699 24	$69,571,025 79	$4,485,673 45
1857	68,965,312 57	67,795,707 66	1,169,604 91
1858	46,655,365 96	74,185,270 39	a 27,529,904 43
1859	53,486,465 64	69,070,976 74	a 15,584,511 10
1860	56,064,607 83	63,130,598 39	a 7,065,990 56
1861	41,509,930 39	66,546,644 89	a 25,036,714 50
1862	51,987,455 43	474,761,818 91	a 422,774,363 48
1863	112,697,290 95	714,740,725 17	a 602,043,434 23
1864	264,626,771 60	865,322,641 97	a 600,695,870 37
1865	333,714,605 08	1,297,555,224 41	a 963,840,619 33
1866	558,032,620 06	520,809,416 99	37,223,203 07
1867	490,634,010 27	357,542,675 16	133,091,335 11
1868	405,638,083 32	377,340,284 86	28,297,798 46
1869	370,943,747 21	322,865,277 80	48,078,469 41
1870	411,255,477 63	309,653,560 75	101,601,916 88
1871	383,323,944 89	292,177,188 25	91,146,756 64
1872	374,106,867 56	277,517,962 67	96,588,904 89
1873	333,738,204 67	290,345,245 33	43,392,959 34
1874	289,478,755 47	287,133,873 17	2,344,882 30
1875	288,000,051 10	274,623,392 84	13,376,658 26
1876	287,482,039 16	258,459,797 33	29,022,241 83
1877	269,000,586 62	238,660,008 93	30,340,577 69
1878	257,763,878 70	236,964,326 80	20,799,551 90
1879	273,827,184 46	266,947,883 53	6,879,300 93
1880	333,526,610 98	267,642,957 78	65,883,653 20
1881	360,782,292 57	260,712,887 59	100,069,404 98
1882	403,525,250 28	257,981,439 57	145,543,810 71
1883	398,287,581 95	265,408,137 54	132,879,444 41

a Expenditures in excess of revenue.

It will be seen by the above table that notwithstanding the steady and resistless growth of the country in all directions, the net expenditures of the Government were less in 1883 than in 1879 or 1880, and less than any year between 1861 and 1876. This fact does not add much force to the charge of those partisans who would make the world believe that this country is on the high road of corruption and extravagance. The above figures also give the interesting fact that with the exception of eight years—just before the war and during the war period—there has been every year an "embarrassing" surplus in the Treasury. And still the country has gone right along growing and prospering at a rate which must astonish some of the Rip Van Winkles of the present day. It is right that it should. It can not be otherwise unless you destroy every element of our greatness. You might as well attempt to stem Niagara with a broom as to prevent this growth upon any argument that a surplus in the national Treasury is dangerous to the industries of our country. Suppose conditions were to be changed; that there was no surplus, but a deficiency instead; that the public debt increased rather than diminished, it is true that our credit would be impaired—we would have none—our industries would lag, enterprise would cease, prosperity be lost, and as a nation we should retrograde where we now advance.

And is it not true that we shall need our surplus, and need to have it increased steadily and surely to meet the bonds coming due in 1891 and 1907? Is it not a provident government which, like a provident person, looks out for the future? Why would it not be wise to establish a sinking fund into which the surplus might go year by year to be used for no other purpose than the extinguishment of the public debt?

SURPLUS MAINTAINED BY ILLIBERAL APPROPRIATIONS.

If you will not do this, why will you not reduce the surplus by appropriating what is needed for the legitimate expenses of Government? You who are in power rigidly deny to the Departments of the Government the amounts asked for by the heads of the Departments for the fiscal year ending in June, 1885, although by your own admissions you concede them to be honest, capable, and efficient officers. You deny the Post-Office Department, for instance, nearly $4,000,000, regularly estimated for and actually needed for the proper conduct of this important branch of the Government, when you can not help but know that the service will thereby be crippled in nearly every direction if your bill should unfortunately become a law. It is extremely doubtful if you intend to permit it to become law. You dare not meet the indignation of the people whom such legislation would deprive of the facilities which they demand and for which they are willing to pay. Your action retains just the amount in the Treasury which you deny to the only branch of the Government which is self-supporting. In nearly every one of your appropriation bills thus far reported you deny what the proper officers tell you they need. You certainly are holding this "perplexing" surplus in the Treasury at the expense of the public service. Do you expect to gain political capital thereby? If so, when you sit down to figure out your anticipated gains through such a policy you will discover that you have no "surplus."

WILL YOU HEAR THE SOLDIERS' DEMANDS?

If you will not give the Departments as they need from the surplus, will you heed the appeals made by the soldiers of the *Union* for less restrictions in the pension laws, for increase in pensions, or for a law giving every honorably discharged soldier a pension regardless of disabilities? These appeals are heard on every hand, and are growing louder year by year. The heroes of this country do not want to be put off until they have all grown gray before their appeals are considered. If this "surplus" is really too much of a burden, why not devise some method to answer properly these patriotic demands before it is too late?

OTHER METHODS OF REDUCING THE SURPLUS.

If you will not do this, will you reduce the surplus by repealing the internal-revenue taxes on whisky and tobacco? When that subject is mentioned there comes up a strong sentiment from many directions that tells you this will not be satisfactory to a very large class of the people. Although this repeal would lessen the revenues about $85,000,000 annually, the time does not seem to have arrived when it can be safely or satisfactorily done.

If you will not repeal the internal taxes, will you reduce the surplus by liberal appropriations for public buildings, for river and harbor improvements, for canals, for the Mississippi River, running the risk that your ideas of liberality may be criticised as extravagance by the people?

If you hesitate to do these things, will you look with favor upon the plan, already approved by the Senate, of distributing $77,000,000 among the States of the Union in aid of common schools? This scheme would certainly open the door of the vaults of the Treasury a little way, if you are prepared to say that it is wise or expedient to do so. In some sections pride revolts against this plan, and in others it is opposed on the ground that an increase of intelligence among the masses is not desired for certain political reasons, which are best understood by those who can best manipulate uneducated suffrage. Others urge constitutional objections against it; the precedent is condemned, and we are told that so long as the fund lasts the sections benefited will relax their efforts to build up their school systems, and do as little as possible to help themselves until the money is exhausted, when they will call out for more.

If you will not do this, will you distribute the surplus year by year among the States, to be applied to the extinguishment of local indebtedness?

If this does not seem practicable, you might reduce the surplus, yes, extinguish it altogether, if you would pay the thousands of claims presented to Congress against the Government. Many of these claims are perfectly just, notably the claims of Union men whose property was destroyed by the Government during the war, but their consideration here hardly goes beyond the committee-room and Calendar. It is safe to say that if only the honest claims were paid, those which have the full indorsement of our committees, the surplus would be nearly if not quite wiped out.

POLITICAL AGITATION.

It may then safely be said that this bill has not its source or inspiration in any public demand for its enactment, and that the surplus revenue in the Treasury affords no good excuse for the pretended anxiety of the friends of "tariff reform," and is certainly no reason for disturbing the business industries of the country by any such experiment as this bill would precipitate. Then we must look elsewhere for the spirit which stands behind the present agitation. Is it the spirit of politics judged from a partisan standpoint? Is this agitation intended as the opening of the political campaign of 1884 and the establishment of the issues which are to be discussed? If the measure be not asked for or indorsed by any of the industrial or moneyed interests of the country, it must get its inspiration in politics. And yet it is difficult to understand exactly how it can be raised to the dignity of a purely party question, for while one great party is practically unanimous in its opposition to the proposed legislation, or to a discussion of the subject at the present time, the opposition is divided into factions, and can find no common ground of union.

A DIRECT ISSUE.

Is not the real question presented, therefore, in plain words—protection or free trade? A portion of the Democratic party is engaged in an attempt to destroy the protective policy so long maintained in the United States, and to substitute therefor a system of free trade. Many would like to hide their real purpose behind that meaningless term, "tariff reform," while others openly advocate the doctrine that protection is robbery and extortion, is the cause of innumerable national troubles, and that free trade will give greater prosperity and higher wages and sure relief from the imaginary burdens which oppress the country. The gentleman from Ohio [Mr. HURD] in a reported interview published in the New York Tribune a few weeks since said:

The thing to be done is to get the Democratic party with its face toward free trade. The platform I want is tariff for revenue only, with the Morrison bill as the first step in the direction of free trade.

In his remarks upon this bill a few days ago in the House he spoke in a similar strain. The gentleman from Texas [Mr. MILLS] tells us that this bill is only the beginning of the work proposed; that future reductions in the same manner will be made until free trade is reached. The gentleman from New York [Mr. DORSHEIMER] is loud in his denunciation of protection, and says if a reduction of 20 per cent. will not reach the object sought, 50 per cent. will. "Some time we will cut to the quick and draw the blood," says my distinguished colleague.

Very many of the gentlemen who have addressed this House since this discussion began have not only denounced protection in all its forms, but also the political party which holds it as one of its principles. They denounce the present tariff, as yet not a year old, as a protective tariff, and therefore as robbery, theft, and extortion. And yet these gentlemen are willing to advocate and vote for a 20 per cent. reduction of that tariff. They are not in favor of robbery, but of robbery less 20 per cent.

IN FAVOR OF FREE TRADE.

Heretofore gentlemen belonging to the Democratic party have hesitated to declare themselves absolute free-traders upon this floor, and have denied that their party contained any such. They are less hesitating now, and openly advocate the doctrine that free trade is better for this country than protection. They make no secret that they are striving to give the United States exactly what England wants us to have—what her celebrated Cobden Club is seeking to bring about in this country by a system of false pretenses, false doctrines, and false figures. They are aiding England in her purpose to make the United States the dumping-ground for her surplus productions, at the expense of the manufacturing industries, the workingmen, and the farmers of this country. They must surely receive their inspiration from a love of English theories and a total disregard for the welfare of American institutions. That may be the reason why the specious doctrines and deceptive theories held by the lords and noblemen who compose the Cobden Club are so often quoted upon this floor by advocates of free trade, and why any movement in this country looking toward the reduction of tariff duties, or even the agitation of the question, is hailed with delight by the dignitaries of that celebrated club, and generally celebrated by a grand dinner and grander speeches, in which the prosperity of England is made to rise in exact ratio to the intensity of feeling and the probability or possibility of a reduction of tariff duties.

In May, 1869, the American Free-Trade League was organized in New York, and a large amount of money was contributed by gentlemen of foreign lineage or connections, to be used to advance free-trade doctrines in America. The London Mining Journal said of this movement:

If this league succeeds, we may hope for a very large trade from that country.

Lord Derby, who presided at the Cobden Club dinner in London in July, 1881, said:

Sooner or later free trade must become a sectional question in the United States.

The wish was father to the thought in his case, but we are far from that condition to-day, and as the country grows sectionalism will disappear. At a more recent meeting of the same club it was announced that a million free-trade pamphlets had been sent to this country within a few years and largely used in our Congressional campaigns. The same organization has also offered prizes of gold and silver medals for the best essays upon political economy—free trade, of course—by students in American colleges.

That England desires tariff reduction in this country as a positive benefit to her royal condition and that she relies upon the Democratic

party to advance her interests here are abundantly proved by the following extracts from her journals:

The London Iron and Coal Trades Review, for December 7, 1883, says:

The greatest interest is always manifested by our business men in American politics when they are likely to affect the tariff. It is pretty evident that the protectionists are no longer to have it all their own way.

The Machinery Market, of London, said in January last:

The year is likely to see important political changes on the other side of the Atlantic which will have their influence on business here. Events move rapidly in America, and the coming triumph of the Democratic party there means the triumph of the free-trade movement in the States. It is not to be supposed that there will be free imports into the States, but "a tariff for revenue only," which is the leading cry of the Democrats, will open an immense additional field for the sale of English manufactured goods in the States.

The London Spectator, of December 8, 1883:

Of course the north of England holds that American free trade would be greatly to the interest of British manufacturers.

The Pall Mall Gazette:

The progress of the Morrison bill will be watched with considerable interest by English exporters to the American market, inasmuch as it can hardly fail to tend in their favor.

The above apt quotations from the English press are taken from Mr. McKINLEY'S able speech on this subject on the 30th of April last.

Lord Goderich said in the House of Lords in the early debates on this question:

Other nations knew as well as the noble lord opposite, and those who acted with him, that what we meant by free trade was nothing more nor less than by means of the great advantages we enjoyed to get the monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations.

One of the most prominent manufacturers of Bradford, England, recently said:

The truth is, the higher the foreign tariff the lower we must make our goods, and the less we can afford to pay labor. The least possible reduction in the United States tariff will be a grand thing for Bradford, but how it will affect your industries I can hardly say.

FREE-TRADE METHODS.

The Chicago Western Manufacturer of October 18, 1881, describes some of the methods used by agents of England to circulate free-trade doctrines in this country. It tells how one Professor Sheldon, from London, called at the office of "one of the leading agricultural journals in that city" and urged its editor to publish, "entire or in abstract in his columns," the Mongredien Western Farmer pamphlet, especially that portion of it urging farmers "to give their support to no candidate for Congress who does not pledge himself, if elected, to propose or vote for the abolition of import duties."

The Manufacturer also says:

Another agent and correspondent of the Cobden Club, duly delegated, one Professor Bigelow, of New York, was in this city a day or two recently, consulting with local free-traders. He was going to Indiana well supplied with British pamphlets, with which he proposed to influence votes against candidates for Congress who were not pledged to propose or vote for the abolition of import duties, if elected.

The quotations made above demonstrate very clearly what is the great desire of England, and also the methods by which she hopes it may be realized. Her desire is simply this: to secure through the aid of allies in this country, mostly found within the Democratic party, a general agitation in favor of free trade, with the hope that the United States will finally be coaxed or driven or deceived into the adoption of such a policy. She knows by her own experience that free trade lowers prices, lowers wages; that it would result in the ruin and decay of American industries and enterprise. This is the hour which she awaits, when by the declaration of her own leaders she will step in to realize her boasted ambition of centuries to "overwhelm all foreign competition and step in for the whole trade of the world when prices revive." This is England's ambition, to advance which she has sacrificed millions of treasure, degraded her own labor, let her own industries lag, and, great as she is, faces to the rear in the progressive march of enlightened nations. And this is England. This is the great empire from which we sprang and from which we severed ourselves because of the injustice, the wrong, and oppression which she heaped upon us because we sought to help ourselves. She has not the power to-day, but she has the disposition to load us down with practices which would ruin our own nation to build herself up. This is England, which for centuries established and maintained the most proscriptive protective system ever known among enlightened people. Let us examine her protective record.

ENGLAND'S PROTECTIVE LAWS.

In 1870 she enacted laws regulating the importation of goods manufactured on the continent by Germans.

In 1431 laws prohibiting the importation of goods except in English ships were made.

In 1504 an act was passed to regulate or restrict the importations of foreign-made silk.

In 1567 a law was enacted that for the exportation of sheep the offender "should forfeit all his effects, suffer imprisonment for a year, and then have his left hand cut off in a market town, and on a market day, to be there nailed up; and for the second offense should suffer death."

In 1559 to 1603 some of her laws were as follows: The exportation of wool prohibited; the importation of minerals, finished leather, &c., prohibited; the immigration of skilled labor, smiths, miners, &c., was encouraged, and duties laid on imported cloths.

In 1700 the importation of calicoes and muslins was prohibited.

In 1720 any person found wearing a printed calico dress was fined £5, and the seller fined £20.

To illustrate the iron hand by which England ruled her American Colonies for her own benefit at their expense, the following paragraph from Henry C. Carey's The Slave Trade, Domestic and Foreign, is concise and interesting.

The first attempt at manufacturing any species of cloth in the North American Provinces produced a resolution on the part of the house of commons (1710) that the erecting of manufactories in the Colonies had a tendency to lessen their dependence on Great Britain. Soon afterward complaints were made to Parliament that the colonists were establishing manufactories for themselves, and the house of commons ordered the board of trade to report upon the subject, which was done at great length. In 1732 the exportation of hats from province to province was prohibited, and the number of apprentices to be taken by hatters was limited. In 1760 the erection of any mill or other engine for splitting or rolling iron was prohibited; but pig-iron was allowed to be imported into England duty free, that it might be there manufactured and sent back again. At a later period Lord Chatham declared that he would not permit the colonists to make even a hobnail for themselves; and his views were then and subsequently carried into effect by the absolute prohibition in 1765 of the export of artisans; in 1781 of woolen machinery; in 1782 of cotton machinery and artificers in cotton; in 1785 of iron and steel making machinery and workmen in those departments of trade; and in 1799 by the prohibition of the export of colliers, lest other countries should acquire the art of mining coal.

This is England! Did she favor free trade then, when she had her iron heel upon the throat of the American Colonies and made them pay costly tribute to her ambition to rule the markets of the world? Ah, no! She protected every industry in her realm even unto death. During all her early history, century after century, she could not make her protective laws too strong. She protected everything but Ireland. She threw her ports open only when she could no longer produce food for all her people. This time came less than half a century ago, and since it came she has been persistent in her endeavors to induce her largest customer and greatest rival, the United States, to adopt the same policy, not for our best good, but for her own; and yet this persistent mother can not convince her own children of the benefits of her favorite free trade. Canada and Australia repudiate the doctrine and choose to follow England as she was, not as she is.

England's policy of free trade, so heartily indorsed by some of our doctrinaires in the study of political economy, is repudiated by many of her most inteiligent people. She can be convicted of inconsistency and insincerity by the utterances of her own manufacturers, her own practical men, her own representative statesmen.

Lord Derby has said:

I can hardly allow myself to believe that America will long maintain at the public expense a privileged class of manufacturers and producers.

Sir Edward Sullivan, in alluding to this, said:

But the American people laugh at this. They know that every prosperous manufacturer means a hundred or two of prosperous workmen, and every ruined manufacturer, one or two hundred ruined workmen; that if the employer is losing money the employed can not be making it. More than this, they understand that manufacturing and agricultural industries are inseparably bound up together; that prosperous manufactures mean prosperous agriculture, and *vice versa*; that each consumes what the other produces; that each is the best customer to the other.

Mr. Wood, a manufacturer, in a letter to the Sheffield Telegraph, said:

Since 1853 upward of 3,000,000 of our people have emigrated, principally to extreme protective countries, where their labor has found better reward.

The testimony, therefore, is overwhelming:

1. That England protected her industries in the most rigid manner for centuries, so long as it was for her interest to do so, and until she failed to produce food enough for her people there was no tendency toward free trade.

2. That the United States, being the best market for her productions, her ruling ambition is to send her surplus product here, and to do that to her great advantage she seeks to strike down all barriers which prevent free commercial intercourse between the two nations, knowing that any legislation which would permit this to be done would ruin the industries of the United States in order to build up those of England.

PROTECTION VS. FREE TRADE.

The question must then come home directly to every American: Shall we have protection or free trade? If the struggle resolves itself into a discussion of this question, the contest may be short and sharp or long and tedious, but it can have just one result. Free trade must go down, or patiently wait until we are ready for it. Free trade can never live in a republic which is sustained and strengthened by the industry and thrift of her people. It is a dry-rot upon the body-politic, which will ruin any country until the conditions are such as to make it acceptable. Those conditions must necessarily be the growth of centuries. It is a theory only, based upon faith in prejudice and impossibilities, and can never be reconciled with the conditions which follow honest industry, thrift, and enterprise. History proves this again and again. It makes slavery of honest labor and mocks at capital which would invest itself in healthy manufactures. The gentleman from New York [Mr. HEW-

ITT] never expressed a truer thing in his life than when, in 1870, he wrote:

Free trade will simply reduce the wages of labor to the foreign standard.

As illustrating the fact that free trade is a theory, and that education and experience convert its advocates, the following from Hon. A. D. White, president of Cornell University, may be of interest:

When he leaves college every man is generally a free-trader. The theory is undoubtedly correct. But when a man comes to look about him and see the business interests of the country that have been fostered by protection he generally modifies his theory.

On the other hand, protection is practical, straightforward, plain, and open-handed. It is the true policy of every prosperous nation which depends upon its own intelligence and industry; it is an inspiring and guiding element in our highest national aspiration. Protection is strong because it is national, because it does protect, because it supports and develops the temperate, diligent industries of the land, because it is conservative and not wasteful, and therefore it is bound to aid and not sacrifice its home allies. Protection should be non-partisan. It is not Republican alone; it is not Democratic alone; it is national in all its tendencies and results.

Mason, in his Short Tariff History of the United States, truly says in opening the first chapter of his comprehensive work:

All the prosperity enjoyed by the American people, absolutely all the prosperity, without any reservation whatever, from the foundation of the United States Government down to the present time, has been under the reign of protective principles; and all the hard times suffered by the American people in the same period have been preceded either by a heavy reduction of duties on imports or by insufficient protection.

Is there the slightest incentive to abandon a principle upon which our prosperity has been built, which has brought greatness and happines to our people in the fullest measure?

If our people were content to receive the wages that are paid abroad, if they were willing to accept the scant comforts and squalid surroundings of European workingmen and their families, it is possible that protection might be abandoned and our manufactures still live; but they will not be content with such rewards for their labor, nor would it be for the best interests of society and the nation that they should be. A reduction of duties at this time would not only still further reduce the wages of labor, but would cause the stoppage of industrial establishments in every State of the Union.

See what this country produced in 1860 and in 1880, in twenty years, under a protective tariff, so earnestly condemned by the advocates of free trade as robbery and delusion. Remember that this twenty years, covers also the period of one of the most devastating civil wars known in history. Read these figures showing the results of protection in increased national power and wealth, and then give any reason why the protective policy should be abandoned.

GROWTH OF THE NATION UNDER PROTECTION SINCE 1860 IN POPULATION, WEATH, INDUSTRIES, AND COMMERCE.

In the following table from official sources we have an exhibit during the period from 1860 to 1880 of the growth of the nation in population, wealth, industries, and commerce:

Subjects.	1860.	1880.	Increase per cent.
Population of the United States	31,443,321	50,155,783	60
Value of farms	$3,271,575,426	$10,197,161,905	212
Wheat produced.....bushels	173,104,924	498,549,868	188
Wheat exported.....bushels	4,155,153	153,869,935	3,603
Corn produced.....bushels	838,792,742	1,717,434,543	105
Corn exported.....bushels	3,314,305	98,169,877	2,862
Wool produced.....pounds	60,264,913	232,500,000	286
Cotton produced.....bales	3,826,086	6,343,269	65
Oats produced.....bushels	172,643,185	407,858,999	136
Barley produced.....bushels	15,825,898	44,113,495	179
Butter exported.....pounds	7,651,224	39,236,658	413
Cheese exported.....pounds	15,524,830	127,553,907	722
Petroleum produced.....barrels	251,000	22,382,509	8,817
Pig-iron produced.....net tons	919,770	4,295,414	367
Rails produced.....net tons	205,038	1,461,837	613
Hogs packed	2,350,822	6,950,451	196
Merchandise imported	$353,616,119	$667,954,746	89
Merchandise exported	$333,576,067	$835,638,658	150
Gold and silver produced	$46,150,000	$75,200,000	63
Gold and silver exported	$66,546,239	$17,142,919	
Gold and silver imported	$8,550,135	$93,034,310	988
Railroads, miles	30,635	88,237	188

And all this in a nation which has hardly turned its second century. Surely the ideal of such a country, with such power and resources, is hardly within the scope of the imagination.

Apropos here are the following words taken from Hon. Ellis H. Roberts's recent work on Government Revenue:

That State is nearest to the ideal standard; which employs all of its energies, which builds up every one of its own resources, which adds everything possible for it to add to the sum of human wealth and power and progress.

And again:

That nation which does its own work most thoroughly, which trains its own citizens to the most complete usefulness and ripest development, serves the whole world most effectually and adds the most to the achievements and the happiness of mankind.

Certainly these words have fit application to a nation which has protected itself and grown great by the development of its own resources.

America will thrive so long as she protects herself, and can more safely trust her own people than those of any other power on earth. It was Mr. Garfield who said in this House in 1878, when a tariff bill was under discussion, as follows:

For the present the world is divided into separate nationalities, and that divine command still applies: "He that provideth not for his own household has denied the faith, and is worse than an infidel." And until that era arrives described by the gentleman from Virginia, patriotism must supply the place of universal brotherhood. For the present Gortchakof can do more good for the world by taking care of Russia. The great Bismarck can accomplish more for his era by being as he is, a German to the core, and promoting the welfare of the German Empire. Let Beaconsfield take care of England; let McMahon take care of France, and let Americans devote themselves to the welfare of America. When each does his part for his own nation to promote prosperity, justice, and peace, all will have done more for the world than if all had attempted to be cosmopolitans rather than patriots.

LABOR, WAGES, AND CAPITAL.

It will not do in the course of this discussion to attempt to evade the real question by provoking a conflict between labor and capital with wild appeals to the workingmen to throw off the imaginary yoke which protection places upon them. The workingmen of this country can not be so easily deceived into the adoption of a theory which, when carried into practice, will bring lower wages and consequent discontent. The testimony is overwhelming that wages in protective countries are higher than in any other.

The London Mining Journal of June 26, 1880, contained a communication from one of its English readers, over the signature of "Free Trade," in which the writer showed why the United States could not become a serious competitor with England in supplying the world's markets with manufactures of iron and steel. He said:

The reason of this is that it is practically impossible to reguiate wages except upon the basis of the highest prices obtainable for the article manufactured, so that if the tariff permits the American ironmaster to sell to local consumers at $10 per ton higher than before, the full proportion of that $10 must be paid to the workmen, and the British ironmaster in all markets except the American is benefited to the extent of the extra wages paid in America.

Mr. Casson, the general manager of the Earl of Dudley's Staffordshire iron-works, on his visit to Pittsburgh, in answer to a question by a reporter of the Pittsburgh Commercial Gazette, said:

I find that in many respects you have the advantage of us as regards mechanical appliances, while in others we are greatly ahead of your manufacturers. We can manufacture iron at just one-half the cost as far as the price of labor is concerned. I find that your rate of wages is about exactly double what we have to pay.

There can be no settled conflict between labor and capital. They are mutual in their interests and dependent upon each other. Capital must remain idle without labor, and labor without capital to give it employment must fret, wither, and die. If capital enters your State and establishes manufactories, must not labor follow it? And will not labor thrive so long as the fountain lives? Do we not always hail with delight the establishment of manufactories in our midst? It must be a God-forsaken locality indeed that does not welcome the manufacturer. Do we not everywhere encourage the establishment of manufacturing industries by lessening local burdens wherever possible? And why? Simply because it means growth, the coming of industrious people, the increase of population and material resources, development, life, and it means a local market, the best market in the world for the agriculturist, who finds at home a demand for his production.

The laboring classes are not to be deceived by any false light. They can see the condition of laborers abroad as well as those who would degrade American labor to a foreign standard. Consult all the tables you will, arrange the vast wilderness of statistical figures as you choose, distort or hide facts as you may and do, but the indisputable fact still remains that the American laborer is the best paid, best fed, best housed, best dressed, best behaved, and best educated laborer in the world. He lives like a man, his wife may be a lady with the best, his children attend school, and if sober and honest they may all be prosperous and happy. Compare him with the English laborer or the laborer of any other country in the world, and the advantage is his at every comparison. Come to some of our Northern manufacturing towns, you who advocate free trade, and study the condition, the manners and customs of our working people under protection. Go into our mills, see the operatives at work, go to their homes and see the thrift and happiness there, go to our churches and our schools and see the workingman's and the capitalist's children studying the same books, toiling in the same path, with equal ambitions, opportunities, and possibilities. See all these things, and you will not call protection robbery or oppression. It was a Senator of the United States who said he had visited some of the great workshops of New England, had seen the workingmen in their shops and in their homes, had studied their methods of living, and discovered, as he admitted, two things—that there was after all some practical good in protection, and that the skilled laborers in the towns he visited lived better and enjoyed themselves better than he did.

SELF-PROTECTION.

Why, you who represent the States most likely to furnish the largest votes in favor of this bill can all see the value of protection when it

is brought into your own State, into your own Congressional districts, or into your own cities and towns. Nothing was more noticeable in the discussions which took place in the last Congress upon the tariff bill than the eagerness shown by Representatives from all sections to have the industries of their own people properly protected. This was particularly noteworthy in the Southern States. When the item of sugar was reached, Louisiana demanded protection, West Virginia said "let our great glass industries alone," Missouri was content to have no reduction upon lead, Virginia insisted that a 20 per cent. duty was none too high for "extract of sumac," and when iron was reached the gentleman from Alabama [Mr. HEWITT] said:

No great measure has promoted the general prosperity of the country to a greater extent than the protection of American labor and American industries. * * * New England farmers have prospered because they have their factories near and a market at their door for all they have to sell. The Alabama farmers are as much interested in the development of coal and iron and the building of cotton-mills as any class of persons. The coal and iron of Alabama are equal to the supply of the world for many centuries.

These illustrations simply prove that protection after all does protect, when we take questions directly home to ourselves. The State of Georgia is to-day an excellent illustration of what protection will do when coupled with energy, intelligence, and liberality. No State in the Union is making more rapid strides in prosperity. And in this connection the following statement recently made by Governor Bullock, president of the Atlanta Cotton-Mills, on the effect of the present tariff laws on Southern cotton manufactures is especially interesting, not only as indicative of advance in thought, but as bearing upon the present discussion:

The chief product of our Southern mills is what is known to the trade as three-yards goods, that is, brown sheeting one yard wide, weighing three yards to the pound. These are generally made from twelve and fourteen yarn, with forty-eight to fifty picks or threads to the inch. The tariff certainly has no depressing effect on brown cottons. There is no restriction on export, and no tariff on any part of brown goods, except the machinery with which they are made. Many Southern mills are sending abroad over 60 per cent. of their product at prices which are more satisfactory than in the home market. These are purely matters of trade, in which each mill seeks its own interest, and over which the tariff has no special control. English machinery is now offered for sale in this country cheaper than the best grade of American work, but the superiority of the American machinery insures its sale, even at the higher prices. I agree with Mr. Hickman that the best thing to do is to do nothing. The threat of frequent change is more vexatious and hurtful to the manufacturer who is affected by a tariff than any fixed plan could be. I would say abolish absolutely and entirely all direct or internal taxes by the General Government, and let the present tariff stand until after the next census. Then, with all the facts and figures of the growth and condition of the country before us, adjust it for another decade, according to the needs of the Government.

FREE-TRADE STATES PROTECT THEMSELVES.

Many who are so loudly exclaiming, "Let us buy where we can buy the cheapest, let us establish free trade everywhere," must not forget that they represent States which to-day have on their statute-books the most obnoxious of all protective laws, laws which prevent free trade among the States. This refers to the laws requiring commercial agents or travelers to pay a heavy license in certain States before they can do business therein. The District of Columbia has the same obnoxious law, which is in force in the following States: Maryland, Virginia, North Carolina, South Carolina, Texas, Kentucky, and Connecticut. A letter from a manufacturer in my own city, recently received, stated that he could not send his agent into Virginia or North Carolina until he had sent each State a draft for $200 for a year's license. That is certainly carrying protection further than conservative protectionists will go.

THE QUESTION OF POLITICS.

It would be a benefit to the industries of the country if the question of a tariff, of protection or free trade, could be kept out of politics. But that seems almost impossible, and the present discussion has not served to weaken party lines on the subject. We have heard protection repeatedly denounced as robbery, and the Republican party as the robber. No words have been too severe to use against the party which is not afraid to stand up for the best interests of the people, whether they be manufacturers or workingmen, capitalists or laborers. And if this question is to be discussed purely on political grounds, the fate of this bill in this House is of little consequence. The people do not want the law, they do not care for even a discussion of it; and therefore if a Democratic House chooses to pass the bill a Republican Senate will defeat it, and the election of the Republican candidate for President would be thereby practically assured. If party lines are to be drawn, we are ready to fight the battle here and now. If it is to be made the issue of the approaching campaign, it will be fearlessly met.

It need hardly be said that the Republican party has always advocated the policy of protection. It has fearlessly stood by this position from the organization of the party, whether in legislative halls or before the people, confident that it was the policy laid down by the founders of the Republic and followed by those who made the first half-century of our country's existence brilliant with dignity, prosperity, and vigorous national life. It has never swerved from the line marked out, but has kept itself true to that section of the Constitution which provides for the general welfare of the people. It has never gone straying off into the fields of theory to catch votes by demagogy or deception, but has ever held up to the people the advantages it affords and under which our prosperity has been unparalleled. It has never asked the people to worship false gods, but has given practical demonstration of the benefits to be derived from a system which proves its own value.

Protection is to-day one of the cardinal principles of the Republican party; not protection for the sake of protection, but for the honest and just protection of American industries, American labor, American enterprise. It was one of the firmest planks in the platform upon which the party won its first victory. Protection and freedom went hand in hand. The party is pledged to it as firmly as it ever was to the abolition of slavery, to sound and honest finance, to the sure payment of the public debt—the sacredness of public pledges, fair elections, and honest politics.

PLATFORM DECLARATIONS.

Let us quote here the public declarations of both political parties upon the subject of protection, revenue tariff, and free trade in national conventions since 1856:

Democratic.	*Republican.*
1856. * * * "The time has come for the people of the United States to declare themselves in favor of * * * progressive free trade throughout the world."	
1860. Reaffirmed.	1860. "That while providing revenue for the support of the General Government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country; and we commend the policy of national exchanges, which secures to the workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the nation commercial prosperity and independence."
1864. Subject not mentioned.	1864. Subject not mentioned.
1868. * * * "A tariff for revenue upon foreign imports and such equal taxation under the revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country."	1868. Subject not mentioned.
1872. * * * "Recognizing that there are in our midst honest, irreconcilable differences of opinion with regard to the respective systems of protection and free trade, we remit the discussion of the subject to the people in their Congressional districts, and to the decision of the Congress thereon, wholly free from executive interference or dictation."	1872. And that revenue, except so much as may be derived from the tax upon tobacco and liquors, should be raised by duties upon importations, the details of which should be so adjusted as to aid in securing remunerative wages to labor and to promote the industries, prosperity, and growth of the whole country.
1876. "We denounce the present tariff. * * * We demand that all custom-house taxation shall be only for revenue."	1876. The revenue necessary for current expenditures and the obligations of the public debt must be largely derived from duties upon importations, which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.
1880. "A tariff for revenue only."	1880. We reaffirm the belief avowed in 1876 that the duties levied for the purposes of revenue should so discriminate as to favor American labor.

It needs no explanation to show where the Republican party has stood. And the current political events of the day show that there is no disposition to take any backward step upon this question. To prove this let us examine some of the

Republican State platforms for 1884.

NEW YORK.

The Republican party of New York, in State convention assembled, declares:

4. Its approval of that policy of protecting home industry from foreign competition which has through a century of national being encouraged immigration, rewarded labor, fostered enterprise, and assured unparalleled progress and prosperity, all variations from which policy have been the occasion of business confusion and disaster, and which, therefore, is alike justified in intelligence and by experience.

MARYLAND.

The Republican party of Maryland declares:

That the prosperity of our country requires the fostering protection of our industries; that the Republican party has always supported this system of protection, and is pledged to maintain it in the future; that the Democratic party is pledged to a financial policy which would be ruinous to the prosperity of our agricultural, manufacturing, and commercial industries; that we view with alarm the action of the Democratic majority in the present Congress in favor of reckless and indiscriminate reduction in the tariff; that any revision of the tariff which may be needed should be intrusted to the friends and not to the enemies of a protective system.

MASSACHUSETTS.

We advocate tariff laws which, while furnishing necessary revenue, shall favor the labor and industrial enterprise of the country and not assail them. While we insist upon a reduction of customs duties because of the dangerous surplus in the Treasury receipts, at the same time we deem it essential that this reduction should be made with the least possible injury to the labor and manufacturing interests of the country; and we condemn the arbitrary percentage reduction proposed by the present Democratic House of Representatives, because it fails to reform any inequalities of taxation, disregards the business wants of the country, and, if adopted, would cripple many industries and at the

same time would probably increase the revenue. We also recognize in the progressive changes in industrial conditions the necessity for an investigation of the tariff upon a scientific basis, to the end that it may be considered as to its real influence upon labor, capital, production, and revenue.

MAINE.

Resolved, That from the establishment of our National Government to the present time the judgment of our best statesmen and the experience of the country have favored an American policy which collects the national revenues mainly on foreign importations, imposed in a manner to give protection to American skill and labor, to build up our manufactures, to augment the volume of our combined internal and foreign commerce, to expand our network of railroads, thus increasing the value of our agriculture and all the legitimate interests of American labor and capital.

NEW JERSEY.

Resolved, That the prosperity of our country depends on the number of its independent households and happy homes; that this requires the protection of our home labor against ruinous foreign competition; that the Republican party has always supported this system of protection, and is pledged to maintain it in the future; that the Democratic party is pledged to a financial policy which would be ruinous to the prosperity of our agricultural, manufacturing, and commercial industries; that we view with alarm the almost solid array of Democratic votes in the present Congress in favor of persistent reductions in the tariff; that any revision of the tariff which may be needed should be intrusted to the friends and not to the enemies of the protective system.

PENNSYLVANIA.

Resolved, 2. We unqualifiedly approve and demand the continuance of that system of protection to home industry which has proved itself to be the basis of national independence, the incentive to industrial skill and development, and the guarantee of a just and adequate scale of wages for labor, and we denounce all attempts to reduce the rates of the tariff below the level which will accomplish these objects.

VIRGINIA.

Resolved, That we demand a protective tariff, so that the manufacturing and mining industries of Virginia, in common with those of the other States of the Union, may continue to grow and prosper, and that agriculture may find a ready and remunerative home market for its produce, while our free labor may receive that reward which will be denied if it is brought into competition through free trade with the servile labor of other countries.

IOWA.

Resolved, 1. We denounce as unwise and unpatriotic the present effort which the Democratic party in Congress declare to be only their first step to further derange trade and oppress American industry by an indiscriminate reduction of duty on foreign products and manufactures which compete with our own. * * * In the common interest of all our industries, all our labors, and all our natural property we call upon Congress to halt in this destructive work.

TARIFF FEELING IN NEW YORK STATE.

During the present agitation of this subject Mr. Theodore C. Teale, of Greene County, New York, issued a circular, asking the sentiment of the people in the different counties of the State on the question of protection and free trade. Replies received by him from thirty-eight of the sixty counties in that State are given below, and prove, with a volume of testimony which can not be explained away, that the Republicans of that State are unwavering in their faith in and allegiance to the doctrine of protection, and that many Democrats stand with them.

Following is an abstract of replies from counties:

Allegany: "We have between six and seven thousand Republicans in Allegany County and scarcely one free-trader; nearly all favor protection to home industries. * * * If the tariff was made an issue, from one to two hundred Democrats would vote this year with the Republicans."

Broome: "The Republican sentiment in this county is in favor of protection to home industries. I think we have a good many Democrats of the same opinion. * * * Should the Democrats put a free-trade plank in their next platform, I think the Republicans will easily elect their President."

Cayuga: "Cayuga County is quite strong for a protective tariff. The Democrats here as elsewhere are divided on the question. * * * I think Cayuga County would give a large majority for the protective tariff were the question put to a vote."

Chautauqua: "I am of the opinion that our party in Chautauqua County are unanimous, or very nearly so, for protection, and my views are in entire accord with the party on that question. I know of several Democrats in our city, who are engaged in manufacturing, who would support the nominees of our party at Chicago in the event of their party nominating a pronounced free-trade ticket, and that being the issue."

Chemung: "The Republican sentiment is nearly unanimous for a protective tariff, and many leading Democrats favor it."

Chenango: "Among reading, thinking Republicans I know of but very few free-traders. Those I do know would hardly vote the Democratic ticket if there should be a direct issue. I know of some Democrats that naturally favor a high tariff."

Cortland: "The Republicans of Cortland County are generally favorable to a protective tariff. I know of a good many Democrats who believe in a protective tariff. * * * I am strongly in favor of a protective tariff. While in Congress some years ago I advocated and voted for protection to home industries in this country, and my views on this subject have undergone no change."

Clinton: "The sentiment of this county is nearly unanimous for protection. All Republicans and most of the Democrats are in favor of a protective tariff."

Delaware: "The Republicans are well-nigh unanimous in favor of protection, and commend the New York Tribune as an able exponent of these principles."

Dutchess: "The majority of Republicans of this county favor a tariff that will protect the industries of this country, and this is my view of the subject."

Erie: "The Republican sentiment of this county is very largely for protection—a few college-bred free-traders among us. A considerable minority of Democrats favor protection, headed by our mayor." * * * "I am for protection to American labor and American industries."

Fulton: "There is but one feeling in this county among Republicans on the tariff question. They are for protection. The more intelligent Democrats are of the same opinion."

Greene: "The Republican party of Greene County are almost a unit for protection for American labor through a protective tariff. From this position it would be useless to attempt to dislodge the solid column of the intelligent, patriotic Republicans of this county."

Herkimer: "The Republican sentiment in this county is largely in favor of protection, and in the south part of the county many Democrats favor it."

Jefferson: "I believe the Republican sentiment to be almost universally for protection as against free trade, that is, protection to American industries and American labor. I believe that many Democrats favor the policy of protection."

Livingston: "The sentiment of the Republicans of this county is in favor of a high protective tariff, and there are quite a large number of Democrats in the county who are strong tariff men. My views are in favor of a good, strong protective tariff."

Montgomery: "My views are that we need a strong protective tariff, and I think the Republicans of Montgomery County agree with me. Many Democrats hereabouts favor protection."

Madison: "The Republican sentiment of this country is unmistakably in favor of protection. There are many Democrats that also favor protection. Some of them would not vote for a free-trade man for President. * * * Our strong position as a party is on a protection basis. The people believe in it, and will have it."

Monroe: "In my opinion the Republicans of Monroe County are strongly in favor of a protective tariff. There are but few, if any, Democrats that advocate protection."

Onondaga: "The universal sentiment of Republicans here is that the party must make no mistake on the question of protection to American productions. There are many Democrats who are deeply interested in the question, and always vote with us when the issue is protection."

Ontario: "The Republican sentiment in my opinion is mixed, with a fair preponderance in favor of protection. I am in favor of revenue reform."

Orange: "The sentiment among Republicans in Orange County is decidedly in favor of a protective tariff. * * * A good many Democrats entertain like views upon this question. As for myself, I may say that although my early education was in the other direction my views have undergone something of a change, and are now in harmony with those of the great majority of the Republicans of the country. I was brought up from my earliest boyhood upon the New York Evening Post, and of course became somewhat influenced thereby in favor of free trade. But I was pretty young when thus influenced."

Oswego: "The Republicans of Oswego County favor a protective tariff. The Democrats favor a tariff for revenue."

Otsego: "The Republicans of this county almost to a man are strongly in favor of a protective tariff. Many Democrats with whom I have talked favor a protective tariff. In my opinion protection means to the American manufacturer prosperity; to the farmer everywhere good prices and a ready market for all he can raise; and to the laboring man good wages, a comfortable home, and an education for his children."

Putnam: "The Republicans of Putnam in my judgment are strongly opposed to any agitation of the tariff at the present time, believing that the law of last winter should have a fair trial, and that the business interests should not so soon again be imperiled by agitation in Congress. * * * I am of the opinion that no substantial reduction should be attempted at the present time, and that the business interests should have a rest from Congressional interference and protection from competition with foreign labor."

Queens: "My opinion, which is made up from conversations held with leading men of both parties, is that a majority of the people are in favor of protection to American products and a reduction in the internal-revenue taxes."

Rensselaer: "The Republican sentiment in this county is overwhelmingly in favor of a tariff, and many Democrats are in favor of it. Free trade as an abstract proposition or principle may be sound, but as a practical business principle is wholly inexpedient for this country at this time. Free trade must come some time, but to adopt it now, or for many years to come, would be ruinous to many great manufacturing, mining, and mechanical interests and industries of this country, and would just as seriously affect the laborer, by reducing his wages to the starvation point. The Republican party can not succeed this fall without a sound tariff plank in its platform; it knows where the enemy is and must fight."

Rockland: "I think that the Republican sentiment in this county is that the present tariff, with few exceptions, is satisfactory. I think about one-third of the Democrats are in favor of protection."

Schenectady: "The sentiment in Schenectady County among Republicans is decidedly in favor of protection. Many Democrats declare that if their party favor free trade they will vote with the Republicans. I think the success of our party depends upon the handling of this question."

Schuyler: "I am fully convinced that the people of this county are strongly in favor of a protective tariff; in other words, this county may be termed a tariff county, and the sentiment prevails quite strongly in the Democratic ranks. I cansee no safety to this country except with protection to home industries."

Seneca: "In my opinion the Republicans of Seneca County are in favor of a protective tariff, and I think we have a few Democrats who also favor it."

Saint Lawrence: "I believe the Republicans of Saint Lawrence County to be in favor of protection—a moderate tariff, that will furnish all the revenue that can be used to advantage, and at the same time that is framed with an eye to the protection of all the important industries of this country. Many Democrats are protectionists, but the issue must be drawn very sharply to shake their party allegiance."

Steuben: "The Republican sentiment in this county very strongly favors a tariff for protection. Many Democrats talk the same way. I favor a protective policy which will promote manufacturing industries, thereby making a home market for farm productions."

Tioga: "I think there are very few free-trade Republicans in this county, and I think there are more Democrats here in favor of protection than there are Republicans who favor free trade. I believe that a low tariff for revenue only would be disastrous to many of the manufacturing interests of this country."

Ulster: "Ulster County Republicans undoubtedly hold the same views you expressed in your circular and published letters on the subject of the tariff. There are quite a number of Democrats possessing similar convictions."

Warren: "So far as I am able to judge the Republicans are in favor of a protective tariff. I think the Republican party entirely harmonious on this question in this country."

Wayne: "The Republicans of this country are very generally in favor of protection. A few Democrats are also in favor of protection."

Wyoming: "I think 99 per cent. of the Republican voters of Wyoming County are in favor of protection. Many Democrats are also protectionists."

Very appropriate right here is the following from the Orange County (New York) Farmer:

It is not "politics" at all, but it is business. The farmers are interested above all others in the protection of home industries, for it is those industries that increase our population and thus make a market for the supplies of the farmers. No political party has any right to destroy that market for the farmers; and when any party does destroy or attempt to destroy it, then it is time for the farmers to throw "politics" to the wind and begin to roll up their sleeves for work and business. Let the agitation and discussion go on. It is business.

With this important testimony before us there is little doubt that the people of New York State are not in favor of free trade; and if her Representatives follow the people rather than sentiment or politics, they will legislate in favor of a proper system of protection.

DEMOCRATS AS PROTECTIONISTS.

The Democratic platform in 1880 was "a tariff for revenue only." The Democratic candidate considered the tariff question as "a local issue;" the country differed with him very materially, and he was stranded on the rock. The Democracy have had spasms of common sense since then, and in the following States Democratic conventions

have declared in favor of protection: North Carolina, Ohio, Virginia, Pennsylvania, New Jersey, Connecticut, Indiana, and New Hampshire.

The following States, in Democratic conventions, have declared in favor of a "tariff for revenue only:" Illinois, Michigan, Minnesota, Nebraska, Iowa, Kansas, Kentucky, Oregon, and Texas.

The Democratic conventions in the following States have made no decisive expression upon the subject: Maine, Maryland, Massachusetts, Delaware, New York.

A WESTERN FARMER'S VIEW OF THE TARIFF

is so complete and well expressed that it may well be carefully read:

A tariff for revenue only, if it means anything, implies the following cause and effects:
A general reduction of the existing duties on imports.
To be followed by a larger importation of foreign-made fabrics.
To be followed by a falling off in the demand for those made at home.
To be followed by the closing of American workshops.
To be followed by a relatively greater number of men engaged in agriculture.
To be followed by an increase in the supply of farm products, with no corresponding increase in the demand.
To be followed by a reduction of the farmer's profits.
I, for one, do not like it.

STEPHEN PEEBLES.

PACIFIC CITY, IOWA.

NEWSPAPER ADVICE.

The gentleman from New York [Mr. DOESHEIMER] in his recent speech said:

Our opponents will do well to listen to the advice of their leading journals like the New York Times, the Buffalo Express, the Boston Herald, and the Springfield Republican.

We are glad to know that the friends of the Morrison bill consult the newspapers. We can not follow blindly the Boston Herald and Springfield Republican until we are assured they will not lead us into the Democratic camp, for my colleague will remember that these excellent newspapers supported the Democratic candidate for President in 1876. The other able journals mentioned by my colleague are of course entitled to their opinions and can express them freely, as they do, but within one month from to-day the Republican national convention will meet at Chicago, it will nominate a candidate for President upon a platform which will encourage protection to American industry, and these two journals will be found heartily supporting the nominations made. If it is all the same to our distinguished friend from New York, who from long association with Republicans knows something of their tastes, we will for the present follow the lead of the newspaper formerly conducted by a strong advocate of protection, who was the standard-bearer of the Democracy in 1872, about the time that our friend joined that party, and the very year that the subject of protection and free trade was shrewdly but not safely dodged by the Democratic national convention.

Now, will our friend from New York, who is so free with his advice to us, receive kindly a little in return? If so, will he calmly cast his discriminating eye over the following extracts from purely Democratic newspapers, sharply criticising the course of the Democratic party, and then inform us why he and his friends do not take warning accordingly? It requires no proof to show the politics of these newspapers. The New York Sun, for example, is so thoroughly Democratic that it recently declared that it would support a "crank" for President (giving the name of a Democratic member of this House) in preference to any Republican. Read the following

DEMOCRATIC ESTIMATES OF DEMOCRATS.

[From the New York Sun.]

WHAT IT IS HERE FOR.

"Congress," says the Boston Herald, "has been in session more than three months without affording any answer to the question: What is the Democratic party here for?"

This is a great mistake. The answer has been given and it is so plain that even the fools ought not to misunderstand it.

The Democratic party seems to be assembled in Congress principally to render the success of the Republicans at the next election as certain as human frailty will allow.

[From the Atlanta (Ga.) Constitution.]

DEMOCRATIC BLUNDERS.

The Democratic House of Representatives has now been in session three months, and all it has done is embodied in a tariff bill that can never become a law and the recommendation of the Ways and Means Committee that the bonded-whisky-bill swindle be adopted.

[From the New York Sun, April 3, 1884.]

THE PROSPECT.

A year ago it seemed tolerably certain that the Democrats would elect the next President of the United States.

The prospect was good, so good that it did not appear to need any improvement.

And yet people had never then heard of the Morrison bill.

Even in politics it is frequently wise to let well enough alone.

[From the New York Sun.]

EDITORIAL NOTE.

When we examine the votes of the Democratic Representatives from New York upon the question of considering the Morrison bill we find that nine voted for consideration and eight against. If there is anything in such indications, it doesn't look as though there was much prospect of the Democrats carrying New York with the Morrison bill as a platform.

[From Washington Post, February 21, 1884.]

WANTED—A LEADER.

Wanted very, very badly: A Democratic leader in the House of Representatives.

THE MAJORITY DOMINATED.

Not only an actual majority of votes but a majority of brains, on hand and available, is necessary to prevent the rule of a compact and skillfully handled minority in such a legislative body as our national House of Representatives.

During the Forty-sixth Congress the Republican minority in the House were the leaders and the Democratic majority the followers more than half the time. A few members for whom a drinking saloon had greater attractions than the post of duty neutralized the majority in that body. It was a humiliating spectacle, and its frequent exhibition was one of the reasons why the Democrats found themselves in minority in the next House.

[From the Washington Post, February 27, 1884.]

BUSINESS CAPACITY WANTED.

Is there not a call for positive virtues, for a demonstration of capacity, for prompt and faithful performance of good work?

The business of the session is not in a hopeful or creditable state of forwardness. It lags—it almost languishes. There is lack of unanimity, want of cohesion, and a general appearance of hesitating uncertainty. Time is wasted in frivolous talk, and there is no end to the perpetration of essays on every possible occasion.

Where is the leader who can bring order out of chaos and set the majority of the House on the road to a successful close of the session?

[From the New York Sun.]

THE WEAKNESS OF THE MORRISON BILL.

In opening the debate upon his bill for a horizontal reduction of the tariff, Mr. MORRISON is reported to have said that a reduction "alike" or horizontal is not the most logical or best, but that none other was practicable.

What does he mean by practicable?

He knows perfectly well that the Senate and President will prevent the enactment of his bill into a law, even if he should succeed in getting it through the House of Representatives. It is idle, therefore, to speak of it as a practicable measure in any sense.

Nevertheless, the use of such a word serves to show that the framers of the Morrison bill have not had the courage of their convictions. When a man says that he has not done what he knows to be best, because he was apprehensive that it would not be practicable, he confesses that he has sacrificed his principles to his sense of expediency.

Herein lies the weakness of the Morrison bill. It really satisfies no one; not even its author. It is indefensible on principle, and we do not think it is any stronger on the ground of practicability.

[From the Cincinnati Enquirer.]

COLONEL MORRISON'S WAY OF DEFEATING THE DEMOCRACY.

WASHINGTON, *April* 29.

Mr. MORRISON ought to be a happy man to-night. He has worked his tariff issue, and thereby secured an organization of the House of Representatives which blocks the way of all legitimate business. He has put the wedge in the Democratic party right on the eve of a Presidential election, until now very few Democrats have any hopes of success, and Republicans are every where jubilant as they contemplate the discordant ranks of their opponents. Personal spite is partially appeased and his personal vanity gratified as the leader of this show; but the result of it all is a tariff bill which belies every honest profession of the revenue reformers, consecrates the war tariff of MORRILL as a part of the United States statute-book, and affords by its complexity a temptation to dishonest officials and a torturing problem to the civil-service reformer.

The original idea of a tariff bill built on philosophical and business principles was soon abandoned to establish a sham and a cheat. The free-list has been cut down, and more changes are promised to the credulous, the hope being to get votes, no matter how, so as to be able to say that the House did indeed pass a tariff bill. Meantime the divisions of the Democratic party have become wider and wider, until the great body of the party are looking to the managers of the House of Representatives as the chief obstacle to a Democratic triumph in the coming autumn, and are hoping that the convention at Chicago will do something to relieve them from the consequences of the blundering and mismanagement of the clique of doctrinaires.

[From the New York World, April 25, 1884.]

ARRANT STUPIDITY.

Congress has been in session for over four months and a half. The country looked to the Democratic majority in the House of Representatives to mark out an aggressive, vigorous policy, upon which the Democratic party could appeal to the people to reject the Republican candidate and restore the Republic.

The election of Mr. CARLISLE was desired by the Democracy because it was feared that Mr. RANDALL had too much sympathy with the protectionists. Mr. CARLISLE encouraged the belief that he recognized the imbecility of a fruitless agitation of the tariff question at this time. * * *

What has been done? Instead of uniting the party and rallying the people to its support, the Democratic branch of Congress has done its best to divide the party.

* * * * * * *

The Democratic House of Representatives has failed to bring into the campaign in an effective manner any one of these living issues, and has wasted its energy on a fruitless agitation of a question on which the party is divided. The Democratic Congressmen, instead of training their guns on the enemy's works, have turned them on their own.

This arrant stupidity should cease at once.

[From the New York Sun.]

MR. MORRISON'S PRESENT ATTITUDE.

The Morrison bill in its present shape, according to the opinion of its author, will reduce the revenue from twenty-five to thirty millions. But when we look at the enormous complexity of the problem and the previous failure of experts to foretell anything like the true results of a change in the tariff, such predictions become of little practical value. Other economists, and of greater experience than Colonel MORRISON, differ with him in regard to the figure of the prophesied reduction. Some, and among these Mr. HEWITT, even assert that under the proposed revision of the tariff the revenue would be greater than it is now. So, when we consider in what an uncertain form the bill would emerge from the House of Representatives, provided it ever did pass that body, it becomes apparent that with the question of revenue reduction that measure has little or perhaps no relation. It would be as likely to increase the revenue as to diminish it.

The idea, then, embodied in the Morrison bill, it is fair to say, is that the tariff must be slashed, even at the risk of swelling the enormous and indefensible surplus of taxes which is now annually piled up in the national Treasury.

Such is the present attitude assumed by the tariff-reform statesmen, and such is the business in which they would exhaust the strength of the Democratic party when opportunities for success and usefulness were laid before it such as have not been offered to any political organization since the close of the civil war.

If these are not sufficient to convince the gentleman [Mr. DORSHEIMER] that he is not following the good advice of the leading news-

papers of his party, of which party he is not the eldest in point of service, he is kindly referred to the following list of Democratic newspapers which do not commend the Morrison bill: Louisville Post, Louisville Commercial, Nashville American, Nashville Banner, Memphis Avalanche, New Orleans Times-Democrat, New Orleans Picayune, Mobile Register, Birmingham Age, Atlanta Constitution, Macon Telegraph and Messenger, Augusta Chronicle, Richmond Despatch, and Chattanooga Times.

It is well to note that these newspapers are published in a section of our country which is to be largely benefited by protection, and which is beginning to realize that fact.

CONCLUSIONS.

In conclusion, Mr. Chairman, the Morrison bill should be defeated for the following reasons:

1. Because it is a firm first step toward free trade in the United States.

2. Because what it seeks to accomplish is not in accord with the tested principles of any great political party.

3. Because it agitates and disturbs the business industries of our country at a time when it can not result in anything but discord, discontent, and uncertainty. Its passage would be injustice to the manufacturing, laboring, and farming industries of the country.

4. Because nobody asks for it except politicians, who care more who is to be the standard-bearer of the Democracy in the approaching campaign than they do for the real interests of the manufacturers or laborers of our country. They recognize its impracticability, they know that it can never become law, and they are willing to distract and disturb the country by an untimely discussion on which even their own party seems hopelessly divided. They know that such a measure can never pass the Senate, could never receive executive sanction, but they seek for political capital by begging or forcing it through this House.

5. Because the bill itself is based upon a plan which is not understood. Even members of the Democratic party claim that it would not reduce the revenues of the Government. If so, they can give no intelligent estimate of the amount of such reduction. Its author would arrange the industries of the country in a line, like a class in profane history, and say: "You shall all conform to one standard of height and breadth." And he would take his horizontal cleaver and go through his class, making such reductions as would conform to one standard. He would take the scalp of one industry, the brain of another, the whole head of the third, perhaps the next would escape entirely, and the fifth be cut midway. So on through the class. He would make his horizontal reduction uniform, but he would certainly spoil the looks and efficiency of his class.

PLAIN WORDS FROM AN "INDEPENDENT."

The following extract from a letter written by the gentleman from Massachusetts [Mr. LYMAN] to the Tariff Reform League of his State expresses very concisely and truly many of the most serious objections to the bill under consideration:

The following are my objections to the Morrison bill: First, there is no probability that the proposed reduction of 20 per cent. in the tariff dues, as set forth in sections 1 and 2, will produce any serious reduction in our revenue. It is the opinion of experts that the increased importation under the lower rates will keep the revenue nearly or quite at its present point; second, the free-list, as set forth in section 3, promises a reduction of less than $3,000,000; third, it is the opinion of officers of the Treasury, as explained in detail in the speech of Mr. MCKINLEY, that the proposed rates are so complicated, by being made to depend in certain cases upon the Morrison tariff, as to render their calculation well-nigh impossible.

If the bill be taken up for amendment it is certain that the House will pass many weeks in bitter debate over the almost endless details, and this to the exclusion of appropriation bills and other pressing legislation. Any one who knows the methods in the House and Senate will acknowledge that the bill must, if passed, appear finally as a mutilated and useless measure. In one word, the Morrison bill is the measure of an indolent and indifferent man, who, to save himself investigation and work, makes a horizontal reduction of tariff rates, heedless of those whose industries may be ruined. * * * Feeling as I do that the Morrison bill can only result in a waste of time, disturbance of commerce, and failure essentially to reduce our revenue, I shall do what I can to kill it or to have it recommitted. * * * Allow me to say, in conclusion, that I am entirely in sympathy with your tariff reform league so far as it favors the removal of our surplus revenue, the free-list for articles in the first process of manufacture, and a scientific revision of the present tariff.

PROTECTION IS RIGHT.

Mr. Chairman, the policy of protection is right. It means protection to America and all her best interests, of her business, her commerce, and her homes. It does not mean protection for protection's sake, but it does mean the protection of our young and struggling industries until they are able to compete with the markets of the world. Until they are able to stand squarely upon their feet, and fight upon equal terms the battle for their life, the policy of this Government should be to protect them. When fairly established, they will not ask it. The country is full of such enterprises. Let us build them up, not tear them down. In some instances there may be a difference of values, but it will be for the benefit of the working classes. We do not want to receive the surplus of English cheap labor at the expense of our own prosperity. We have almost a boundless country and inestimable resources. Frequent changes in our laws may be necessary. Revision of the tariff system may be demanded. The errors and mistakes need correction, but let us correct our mistakes, revise our tariff laws upon some scientific, sensible plan. There may be need of constant attention to details as we progress, but do not let us regulate our greatest source of revenue upon a plan which is experimental, if nothing worse. The country does not ask tariff revision upon that plan, and are willing to wait for more intelligent action by a party which has never failed to give prosperity to the country. It prefers to trust the friends rather than the enemies of protection, to revise the tariff as it may need it.

The tendency of American institutions may be toward free trade. It may yet be our destiny. But if we look at England with her centuries of protection, and turn to our own country to study one century of her progress—a simple comparison of the two countries and their conditions, their people and their customs, will convince us that protection will not go at present, and that when free trade comes, if it ever shall, we and many generations of our successors will be calmly surveying earthly scenes from a higher standpoint, and be wondering how poor deluded mortals can get excited over so small a thing as a tariff bill.

ADDENDA.

[From the Washington Post (Dem.) May 15, 1884.]

MUST GO.

The protectionists must go.

[From the Boston Herald.]

CHAMPION OF FREE TRADE.

The Democratic party has no future, save as the champion of free trade.

[From the New York Sun.]

IN FAVOR OF FREE TRADE.

If the Democratic party shall decide to make the tariff the chief issue in 1884, the national Democratic convention must put forth a clear and unequivocal declaration in favor of free trade.

[From the Philadelphia Call.]

HE TURNED FREE-TRADER.

JONES. You don't mean to say you have become a free-trader? Why, you are a manufacturer, and depend for existence on protection.

SMITH. I was a manufacturer until a few weeks ago, when I sold out and bought a newspaper, a political organ, in a neighboring city.

JONES. But free trade will hurt newspapers just as much as any other business.

SMITH. It won't hurt me. On the contrary, free trade would make my fortune.

JONES. How in the world do you figure that?

SMITH. Well, you see, my paper is going to get all the sheriff's advertising.

[From the New York Sun, May 23, 1884.]

CAN A MAN BE BOTH A DEMOCRAT AND A PROTECTIONIST?

Being asked whether the Democratic national convention would adopt as a part of its platform a declaration in favor of a "tariff for revenue only," Mr. HUED replies in the following style:

"Most assuredly it will in so many words. But I shall urge more than that with all my power. * * * I want it to be clearly defined whether it is possible for a man to be both a Democrat and a protectionist."

A PLAIN ADMISSION.

I am an absolute and thorough free-trader.—*Hon. J. C. S. Blackburn, of Kentucky, in his address before Tammany Hall, New York, May 23, 1884.*

The Tariff—Protection of Wool—Reduction of Duty Explained—The Ohio Fraud—Democratic Jugglery—Tariff of 1867 Demanded—Magnitude of Wool Industry—Protection of Labor.

SPEECH

OF

HON. JOSEPH D. TAYLOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. JOSEPH D. TAYLOR said:

Mr. CHAIRMAN: This discussion has been in progress almost three weeks, and if it were not for the fact that others have been derelict in their duty I should not under these circumstances and at this very late hour say a word. I propose, however, to place upon record the manner in which the Democratic party has betrayed the wool-growers of this country. I want to show the wool-growers of Ohio how well the thirteen Democratic members of this House have kept the pledges made in the last Ohio campaign. During this long discussion no Democratic member from Ohio, or from any other State, has seen proper to place before the House or before the country the grievances of which the wool-growers complain or the arguments in favor of the restoration of the duty on wool. Day and night these discussions have gone on, until almost every argument pro and con on every other subject and in regard to every other industry has been worn threadbare, and yet this industry, which reaches into every State and Territory, which employs a million men and over five hundred millions of capital, has been almost wholly ignored.

When the Converse bill was before the House a few weeks since,

under the iron-clad rules which now prevail, only thirty minutes were allowed for discussion, twenty-six of which were occupied by the Democratic side, and four were graciously assigned to the Republican side. These four minutes were occupied by Major McKINLEY. We did not complain of the division of the time. It has been considered expedient during this session in the management of the wool question, as in the management of other questions, for Republicans to keep in the background. The fact is that it is scarcely considered good manners for a Republican to make a motion to adjourn or a motion that the committee rise. Although I introduced a bill to restore the duty on wool the same day that Mr. CONVERSE introduced his bill I saw it was useless to attempt to bring my bill forward. Anything that is expected to succeed in this House, where almost two-thirds of its members are Democrats, must be moved by a Democrat. Of the thirty minutes allowed for the consideration of the Converse bill one-half was given to Mr. HURD, of Ohio, in opposition to the bill. I make no complaint that anything was left undone that could have been done in the short time allowed for the consideration of that bill. It was difficult to get even this time, and most of the Democrats had done all they could do to prevent any consideration of the bill at all.

But I do make complaint, Mr. Chairman, that so little has been said or done during this discussion on behalf of the wool-growers of the country. The bill now under consideration proposes a further reduction of the duty on wool, and a reduction that will strike down sheep-husbandry in this country; and yet no Democratic member during this long discussion has pleaded the cause of the wool-grower. No Democrat during the discussion of this bill has seen proper to place the arguments and facts in regard to this great industry before either the House or the country. The case of the wool-growers has not been argued as it was argued on the stump and in the press in Ohio last year. Their cause has not been presented in this prolonged discussion as they had a right to expect. Why has not this been done? Why were the wool-growers denied this full hearing when so good an opportunity was presented? Why has such a remarkable silence on this subject prevailed? It was certainly not because there was any want of arguments or facts worthy of presentation. This silence, Mr. Chairman, on the part of the party that promised to espouse the cause of the wool-grower is significant.

Information was collected with great care and labor and presented to the Committee of Ways and Means, but it was there buried and forgotten. I do not want to do this committee injustice. The addresses delivered by Hon. Columbus Delano and others who represented the wool-growers were printed, as was everything else that transpired before that committee, but they were not printed for distribution. If the facts presented by these gentlemen to this committee were laid before the voters of the United States no political demagogue could stand before the tempest which they would create. But, sir, it was not intended that these facts should reach the people.

I supposed that when this bill came before the House for consideration these facts and statements, with others, would be presented to the House and to the country. In view of the pledges made by the Democratic party of Ohio last year; in view of the platform of the Democratic State convention of that State; in view of the speeches made by Judge Hoadly, now governor, in his campaign; in view of the speeches made on every Democratic stump in the State, and in view of the publications made in all the Democratic newspapers of Ohio, I had a right to expect, and the wool-growers had a right to expect, that a strong effort would be made in this discussion to place their claims properly before the country. Thirteen Democrats are representing Ohio on this floor, and all of them except one participated in the promises and pledges made to the Ohio farmers in the campaign of last year. I waited to hear them plead the cause of the wool-growers; but I waited in vain. Mr. HURD, who had made his fifteen-minute speech against the Converse bill, appeared again in this discussion and made an able and lengthy speech in favor of the Morrison bill, and in favor of a further reduction of the duty on wool.

Mr. CONVERSE has taken no part in this discussion, thinking perhaps that he had done his duty in his advocacy of his own bill, and perhaps did not care to open any wider the chasm between himself and his party. Mr. GEDDES made a speech which was listened to with profound interest, but all that he said in regard to the duty on wool occupies less than half a page of the RECORD. General WARNER made a very able speech in vindication of the "Ohio platform," but he did not pretend to discuss the wool question, and only referred to it incidentally to show how the reduction of the duty on an article fails to reduce the revenue. Mr. WILKINS, who was allowed one minute in the discussion of the Converse bill, made some very pertinent and forcible remarks. No other Democrat saw proper to say a word on this subject.

I hold in my hand, Mr. Chairman, a most remarkable pamphlet. It was published and distributed last year by the Ohio Democratic State committee. It was placed in the hands of every wool-grower in the State, no matter to which political party he belonged. It denounces what it calls the "infamy" of the Forty-seventh Congress, and pledges the honor of the Democratic party for the immediate and unconditional restoration of the duty on wool. The title-page of this pamphlet reads as follows: "The reduction on wool—Republican tariff tinkering cost the Ohio wool-growers six millions of dollars—Fleecing the flockmasters: How it was done, and who did it."

The State was flooded with it. It was the only Democratic document that attracted any considerable attention during the campaign in the wool-growing districts of the State. It contains fifteen pages of closely printed matter, and should have been made a part of the speech of some Democratic member from Ohio and printed in the RECORD.

The first chapter of this pamplet is headed, "Importance of the wool-growing industry in Ohio," and contains facts which would have been pertinent in the discussion of the tariff bill now before this committee. The subject of the next chapter is, "What the wool-growers have a right to demand and expect of the National Government," under which I find these words printed in large type:

Bear these facts in mind, farmers of Ohio: The Republican Congress reduced the duty on wool at a time when there was absolutely no public necessity for doing so, and its preservation was most necessary to you. The Republican Congress did this to accommodate the New England woolen manufacturers, who already enjoyed too many favors. The Republican party is under the thumbs of the New England manufacturers, and you have absolutely nothing to hope from it.

This was the tone of the Ohio Democratic campaign last year; a bitter denunciation of the Republican Congress that reduced the duty on wool, and, if possible, a still more bitter denunciation of the New England woolen manufacturers. It says that the wool-growers "have absolutely nothing to hope for" from the Republican party. I can imagine by this time, Mr. Chairman, how much hope the wool-growers have in the Democratic party. And if we are able to prevent the further reduction of the duty on wool, which this bill proposes, we shall do it by the votes of the Republican party, including the votes of the New England members, who were branded as "thieves and robbers" by the Ohio Democracy in the last campaign. Unless the members of this House who are supposed to represent the New England manufacturers vote against this bill it will pass, and the wool-growers will go down in the common wreck of American prosperity.

To return to this pamphlet, for it is too valuable a paper to be overlooked.

The caption of the next chapter is, "The wool tariff of 1867," and the facts herein would have read well in and added greatly to the speech of any Democrat. The heading of the next chapter is, "How the reduction of last winter will affect the price of clips." Here, too, the Democratic members could have found food for thought and facts for utterance, if they had been in the spirit. This chapter states that in 1881 Ohio produced 22,651,801 pounds of wool, and while the previous chapter estimates the loss at 8 cents per pound this one places it at 5 cents per pound, and gives a tabulated statement showing the product of each county in the State and the corresponding loss, from which I will only quote the counties which compose the district which I have the honor to represent: Belmont 737,798 pounds, loss $21,146.30; Guernsey 864,232 pounds, loss $43,211.60; Harrison 953,339 pounds, loss $47,666.95; Jefferson 620,069 pounds, loss $31,003.45; Noble 418,130 pounds, loss $20,906.50; making an aggregate loss in these five counties of $163,934.80, and in the whole State of $1,132,590.05.

The caption of the next chapter is, "How the reduction will effect the value of sheep." The substance of this chapter is that a reduction in the price of wool is necessarily followed by a corresponding reduction in the price of sheep, and this loss is placed at 25 per cent. on the average value of sheep, which is placed at $4, or at $1 per head; and here follows another tabulated statement of all the counties of the State, accompanied with the estimated loss on the sheep, from which I will copy the estimated losses of the same counties: Belmont, $163,509; Guernsey, $182,431; Harrison, $189,116; Jefferson, $122,974; Noble, $97,929; making an aggregate loss on sheep on the carcass alone in these five counties of $755,959, and in the whole State of $4,594,607.

This, again, is followed by another tabulated statement, in which the counties of the State are again repeated, showing the aggregate loss on wool and on sheep in Ohio last year, from which I quote the losses of the same counties, as is herein given: Belmont, $200,398.90; Guernsey, $225,642.60; Harrison, $236,782.95; Jefferson, $157,977.45; Noble, $118,835.50; making an aggregate loss in these five counties of $939,637.40, and in the whole State of $5,776,078.20. These are all Democratic figures, and I will not be responsible for their accuracy.

The next chapter has for its subject "How the reduction will affect the value of land," and goes on at great length to explain the extent of this injury. The next chapter has for its caption "Who is responsible for all this," in which is found the following language: "The Democratic party opposed the reduction from the beginning, and is the only party which can be relied on to restore the duty."

In the same chapter I find this language:

Who are our enemies that have thus laid their hands on our throats while these unworthy, mercenary monopolists of New England have rifled our pockets.

The answer given was, of course, the Republican party. It did it. It held the farmers of Ohio by the throat while the New England monopolists rifled their pockets. I would like to inquire, Mr. Chairman, who is now holding the wool-growers by the throat while Great Britain is rifling their pockets?

The next chapter discusses the conference committee and the action of Congress upon its report, and says—and I want you to remember this language, as I want to refer to it again—"This committee, without one Democratic member, drafted the bill as passed." This is true, for the Democratic members of the conference committee refused to act or

even to be present. This pamphlet gives a list of all the members of the Forty-seventh Congress, and professes to give the politics and the vote of each. Mr. BURROWS, of Michigan, Judge TAYLOR, of the Garfield district, and myself are written down as Greenbackers, in order to diminish the number of Republicans who voted against the bill. It did not want the fact to appear that seven of the Republican members voted against it. Further on it says, and prints it in italics, that "every Democratic member voted against it," while the previous page shows that sixteen Democrats voted for it.

The next chapter discusses "How the bill was passed," the next discusses "JOHN SHERMAN," and the next "How the Democratic party stands, and what it proposes to do for the wool-growers." Under this head it repeats the pledges of the Democratic platform, the speeches of Judge Hoadly, and the declarations of Mr. CONVERSE made a year ago on this floor, that this reduction will strike down the wool industry and compel the wool-growers to turn to the exhausting process of grain growing, and assures the wool-growers that all these declarations perfectly represent the Democratic view of this question.

The concluding chapter has for its caption "The importance of the coming election to the farmers of Ohio." It begins as follows:

Is it possible to obtain a restoration of the duty entire? This is the question which every sheep-owner in Ohio is asking himself. We say to every farmer, and with all possible emphasis, that the question must be answered now. NEXT year will not do.

The reason is clear: the issue has been raised in the present Ohio campaign, and the wool interest elsewhere, as well as the enemies of the wool interest, are unanimous in recognizing that the result of the Ohio campaign will decide whether the duty shall be restored immediately, or whether its restoration shall be left to the chances of the future.

The election of Hoadly, on the other hand, means the triumph of the Democrats and the success of their objects, of which the unconditional restoration of the duty on wool entire is one of the most important.

* * * * * * *

Farmers of Ohio, can you trust the party that has, in our National Legislature, outraged and robbed you at the bidding of the capitalists of New England? Is there any hope for you from such a party, who have thus deliberately sacrificed your dearest and best interests? The party that created this great wrong can not be trusted to give you relief. The Democrats in Congress were your friends. They sought by every means in their power to prevent this wrong from being inflicted on you. Trust the Democratic party in this matter; it has promised to, and will, give you relief.

This was the language of the Democracy in the Ohio campaign of last year. This is the proclamation made by the Democratic executive committee of the State, the official representatives of the party.

Mr. Chairman, I do not hold all the members of this House responsible for this fraud. I do not know positively that any Democrat outside of Ohio assented to this miserable cheat, though they kept very quiet at the time. I do not know that all the Democrats in Ohio assented to it. I know of one who did not. I know that the distinguished chairman of the Ways and Means Committee, Mr. MORRISON, the author of this bill, was no party to it. Before this House was organized, and before the committees were appointed, he expressed his contempt for the course pursued by the Ohio Democracy in regard to wool. He said publicly and in the presence of members of this House that the statement that the Democratic party was in favor of the restoration of the duty on wool was false. When some one said to him that certain distinguished Democrats, naming them, had so stated in their speeches in Ohio last year, he indignantly replied, "If they did they lied!"

When Mr. Cowden, a prominent Democrat of my district and president of the Ohio State board of agriculture, was addressing the Committee on Ways and Means, arguing in favor of the restoration of the duty on wool, he said, "I shall make use of my ballot to further my interests," and went on to assure the committee that the wool-growers, without respect to party, proposed to use their votes to secure this end. Mr. MORRISON, the chairman, spoke out in his emphatic manner, "These gentlemen" (pointing to the Republican members of the committee) "took it away from you, and so far as I am concerned I promise not to give it back to you."

And Mr. MORRISON is not any more outspoken on this subject than the other leading Democratic members of this House. Not a single prominent Democrat outside of Ohio will take his place on this floor and advocate the restoration of the duty on wool. And the very least that I can say for the Ohio Democratic members is that they have been very modest in making a claim of this sort. The whole tendency of Democratic legislation is the other way, and hence a Democratic member in good standing hesitates to suggest an increase of duty on anything.

The responsibility for this reduction has been sought to be placed upon the Republican party, because it had the majority in Congress when the bill was passed. I admit that it was a great and grievous mistake, and so said to members of both Houses and both parties, and for this reason I voted against the bill. But let us inquire a moment into the causes which contributed to this result.

In 1882 there swept across this country a tidal wave demanding a reduction of the revenues. There came up from all parts of the country a demand that taxes be reduced. On the 15th of May, 1882, in obedience to this demand, the Forty-seventh Congress passed an act establishing a tariff commission. The President of the United States was authorized to appoint nine men, whose duty it should be to investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same were necessary to the establishment of a judicious tariff. The commission was authorized to visit different sections of the country, and was required to make to Congress its final report on the first Monday of December the same year. The commission was appointed, did its work, and made its report within the short time allowed.

The Tariff Commission stated in its report that early in its deliberations it became convinced that a substantial reduction of tariff duties was demanded, not by mere indiscriminate popular clamor, but by the best conservative opinion of the country. Entertaining these views, the commission sought to reduce the tariff duties an average of 20 per cent., and when it made its report it expressed the opinion that it had made an average reduction of 25 per cent.

At the opening of the second session of the Forty-seventh Congress the Secretary of the Treasury and the President of the United States urged upon Congress the necessity of providing by legislation some method of freeing the Treasury of an excess of assets, calling attention to the fact that the revenues were far in excess of what was necessary for a wise and economical administration of the Government. The surplus revenue at the close of the preceding fiscal year was $132,879,444.41.

The opening of the second session of the Forty-seventh Congress was confronted with a public sentiment almost overwhelming, in which the Democratic press of the country figured most prominently, demanding an immediate reduction of the revenues.

The Tariff Commission unanimously recommended a bill which included the reduction of the duty on wool, and it afterward became a law. This being the short session of Congress, there was very little time for the consideration of any tariff measure. The Senate Finance Committee, to which this class of legislation in the Senate, and the Committee on Ways and Means, to which this class of legislation in the House is always referred, at once began the consideration of the report of the Tariff Commission, and each committee in due time prepared and reported a bill of its own. There were then three tariff bills before the country, the one reported by the Tariff Commission, the one reported to the Senate by the Finance Committee, and the one reported by the Committee on Ways and Means to the House, and in each bill the reduction of the duty on wool was the same.

The report of the Tariff Commission went out through the country like an electric flash, and the Senate and House committees having the tariff question under consideration were soon crowded with those who supposed themselves injuriously affected by the report of the Tariff Commission. There never was a time when so many people seemed to take such vital interest in the legislation of the country. The hotels were crowded to overflowing, the streets and avenues were lined with strangers, the halls, galleries, and corridors of the Capitol were filled with interested spectators, and the doors of the committee-rooms where this question was being considered were surrounded day and night. The members of these committees had scarcely time to eat or sleep during the time they were hearing complaints and reconciling the incongruities of the mass of testimony hurled upon them like an avalanche, during the few weeks allotted them for this purpose. Thousands of people who failed to get a hearing sent printed circulars, petitions, memorials, and pamphlets, not only to these committees, but to all the members of Congress, pleading for relief.

The Senate bill was completed and reported to the Senate on the 9th of January. Subsequently the House bill was completed and reported to the House. They were both printed. They both adopted the reduction of the duty on wool recommended by the Tariff Commission. Now, Mr. Chairman, I want to state a surprising fact. Up to this time, up to the time when the work of these committees was completed, up to the time when these two bills were in print and in the hands of the two Houses of Congress, no man in Congress or out of it, in Washington or out of Washington, had lifted his finger to prevent the reduction of the duty on wool. No man appeared before either of these committees; no petition or protest was ever presented to either committee or to Congress on this subject; no letter was written to any member of Congress on this subject up to this time, so far as I could ever learn. The voice of the wool-growers of this country up to this time had been silent. No effort had been made by them to prevent this reduction. Every other industry, every other interest affected by this bill, was represented here.

Hon. Columbus Delano and Mr. Markham, who had been here before, were then absent. I was elected to Congress in January, 1883, received my certificate on the 16th of January, and took my seat on the 17th; and when I came here I was unable to find anybody, on either side of the House or in either House of Congress, who was giving this question any attention whatever. On the day of my arrival I saw Judge KELLEY, the chairman of the Committee on Ways and Means, who informed me that his committee would follow the report of the Tariff Commission in the reduction of the duty on wool, which he said was entirely satisfactory to the wool-growers of the country. I expressed surprise at this statement and said to him that I knew it was not satisfactory to the wool-growers of Eastern Ohio. He then assured me that the men who were on the commission who were supposed to represent the wool-growers, and men who represented State and national wool-growing associations, whom he then named, had consented to the reduction and had agreed to be content therewith if no further reduction was made.

After this I saw members of the Senate and Senate Finance Committee and members of the House and other members of the Committee on Ways and Means, and each member gave me substantially the same information. They all understood that the proposed reduction was satisfactory, and none of them up to this time have heard anything to the contrary from their constituents.

Not to be baffled in this way, and in order to let the wool-growers know the true situation, I wrote to prominent wool-growers in Ohio and stated these facts and named the gentlemen who were represented as having consented to the proposed reduction. One of these letters in some way got into the newspapers and was generally published throughout the State. This created some little excitement at the time and I was censured by the Democratic papers for urging the wool-growers to come to Washington to look after their interests, saying that I had become frightened and had sent for the lobby. I saw the danger, and knew that the wool-growers had not taken the necessary steps to prevent it.

In response to this letter Hon. Columbus Delano, Mr. Markham, Mr. Harpster, Mr. Sprague, and others came, but it was so late when they arrived that they did not succeed in preventing the reduction. No men could have worked harder or done more from the time they came till the close of the session.

It is due, Mr. Chairman, to the officers of the Wool-Growers' Association, to whom I have referred, to say that they denied having consented to the reduction of the duty on wool. The consent they had given was as to other matters, and they had been misunderstood. Both committees, however, and members of both Houses of Congress, supposed that this reduction was satisfactory, having been so informed, and they were certainly not to blame for this when the two members of the commission who were understood to be the representatives of the wool-growers had signed the Tariff Commission report, and when the officers of the Ohio Wool-Growers' Association, and the National Wool-Growers' Association, to whom I have referred, were known to be in this city at the time, had failed to go before either committee to enter an objection to the reduction which the Tariff Commission had previously recommended. The silence of these gentlemen, though they did not know it at the time, the silence of the wool-growers, the absence of petitions and protests, were misinterpreted and naturally led to the conviction that the reduction made was satisfactory to the wool-growers.

Is it surprising, Mr. Chairman, that under these circumstances this reduction should be made? But I am asked why the duty was not restored when Congress was informed that the wool-growers had not consented. I am asked why the importunities of these gentlemen who came here in response to my letter were not heeded. I will answer: They came too late. Mr. Delano says in his address to the Ways and Means Committee that the law of 1867 was more than a law; that it was a compact between the wool-growers and the wool manufacturers; that it was the result of long and careful consideration, and should not have been ruthlessly abrogated. This being the case, Congress was bound to preserve the ratio of duties between wool and woolen goods as established by the law of 1867, and which is still understood to be a fair adjustment of the duties between the two products.

I know, Mr. Chairman, that it has been claimed that the duty on wool was reduced, while the duty on woolen goods was increased. This was the claim made by the Democrats in the Ohio campaign of last year. No such claim will be made by any Democrat on this floor. It is absolutely untrue, as I shall hereafter show. At this point I only wish to show the difficulties which stood in the way of the restoration of the duty on wool in the bills which were pending before both Houses of Congress at the time this request was first made. On the 19th of February Senator SHERMAN made a vigorous effort in the Senate to amend the tariff bill reported by his committee so as to increase the duty on wool. This was opposed mainly for the reason that there was not then time enough to make the changes in the schedule of woolen goods which would be affected by a change in the duty on wool. On that occasion Senator MORRILL, of Vermont, said:

> I am sorry to have to be placed in the attitude of objecting to the amendment of the Senator from Ohio, but I know the bill can not pass with the amendment he proposes without readjusting the whole schedule, which is one of the most difficult that we have had to deal with.

Senator HAWLEY, of Connecticut, said:

> It is a complex subject. If you begin a change in the wool the administration of common, decent justice can not stop without running up through the scale and making a readjustment upon the higher class of woolen goods. Common justice will demand a readjustment of the whole of this complicated schedule.

Senator BECK, of Kentucky, said:

> I hope this schedule will not be disturbed, because if it is it is apparent that we shall have to go over the whole schedule and readjust it, and then we shall have to turn back to the iron schedule again and readjust that in accordance with the woolen.

He said he represented a State largely interested in the wool industry, and that his only son had all that he had in the world invested in sheep in Wyoming Territory, and hence could not be prejudiced against the wool industry.

It was claimed by members of both Houses, with a very few exceptions, that this readjustment could not be made in the short time which could be devoted to this purpose. The committees were then worn out and some of them were sick, one of whom, Mr. HASKELL, never recovered from the overtaxation of his labors on the Committee of Ways and Means during that session. This change in the duty on wool would make it necessary to change the duty on hundreds of woolen goods in order to adjust the duty on each so as to give to the schedule rate of duties on woolen goods the same increase. It would be necessary to know how much cotton, if any, was used in the manufacture of each article, the amount and quality of wool used, &c., which would necessarily take a great deal of time. This was the only objection I met when presenting the matter to any Republican in either House. These are the circumstances, Mr. Chairman, under which the Forty-seventh Congress reduced the duty on wool. For this mistake the Republican party was severely punished in the Ohio campaign of last year.

But to understand who is responsible for this reduction as between the two political parties, it is necessary to show what connection the Democratic party had with this reduction. It was claimed in Ohio last year that the Democratic members of Congress stood shoulder to shoulder with the wool-growers, and resisted this reduction at every point and in every possible way. This wool-pamphlet says that the Democratic members of Congress opposed this reduction from beginning to end, and that the Democratic party is the only party that can be trusted to restore it. In order to discuss this question fairly I wish to make this assertion; I desire to state a fact which the wool-growers of this country ought to know: The Republican members from Ohio who voted against the tariff bill did it because the tariff on wool was reduced, while the Democratic members of Congress, from all parts of the country, who voted against it did so because the duty on wool was not reduced more. I know of but a single exception to this. There may possibly be more. The Democratic party clamored for greater reductions on everything, and was dissatisfied with the bill that became a law because it did not make greater reductions in the tariff schedule, as I shall now proceed to show. And in the proofs I shall offer I shall refer to the records of the Forty-seventh Congress and in proof of the following incontrovertible facts:

1. When the President recommended in his message to the second session of the Forty-seventh Congress the reduction of the duty on wool and woolen goods, no Democratic newspaper or member of Congress uttered a word or took a step toward preventing it.

2. When the Tariff Commission made its report on the first Monday in December, 1882, recommending a reduction of the duty on wool and woolen goods, no voice or vote came from any Democrat in Congress or out of it against the proposed reduction.

3. When the Finance Committee of the Senate reached the woolen schedule, every Democratic member of that committee voted in favor of the reduction of the duty on wool.

4. When the woolen schedule was reached in the Senate in the consideration of the Senate tariff bill, every Democratic Senator voted in favor of the reduction of the duty on wool.

5. When the Ways and Means Committee of the House reached the woolen schedule every Democratic member of that committee voted in favor of the reduction of the duty on wool.

6. When Senator SHERMAN, on the 19th day of February, 1883, moved to increase the duty on wool in the Senate tariff bill only three Democrats voted in favor of the increase.

7. When the Ways and Means Committee held a special meeting, during the last days of the Forty-seventh Congress, to reconsider the woolen schedule in the House bill, every Republican member of the committee voted to restore the duty of 1867, and every Democratic member voted against it.

8. When the Senate bill was taken from the Speaker's table in the House and sent to a conference committee, where the final changes were to be made, RANDALL of Pennsylvania, MORRISON of Illinois, and TUCKER of Virginia refused to serve on the committee as representatives of the House, as did BAYARD of Delaware, BECK of Kentucky, and VOORHEES of Indiana, as representatives of the Senate, refusing to act as members of the conference committee, where they would have had an opportunity of voting to restore the duty on wool, knowing that this was the last opportunity of restoring the tariff of 1867.

9. The Democratic members of the House tried to force the passage of the Senate bill, in which this reduction of duty was the same as that which finally became the law, and tried to prevent the Republican members from sending it to the conference committee, where it was expected that the duty on wool would be restored, when it was believed that with the help of a few Republican votes from the West they could pass the Senate bill, which contained this same reduction.

10. It was a notorious fact, known to all the members of the House, that there were but two or three Democratic members who could be relied on to act with the Republican members in the plans that were then being made from day to day to amend any bill that might come before the House so as to retain the tariff of 1867.

These, Mr. Chairman, are matters of record and matters of history. They are found in the CONGRESSIONAL RECORD and in the records of the various committees, and are known to the members of the Forty-seventh Congress. This is only what occurred during the second session of this Congress; and if I were to go further back in that Congress, or still further back in other Congresses, I could show that in all the tariff bills the Democratic party ever framed, that in all the votes the Democratic members ever cast, and that in all the speeches the Democratic members ever made, if wool was in controversy, they either favored a reduction of the duty or favored placing it on the free-

list. The Republican party passed the law of 1867, and it has been the policy of the Democratic party to destroy it. This is simply history; and it is a history of which the Democratic members of this House boast. The glory of the Democratic party is the reduction of revenue; a "tariff for revenue only, limited to the necessities of the Government economically administered."

The bill prepared by the Tariff Commission was the framework and basis of the two bills prepared by the two Houses of the Forty-seventh Congress. The classifications and rates of duty were in the main followed. There was this difference: the Ways and Means Committee of the House, of which Judge KELLEY was chairman, in making changes recommended higher rates of duty on leading articles than the Senate Finance Committee, of which Senator MORRILL was chairman. In other words, there was more protection in the House bill than there was in the Senate bill. This was probably owing to the fact that there was a small Republican majority in the House, while in the Senate the two parties were equal, with Judge Davis, of Illinois, thrown in. Each House was ambitious to have the bill it matured become the law. The Senate committee knew that no law could pass the Senate that did not contain such reductions of duty as would make it acceptable to certain Democrats, and hence it pared the duties down. The House committee was disposed to keep the duties higher, and for this reason it was very objectionable to the Democratic members of both Houses. The House bill was considered in the House day after day for several weeks, until it became apparent that it never could be completed; but the schedule of wool and woolens was never reached, and this is the reason that the wool question was never discussed in the House.

The only remarks made in the House on this question were made when the conference committee presented its report, and they were compressed into ten minutes' time, five of which were occupied by Mr. CONVERSE and the other five by General ROBINSON, who has taken a great interest in this question from the first. This difference between these two bills explains why the Democrats wanted to pass the Senate bill in which the duty on wool was reduced in preference to the House bill, which the Ways and Means Committee had agreed to amend so as to retain the law of 1867. This shows the position of the two parties in the Forty-seventh Congress on this question. Perhaps I should explain that the so-called Senate bill originated in the House, where all such bills must originate, prior to the Tariff Commission report, but it was so changed in order to make it conform to the bill prepared by the Tariff Commission and to the views of the Senate committee that for convenience it was then called and is still called the Senate tariff bill.

There is one other thing, Mr. Chairman, in this connection which I wish to explain. The Ohio Republicans who voted against the bill which reduced the duty on wool have been charged with inconsistency because they voted to send the Senate bill to a conference committee, instead of voting against the adoption of the rule which made this possible. This charge is wholly without foundation. Before this vote was taken we were assured that the Democrats with the help of a few Republicans would pass the Senate bill as it came from the Senate containing this reduction if we did not send it to a conference committee and have it amended. And at the time this vote was taken we had the pledge of every Republican member of the Ways and Means Committee, from whom the conference committee would be necessarily chosen, that they would do their utmost in the conference committee to have the duty on wool restored. Besides, we knew that the Ways and Means Committee had previously carried this amendment, and we knew that Senator SHERMAN would be on the conference committee and do all he possibly could to accomplish this result. This was the last and only hope we had of preventing the reduction of the duty on wool.

Mr. Chairman, I wish to call attention to another remarkable fact in this connection. The Democracy has changed base on the wool question. They now deny that they ever promised to restore the duty on wool. They now say that the Democratic platform of Ohio, to which we have referred, did not promise to restore the duty on wool. The distinguished Representative from New York, Mr. COX, who was understood to have promised the Ohio wool-growers last year that the Democracy would restore the duty on wool, has denied on this floor that he ever made any such promise. These denials, to say the least, come late and at a very inopportune time. Mr. CONVERSE in his speech, however, says:

> Can this Congress afford to deny this relief? A Republican President recommended a reduction of rate of duty on wool. A Republican Congress did it. Can a Democratic Congress refuse to restore it? These very men who are knocking at the door of Congress for relief have the power to elect the next Congress, and can elect or defeat any candidate for President. I have no doubt they will exercise that power. They gave us Ohio last year on the pledge from the stump all over the State that we would make an honest effort to restore the duty on wool.

He puts it mildly, I admit, but he says that the Democrats of Ohio pledged that they would "make an honest effort to restore the duty on wool." How have they kept this pledge?

I also copy from the RECORD the following terse statement made by Mr. WILKINS, which is worthy the consideration of every Democrat in this House. In referring to the promises made last year by the Democracy of Ohio to the wool-growers, he says:

> It has been said to me since the agitation of this question was begun: "We have no right to make any such promises." What, sir! No right to promise that a wrong so transparent that even the party who committed the wrong are to-day regretting their act, and are willing to join hands with us to correct their acknowledged error; have we no right to promise the substitution of right for wrong? Had we no right to promise that a Democratic Congress would follow the same line, the same policy, inaugurated by Jefferson, which has come down to us advocated by Madison, Jackson, Pierce, Polk, and Buchanan, "a fair and just protection to all the great interests of the whole Union?"

If you will read the Ohio Democratic platform of last year between the lines, as Mr. COX desires we shall read his Ohio speeches, we will discover the trick. They meant that their promises to restore the duty on wool should accomplish a purpose. On that pledge they carried Ohio and elected their entire ticket by an overwhelming majority, and now come here and deny that they ever made any such promises.

There is a wide difference, Mr. Chairman, between the situation now and when the Forty-seventh Congress reduced the duty on wool. That Congress adjourned on the 4th of March, and had little time or opportunity to know the wishes of the wool-growers or the needs of sheep-husbandry in this country. Now it is different. The farmers and wool-growers from almost every State in the Union have been here, and have been before the Ways and Means Committee either in person or by petition, asking and praying for the restoration of the duty on wool. The wool-growers of my district have petitioned, and their names are now stowed away in the dusty pigeon-holes of the committee-room. You turn up your noses and laugh when we talk about wool. Some of the Democratic members who voted for the Converse bill did it in such an apologetic manner that we could not help inferring that they wanted to say: "We are from Ohio; we have to vote this way."

Mr. HURD was in accord with his party when he advocated the reduction of the duty on wool, and was loudly cheered for his advocacy of this measure. The refusal to restore the duty on wool and the proposal under this bill to reduce the duty still further are not the result of a demand from the people. No petitions came here asking a further reduction. No protests came here against the restoration of the former duty. The course of this House is dictated by that blind party bigotry which has dominated the Democratic party and kept it out of power for a quarter of a century. You have refused to do justice to a patient and deserving people, and now propose to do them greater injustice. They have met in State and county, in church and school-house, in town and country, and have passed resolutions. Legislatures have memorialized you and a million of people have laid their petitions and prayers at your feet. Delegations of intelligent men have crossed the continent to plead their cause. State, county, and township organizations have entered upon the work of securing the restoration of this duty. They have asked but little. They do not fear the passage of this bill. If the tariff of 1867 is not to be restored, it makes little difference to them how much more you reduce the duty. It is the restoration of the duty they have asked, but you have turned a deaf ear to their petitions, you have spurned their requests, and you are now adding insult to injury. They ask you for bread and you offer them a stone.

If the Forty-seventh Congress had been petitioned as this Congress has been, if public meetings had been held by the farmers and wool-growers all over the country then as they have been since, if resolutions, memorials, and entreaties had poured in upon the Forty-seventh Congress as they have upon the Forty-eighth Congress, no reduction would have been made. Mr. Victor E. Piollet, an influential and intelligent Pennsylvania Democrat, said to the Ways and Means Committee in my presence, "If farmers had come before the last Congress the duty on wool would not have been reduced." Mr. WILKINS, of Ohio, in his speech makes the same admission. The Ohio Republican Legislature sent a memorial to Congress against the reduction of this duty in February, 1883, but it came too late. The Ohio Republican convention of last year was the first convention to recommend the restoration of this duty. The Republican party is the only party in this country that advocates protection. The Democratic party is the only party that opposes protection. And if this duty is ever restored it will be done by the Republican party. There is not a single Republican in the Forty-eighth Congress who will not vote to restore the duty on wool if the corresponding duty on woolen goods is restored, and almost all of them will vote to restore it in any event, as the vote on the Converse bill shows.

The wool-growers of this country anxiously awaited the action of this Congress. The immense interests of this great industry were involved in the solution of this question. After many months' delay Mr. CONVERSE called up his bill. The vote was taken. The bill was defeated. The Democratic side of the House cheered the result and rejoiced at the victory. The farmers and wool-growers were defeated. Only 38 Democrats out of 200 voted for the bill, while on the Republican side 80 voted for it and only 12 against it, although the bill increased the duty on wool and not on woolen goods. If the duty on woolen goods had been increased every Republican member would have voted for it. And what is very strange, some of the Democrats who voted for the Converse bill have since voted to take up the Morrison bill, which now proposes a further reduction. The Democratic members stood 3 to 1 against the Converse bill, while the Republicans stood 7 to 1 for it, declaring by this vote that the loss of $15,000,000 which was borne by the farmers last year is to be borne by them again this year in the continued reduction of the price of wool.

would make it an object to still further improve the grade of our sheep.

The injury to Ohio wools is for this reason from 3 to 5 cents per pound greater than the reduction of the duty. In order to show the influences of the act of March 3, 1883, in a manner wholly unknown at the time of the passage of the law, I wish to call the attention of the House to the following statements made by Messrs. Manger & Avery, of New York, to Hon. Joseph Nimmo, jr., Chief of the Bureau of Statistics:

105 AND 107 READE STREET, NEW YORK, *March* 17, 1884.

DEAR SIR: Yours of 14th is at hand and noted.

THE TARIFF ON WORSTED YARN.

The reduction of the tariff on worsted yarn has enabled the foreign manufacturers to send over their manufactures of fine worsted at figures which render their production here unprofitable, except at greatly reduced prices for the raw material.

EFFECT OF THE TARIFF ON FINE DELAINE WOOL.

For this reason fine delaine fleeces are only salable at about the prices of clothing wools of the same quality and condition. We have written for full details on this subject, and in the course of a few days will be able to send you facts and figures in support of above statements.

DEFINITION OF DELAINE WOOL.

Domestic wools are graded into two classes irrespective of grade, namely, clothing and combing wools.

Delaine wool is really a combing wool, but generally of finer quality and shorter in staple than combing. It is used in the manufacture of the finer softer grades of yarns. Worsted manufacturers have usually paid from 3 to 5 cents per pound more for selections of wool suitable for delaine; but since last summer the demand for this kind of domestic wool has slackened, as a result of the tariff act of March 3, 1883, and a class of wool of which the State of Ohio produces a percentage of from 25 to 30 per cent. of her entire clip is thereby depreciated in value. In other words, by reason of the reduction of duty on worsted yarn (*i. e.*, yarn made from wool which can be combed) in the tariff act of March 3, 1883, the value of 25 to 30 per cent. of the clip of Ohio which has heretofore always commanded a price 3 to 5 cents per pound above ordinary Ohio wool is now worth no more than ordinary fleece. This is independent of the direct effect of the reduction in the duty on wool apparent on the face of the law.

To a somewhat less extent all of the wool-growers east of the Mississippi will suffer.

MANUFACTURE OF CLOTHING.

Both combing and clothing wools enter into the composition of fabrics for clothing, but when an article is composed entirely of combing wool it is classed under the head of "worsted goods."

All genuine worsted goods are made of combing wools, or mohair, or alpaca, as the case may be. In many kinds of goods, both worsted and woolen (carded wool) yarns are used to produce desired patterns or effects.

105 AND 107 READE STREET, NEW YORK, *March* 24, 1884.

DEAR SIR: In further explanation of our letter of March 17, we would say that under the tariff of 1867 a fine worsted yarn would cost, including charges and duty on the charges, say $1.60 per pound. Under the tariff of March, 1883, the same yarn, costing the same price (first cost), can be bought here by the importer at $1.33 per pound. Reduction by duty of March, 1883, 27 cents per pound.

It is estimated that it takes three pounds of wool to make one pound of worsted yarn; therefore the loss is equivalent to 9 cents per pound on the raw material, which is about the extent of the decline in price of delaine wool—from 48 cents in March, 1883, to 39 or 40 cents in March, 1884.

Meanwhile the manufacture of fine worsted yarn is seriously crippled. That some unusual stimulus has been given to shipment of worsted yarns to America is shown by the statistics reported, we believe, by the United States consular agent at Bradford.

Worsted yarn exported to United States, January, 1883, $6,335.
Worsted yarn exported to United States, January, 1884, $50,810.
Worsted coatings exported to United States, January, 1883, $94,930.
Worsted coatings exported to United States, January, 1884, $214,935.

From this it will be seen that in addition to the increase in the exports of worsted yarns there has been a very large increase of manufactured yarn in the shape of worsted goods.

This increase in the importations of worsted goods is certainly marvelous.

105 AND 107 READE STREET, NEW YORK, *April* 10, 1884.

DEAR SIR: Yours of the 9th at hand and noted. Any wool, in fact all the wool grown in the United States, or in the world for that matter, can be manufactured into clothing; in other words, can be carded, although some of the long, coarse breeds of wool would make trouble with the cards.

Originally only a wool of a growth of five to six inches could be combed, but with the improvements in combing machinery a staple two and one-half inches long can now be combed with facility. There is very little wool grown now east of the Mississippi that does not have that length; but as a large percentage of the wool, owing to condition or feed of sheep, is weak or diseased, only the perfectly healthy wool is suitable for combing purposes. If anything interferes with the health of the sheep at that period of the growth of the fiber it will be affected, and when tension is applied the fiber will break or part at that very point in the wool.

You are correct in your conclusion that the combing of the wool previous to spinning constitutes the basis of the distinction between "worsted" and "woolen goods," but the processes are somewhat different all through. "Woolen goods" are generally "fulled," *i. e.*, shrunk up in finishing, while worsted goods are generally finished without fulling. The peculiarity of most worsted goods is the silky or glossy finish which they have. The bulk of our fine wools go into ladies' dress goods, but knit goods, cassimere shawls, overcoatings, braids, bunting, in fact a large variety of goods, are made now of worsted yarns.

By the process of manufacture which separates the short and weak staples the fibers that are left are uniform in length and strength, and laid side by side; the yarn can thus be drawn out further and is smooth and glossy. For any class of goods requiring to be light and strong worsted yarns are especially suited.

105 AND 107 READE STREET, NEW YORK, *April* 11, 1884.

DEAR SIR: In answer to the questions you put to Mr. Lynch in your letter of 10th we would say:

First. The characteristics which go to make all wools valuable are "quality," "condition," "staple." "Quality" is the degree of fineness; "condition" is its cleanliness or freedom from grease, dirt, burs, and any other animal or vegetable matter; "staple" is applied to the length and strength of the fiber.

In all the above essentials the wools of Ohio are superior to the wool of any other State. The breed of the sheep averages higher, the feed is probably better, and the sheep receive generally better care. Therefore it is that "Ohio produces the best wool."

From our letter of yesterday you will understand that combing wool is the longest and strongest, the healthiest wool selected from the wool as it is brought to market. When selected from fine wool it is called "delaine," for the reason that it is a selection from clothing wools and has always commanded higher prices than ordinary clothing wools. We think combing wool can fairly be called "better than clothing wool."

Combing wools are used in the production of heavy men's goods as well as clothing, but it makes a choicer and more expensive fabric, and the production is not so great.

As a further proof of the effect of the law of March 3, 1883, on the manufacture of worsted goods directly, and indirectly on wool, and especially on Ohio wool, I call attention to the following statement made by Mr. T. C. Search, of the Fairmount Worsted Mills of Philadelphia, in answer to certain inquiries made by the Chief of the Bureau of Statistics:

DEAR SIR: Your letter of the 10th instant, asking for information in regard to the manufacture of worsted goods in the United States, is received.

I desire to call your attention to the condition of the fine worsted trade of the United States as being perhaps to-day the most unfortunate exponent of the unequal bearing of the late tariff reduction. In order to present the subject in a comprehensive light, allow me to preface the conclusion by a brief glance at the magnitude of the industry.

The census of 1860 gives the first record of the value of these manufactures, and consequently one can obtain from this a correct idea as to the comparatively recent growth of the trade. The valuation was then placed at $1,320,027, in 1870 it had grown to $22,090,331, and in 1880 to $33,549,942, and since 1880 the rate of increase exceeds that of any former period of same length by a large percentage. In short, the industry can only be recognized as a standard one; the process of combing wool having been recognized as one which preserves all the strength and beauty of the original fiber, and at the same time gives a thread far better adapted to securing strength, beauty, and utility to the woolen fabric.

The protection afforded by the tariff act of 1867 without doubt was the cause of the enormous growth shown by the above extract from our census reports.

The figures are as follows:

Worsted yarns valued at not exceeding 40 cents per pound, at 20 cents per pound and 35 per cent.

Worsted yarns above 40 cents and not exceeding 60 cents per pound, at 30 cents per pound and 35 per cent.

Worsted yarns above 60 cents and not exceeding 80 cents per pound, at 40 cents per pound and 35 per cent.

Worsted yarns above 80 cents, at 50 cents per pound and 35 per cent.

And all fabrics made from these yarns, except knit goods and goods weighing under four ounces per square yard, were protected by a duty of 50 cents per pound and 35 per cent.

These duties were replaced by act of March 3, 1883, the schedule now being on worsted yarns—

Valued at not over 30 cents per pound, at 10 cents per pound and 35 per cent.

Valued at over 30 cents and not over 40 cents per pound, at 12 cents per pound and 35 per cent.

Valued at over 40 cents and not over 60 cents per pound, at 18 cents per pound and 35 per cent.

Valued at over 60 cents and not over 80 cents per pound, at 24 cents per pound and 35 per cent.

Valued at over 80 cents, at 35 cents per pound and 40 per cent.

And all fabrics made from these yarns, except knit goods and goods weighing not over four ounces per square yard, are dutiable at 35 cents per pound and 35 per cent., if not costing over 80 cents per pound; and 35 cents per pound and 40 per cent. costing over 80 cents per pound.

The reduction effected being as follows:

On yarns not over 30 cents per pound, 10 cents per pound.
On yarns over 30 cents per pound and not over 40 cents, 8 cents per pound.
On yarns over 40 cents per pound and not over 60 cents, 12 cents per pound.
On yarns over 60 cents and not over 80 cents, 16 cents per pound.
Over 80 cents, from 10 to 11 cents per pound.
Besides the reduction of all duties on "charges."

The raw material has been reduced practically 11 per cent., because we import but little wool now which costs over 30 cents per pound. The duty on wools between 30 and 32 cents was only reduced 5 per cent. by the act of March 3, 1883, so that manufacturers now buy only those wools which cost less than 30 cents, and thus obtain the 11 per cent. reduction.

But the most serious trouble to worsted spinners is due to the fact that yarns which, until the passage of the tariff act of March 3, 1883, cost more than 80 cents per pound, now can be bought in for less, owing to the efforts of the foreign manufacturer to get his cost down, and because of the charges not being dutiable. So that the protection on many classes of yarns, which was formerly 50 cents and 35 per cent., is now 24 cents and 35 per cent. per pound, a difference of 26 cents per pound. Of course, the worsted manufacturers are seriously in trouble; the bars have been dropped at both ends, and until the prices of raw material are reduced to meet this disparity, or the duty on manufactured goods is properly adjusted, we can not hope for any lasting improvement in the fine worsted trade.

I have a recent letter from Henry T. Coe, treasurer of the Washington Woolen Mills, Boston, Mass., in which he calls my attention to the fact that Ohio wool has been reduced more in price by the reduction in the duty on worsted yarns and worsted goods than it was by the reduction of the duty on the wool itself, and he insists that it will be no benefit to the wool-grower to increase the duty on these wools unless the duty on the manufactures of wool are increased at the same time. He calls my attention to the immense increase of the importations of worsted yarns and worsted goods, which has almost stopped the manufacture of this class of goods in this country and to this extent destroyed this market for the highest grade wools.

It is just as injurious to the wool-grower, Mr. Chairman, to have wool imported into this country in the shape of yarn or in the form of cloth as in the fleece. And hence we have done a hundred-fold greater injury to the wool-grower and to the wool-manufacturer than was contemplated at the time. Consequently we should at once correct the mistake. Especially should this House be ready to correct this mistake when the party in the majority at the time it was made was the first to discover its mistake and the first to declare its readiness and willingness to restore the duty. The destruction of the wool industry, especially when the wool-growers have reached a point where they can supply the best quality of combing wool, would be a great loss to this country. If this industry shall be abandoned much of the clothing worn in this country will be made out of an inferior quality of wool.

and we will all bear the loss. Mr. Harpster, who was here during this session of Congress, claims that our best wool is superior to wool grown anywhere else in the world. He offers to demonstrate this to the satisfaction of any one. Mr. Harpster is the president of the Ohio Wool-Growers' Association, and a very intelligent gentleman. If you prefer European shoddy, if you prefer such wool as was worn by the soldiers during the war, if you prefer to reject wool grown in Ohio, in West Virginia, Pennsylvania, in Michigan, and in other States, where the soil, climate, and feed enable the careful farmer to grow the best wool in the world, vote for the Morrison bill.

In order to show, Mr. Chairman, how Great Britain can control the wool market, as well as to show where the various kinds of wool are produced, I shall attach a series of tables as an appendix. When our sheep are slaughtered, when our people have gone into other pursuits, England can hold up the price of wool by controlling the importations of wool.

We can not compete with wool-growers whose sunny skies and verdant fields last all through the year; where no feed or shelter is ever needed; where land and grass are as cheap as the winds which sweep across their plains; where labor is cheap and where taxes are unknown. No, Mr. Chairman, if a tariff for revenue only is to be introduced, the American shepherd will lay aside his crook and seek some other vocation.

I have been surprised, Mr. Chairman, at the lack of information in regard to sheep husbandry. Few men seem to know the extent of this industry in this or any other country. The number of men employed, the number and value of sheep owned, the value of the wool grown, seem to be a surprise to most men. It is a matter of regret that a knowledge of so important an industry has not been more widely diffused. I wish to call the attention of the House to some statistics on this subject.

The following table, prepared by Mr. J. R. Dodge for the Treasury Department, shows the production, imports, exports, and the quantity of wool retained for home consumption, beginning at 1839 and coming down to and including 1882.

Quantities of wool produced, imported, exported, and retained for consumption in the United States for the years 1839, 1849, *and* 1859, *and from* 1862 *to* 1882, *inclusive.*

Calendar year.	Production.	Imports.	Total production and imports.	Exports.			Retained for home consumption.
				Domestic.	Foreign.	Total.	
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1839	35,802,114	9,898,740	45,700,854	.....	85,528	85,528	45,020,578
1849	52,516,959	18,669,794	71,186,753	35,898	.....	35,898	71,150,855
1859	60,264,913	26,282,935	86,547,848	389,512	133,493	523,005	65,749,635
1862	106,000,000	75,121,728	181,121,728	355,722	708,850	1,064,572	180,057,156
1863	123,000,000	91,250,114	214,250,114	155,482	223,475	378,957	213,871,157
1864	142,000,000	44,420,375	186,420,375	466,182	679,261	1,145,463	185,274,912
1865	155,000,000	71,287,988	226,287,988	973,075	851,645	1,824,720	224,463,268
1866	160,000,000	38,158,382	198,158,382	307,418	619,550	926,968	197,231,414
1867	168,000,000	25,462,197	193,462,197	558,435	2,801,852	3,360,287	190,101,910
1868	180,000,000	39,275,926	219,275,926	444,387	342,417	786,804	218,489,122
1869	162,000,000	49,230,199	211,230,199	152,892	1,710,053	1,862,945	209,367,254
1870	160,000,000	68,058,028	228,058,028	25,195	1,305,341	1,330,506	226,727,522
1871	150,000,000	126,507,409	276,507,409	140,515	2,266,393	2,466,908	274,100,501
1872	158,000,000	85,496,049	243,496,049	75,129	7,040,386	7,115,515	236,380,534
1873	170,000,000	42,939,541	212,939,541	319,600	6,816,157	7,135,757	205,803,784
1874	181,000,000	54,901,760	235,991,760	178,034	3,567,627	3,745,661	232,156,099
1875	192,000,000	44,642,836	236,692,836	104,768	1,518,426	1,623,194	235,019,642
1876	200,000,000	42,171,192	242,171,192	79,599	3,088,957	3,168,556	239,002,636
1877	208,250,000	48,449,079	256,699,079	347,854	5,952,221	6,300,075	250,399,004
1878	211,000,000	39,005,155	250,005,155	60,784	4,104,616	4,165,400	245,839,755
1879	232,500,000	128,131,747	360,631,747	191,551	3,648,520	3,840,071	356,791,676
1880	240,000,000	55,964,236	295,964,236	71,455	5,507,534	5,578,989	290,385,247
1881	272,000,000	67,861,744	339,861,744	116,179	3,831,836	3,948,015	335,913,729
1882	290,000,000	70,575,478	360,575,478	64,474	4,010,043	4,074,517	356,500,961

From the above table it will be seen that the wool product of the United States increased from 60,264,913 pounds in 1859 to 290,000,000 pounds in 1882, and that the consumption of wool in the United States increased from 65,749,635 pounds in 1860 to 356,500,961 pounds in 1882.

Mr. James Lynch, of New York, in response to a letter from the Treasury Department, on the 22d of March, 1884, made the following statement, which is regarded by the Treasury Department as an accurate estimate of the wool product of the United States for the year 1883. His estimate of the total wool product of 1883 is 320,000,000 pounds, and he classifies the wool crop of 1883 as follows:

	Pounds.
Clothing wool, for woolen goods, felt goods, hosiery and knit goods, and felt hats	233,000,000
Combing wool, fine, medium, and coarse, above the carpet grade	65,000,000
Carpet wool	22,000,000
Total wool product for 1883	320,000,000

The census returns, as tabulated by the Agricultural Department, show that there are in the United States 1,020,728 flocks of sheep, exclusive of those on ranches, as follows:

Alabama	23,879	Montana	137
Arizona	35	Nebraska	2,119
Arkansas	20,595	Nevada	97
California	4,326	New Hampshire	11,206
Colorado	406	New Jersey	5,822
Connecticut	3,194	New Mexico	814
Dakota	1,819	New York	75,523
Delaware	1,986	North Carolina	52,541
Florida	1,001	Ohio	93,984
Georgia	25,514	Oregon	4,605
Idaho	128	Pennsylvania	72,425
Illinois	39,803	Rhode Island	790
Indiana	54,069	South Carolina	10,049
Iowa	17,220	Tennessee	62,924
Kansas	3,804	Texas	8,390
Kentucky	60,598	Utah	2,001
Louisiana	5,449	Vermont	16,573
Maine	34,132	Virginia	32,494
Maryland	10,498	Washington	1,067
Massachusetts	3,488	West Virginia	30,909
Michigan	62,119	Wisconsin	58,487
Minnesota	24,208	Wyoming	44
Mississippi	15,466		
Missouri	63,990	Total	1020,728

The product of wool for last year, as before stated, reached 320,000,000 pounds, and its value was over $100,000,000; the value of mutton from sheep slaughtered for food was over $50,000,000, while the real estate invested in this industry is estimated at $500,000,000.

Mr. Lynch also furnishes the following table, showing the quantity of clothing wool, combing wool, and carpet wool produced in the United States, in connection with the quality of each class of wool as defined by the law, imported into this country, the ad valorem rate of duty, the duty per pound, and the price per pound during the year ended June 30, 1883:

	Produced in the United States during the calendar year 1883.	Imported into the United States during the year ended June 30, 1883.	Duty during the year ending June 30, 1883.		Import price per pound.
			Rate per pound.	Ad valorem rate.	
	Pounds.	*Pounds.*	*Cents.*	*Per cent.*	*Cents.*
Clothing wool	233,000,000	11,546,530	12.51	56.28	22.24
Combing wool	65,000,000	1,373,114	12.83	51.22	25.05
Carpet wool	22,000,000	40,130,323	3.87	27.84	13.91

From this it appears that the quantity of carpet wool, the coarsest grade of wool produced in the United States, is comparatively very small, constituting but 7 per cent. of the total wool product of the country. The quantity of carpet wool imported during the year ended June 30, 1883, was, however, more than three times as great as the quantity of both clothing and combing wool imported. The carpet-wool product of the United States is almost exclusively the fleece of sheep of Mexican origin, which are raised chiefly in Texas, New Mexico, Arizona, and certain other Territories of the mountain region of the country situated between the Mississippi Valley and the Pacific Slope. As the market price of carpet wool in the United States is not much more than half that of either clothing wool or combing wool, the tendency is constantly toward improving the breed of sheep the fleece of which produces carpet wool, the effect of which is to decrease the carpet-wool product and to increase the clothing and combing wool products of the country.

I desire also to call the attention of the House to a special report recently

prepared by the Agricultural Department, giving the number and value of sheep in all the States and Territories.

Table showing the estimated number and value of sheep on farms in the several States and Territories in the United States, January, 1884, stated in the order of magnitude of value.

[From special report No. 4, new series, Department of Agriculture.]

Order.	States and Territories.	Number.	Value.
1	Texas	7,957,275	$17,822,056
2	Ohio	5,000,036	14,650,105
3	California	6,203,064	11,785,822
4	New Mexico	4,435,200	7,539,840
5	Michigan	2,412,422	7,261,390
6	New York	1,732,332	6,323,012
7	Pennsylvania	1,749,236	5,580,063
8	Oregon	2,571,378	4,654,194
9	Indiana	1,145,084	3,217,686
10	Wisconsin	1,336,403	3,180,639
11	Illinois	1,126,908	3,008,844
12	Missouri	1,439,380	2,878,760
13	Colorado	1,248,360	2,696,458
14	Kentucky	980,166	2,577,837
15	Vermont	448,712	2,032,665
16	Kansas	821,709	1,889,931
17	West Virginia	671,226	1,751,900
18	Maine	577,236	1,627,806
19	Arizona	812,700	1,625,400
20	Iowa	497,161	1,382,108
21	Montana	465,750	1,350,675
22	Wyoming	598,000	1,303,640
23	Utah	564,300	1,297,890
24	Virginia	487,194	1,256,961
25	Tennessee	655,214	1,172,833
26	Washington Territory	456,300	1,090,557
27	Georgia	543,415	815,122
28	Nevada	385,350	793,821
29	Minnesota	275,463	732,732
30	Nebraska	333,834	727,758
31	New Hampshire	209,686	629,058
32	North Carolina	452,176	624,003
33	Maryland	172,022	572,833
34	Alabama	343,925	512,448
35	New Jersey	117,008	505,475
36	Dakota	182,000	493,220
37	Idaho	187,500	468,750
38	Mississippi	293,477	460,759
39	Arkansas	227,293	370,488
40	Massachusetts	69,346	277,384
41	Connecticut	58,831	226,499
42	Louisiana	124,984	208,723
43	South Carolina	116,476	194,515
44	Florida	98,940	173,145
45	Rhode Island	21,077	85,151
46	Delaware	22,077	71,750
	Total	50,626,626	119,902,706

Ohio stands third in number of sheep, second in value of sheep, but first in quantity, quality, and value of wool.

The development of wool-growing began when our protective system began, after 1860, and has had a permanent growth since the passage of the wool tariff of 1867. To show the slowness of the growth of this industry from 1850 to 1860, and the rapidity of its growth thereafter, I present here the following table:

Census years.	Sheep.	Wool.
	Number.	*Pounds.*
1850	21,723,220	52,516,959
1860	22,471,225	60,264,913
1870	28,477,951	100,102,387
1880	43,576,899	235,648,834
1883 (agricultural statistics)	50,500,000	320,000,000

I have seen proper to present these facts in order to give this House some idea of the magnitude and importance of wool-growing in this country. The law of 1867 was no war tariff; it was passed since the war, and was understood to be a permanent law and a permanent adjustment of the duties on wool and woolen goods. Under this implied promise more than a million men have become flock-owners, and these flock-masters employ in this industry more than a million others. They have invested $120,000,000 in sheep and $500,000,000 in land. They have erected buildings and made permanent improvements. All this has been done under the influence of this legislation, which has now been stricken down. During the first seventy-eight years of this Government wool had no adequate protection, and consequently had no permanent growth. The improvement in the quality of wool, and the increase in the average weight of fleeces, are as remarkable as the increase in the number of sheep and in the quantity and quality of the wool. The benefit to the soil, the market for hay and grain, the value it gives to grass and grazing lands, the employment it furnishes to labor, the wealth it adds to the country, the change it works in the balance of trade, are potent reasons why the wool tariff of 1867 should be immediately restored.

Of all the money expended for the products of the United States none are so widely distributed as the money paid for wool. It adds at least to the permanent wealth of the country $150,000,000 a year, while the destruction of this industry would diminish our resources this much every year. It furnishes employment for 2,000,000 men, and to this extent adds to the diversity of employment and to the number of our consumers. It adds value to our lands and furnishes subsistence to a worthy people. If this industry should be abandoned, as it must be if it is not protected, it will take at least two decades to build it up again. The American people will be clothed, and it is only a question whether the wool shall be furnished by our own people or whether we shall purchase it abroad; whether it shall be grown by men who live beneath the Stars and Stripes, who pay our taxes and fight our battles, or by men who live under another flag and in another clime; whether we shall encourage the men whose muscle and money increase our markets and enhance our wealth, or the foreigner whose only object is to drain our resources and diminish our prosperity; whether we shall protect American industries or degrade American labor.

Mr. Chairman, the Democratic members of this House have presented a bill and at the same time they admit that it is not right. It proposes a horizontal reduction of the duties of 20 per cent., when they say it ought to be 40 or 50 per cent. They do not show the courage of their convictions. They do not dare to do what they declare to be right. They hold that protection is robbery, and that no such doctrine has any warrant or authority in the Constitution. They argue this on this floor from day to day and from night to night, in the face of precedent and authority that seem to me absolutely conclusive. In the second act of the First Congress the fathers who made the Constitution used these words:

SECTION 1. Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and for the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandise imported:

Be it enacted, &c.

This act was approved by George Washington on the 4th day of July, 1789, the second law that he signed as President of the United States. It was a patriotic act, done on a patriotic day; and yet gentlemen on the other side say that these men who made the Constitution and made the first laws under it did not understand it.

There is another class of Democrats, to which I am happy to say the gentleman from Indiana [Mr. HOLMAN] who has just taken his seat does not belong, here who are few in number, but they are fearfully and wonderfully made. They believe, like their brethren, in strict construction, limited powers, free trade, tariff for revenue, and in all the old-school ideas of pure and unadulterated Democracy; but when they come to consider some article that is largely produced in their districts, like the Latter-day Saints, they fall back on a new revelation and talk about "incidental protection," hoping thereby to incidentally protect the home vote. I can understand free trade, which is the goal of Democratic ambition; I can understand a tariff for revenue, because it is only imposed when the necessities of the Government make free trade impossible; but I can not understand how a man can trim between this and protection and not be in favor of the one or the other. This new species of Democracy is not recognized as legitimate by the majority of this House, though its paternity is not questioned in Ohio, where all new Democratic ideas are born. This new class of politicians are all things to all men. They have certain rules, but the exceptions always reverse the rules. It is as a sounding brass and a tinkling cymbal.

Incidental protection, as defined by its advocates, is never to be employed until the necessities of the Government economically administered demand the levying of a duty to meet these necessities; consequently it is wholly inapplicable and unavailable until the revenues of the Government are reduced to the point of necessity. There must be no protection until it is preceded by the necessities of the Government, and then the protection must not be intentional or voluntary, but incidental. When the revenues are reduced $100,000,000, or when two or three Morrison bills are passed, and when the duty on wool is reduced to 4 or 5 cents a pound, it will then be about time to consider whether the necessities of the Government economically administered will not admit of "incidental protection."

The only thing to be gained, as I learn from this discussion, by a tariff for revenue, with every particle of protection eliminated, as is insisted upon by the Democratic side, is, first, to have an easy conscience on account of not violating the Constitution; and, second, to open up to the American people the markets of the world. I would not be so uncharitable as to interfere with the tender consciences of my Democratic friends on this point, but I want to say a word in regard to this oft-repeated idea that tree trade will whiten every sea with our commerce, will crowd every port with our American ships, and open up the markets of the world to our products. Last year, or during the year ending June 30, 1883, before we had any reduction of tariff, our exports reached $800,000,000, 90 per cent. of which were the products of the farm. What makes a market abroad for our products? When men talk of the balance of trade they speak of the result of individual transactions, the aggregate of which no man can calculate in advance. Trade is not carried on between nations as nations, but is carried on between individuals. The man to whom we sell an article buys it because he can buy it of us cheaper than he can buy it of anybody else. We do not necessarily sell to a man who buys American products, nor does a purchaser stop to inquire whether our laws favor free trade or protec-

tion. Hence there can be no possible connection between the tariff duties we place on imports and the sales we make abroad. To show that our exports have grown under our protective system I shall call the attention of the House to the following table:

Value of the exports of domestic products of agriculture, of manufactures, and of all other domestic products during the fiscal years 1860, 1870, *and* 1875 *to* 1883, *inclusive.*

Year ended June 30—	Products of agriculture.	Products of manufactures.	All other.	Total.
1860	$256,560,972	$45,658,873	$14,022,578	$316,242,423
1870	361,188,483	47,921,154	46,098,704	455,208,341
1875	430,306,570	75,755,432	53,175,636	559,237,638
1876	456,113,515	81,374,077	57,430,123	594,917,715
1877	459,734,148	88,007,773	85,238,933	632,980,854
1878	536,192,873	91,416,576	68,140,481	695,749,930
1879	546,476,703	89,117,215	63,944,824	699,538,742
1880	685,961,091	79,510,447	58,474,815	823,946,353
1881	730,394,943	89,219,380	64,311,624	883,925,947
1882	552,209,819	103,132,481	77,887,432	733,239,732
1883	619,209,449	111,890,001	73,064,182	804,223,632

If there is to be a reduction of the tariff why not make it on articles that we do not produce at all, or only produce in small quantities. The Government received in duties on sugar and molasses last year $46,245,976.46, while the duties collected on wool and woolen manufactures were only $32,320,892.52. The former we can produce only in small quantities, while we can produce wool enough to supply the entire American demand, and more. There is a reason for the protection of wool-growing, because of our facilities for producing it, which does not apply to sugar and molasses, as we can produce but a small part of what we consume. There is no trouble, however, with the surplus revenue. If we pay the soldiers the pensions to which they are entitled, if we educate the illiterates who now hold the balance of power in this Republic, if we build up our broken-down commerce and strengthen our Army and Navy, we will need every dollar that is now collected. There are rivers and harbors, post-offices and post-roads, Government buildings, and Indian tribes, upon which a vast amount of money could be wisely expended. And besides all this we have an immense debt as yet unpaid.

The farmer is told that he pays a large share of these duties in the increased prices which he pays for the articles he consumes; that the duty on any article is necessarily added to the price which the consumer would otherwise have to pay. If this were true why should the Cobden Club, an English combination of manufacturers and capitalists, who have undertaken the task of inculcating in America the doctrine of free trade, take such a deep interest in this matter? If it be true, as is claimed, that the American consumer pays the price of these articles in England, plus the cost of transportation, plus the tariff, there is no need of the Cobden Club doing missionary work in this country. England, if this be true, does not lose a single cent by our protective laws; nor would she gain a single cent by our adoption of the doctrine of free trade. But this is not true. England is now compelled to reduce the price of her goods until she can pay the duty on them and then sell them in this country at the American price, which is almost always much lower than the prices of the same quality of goods imported.

If we were to increase the duty on wheat, flour, iron, nails, shingles, lumber, stoves, plows, wagons, or any other article which is produced easily and cheaply in this country 200 per cent., what effect would this have on the selling price of these articles? None whatever. There are hundreds of articles on which there is a high duty selling lower here than any place in the world.

The farmer who is 50 years of age is only required to turn back upon his own memory and recall the prices from 1846 to 1861 under revenue tariff, not only the prices of what was bought but the prices of what was sold, to understand and fully appreciate the workings of a protective tariff as compared with the Democratic dogma of a tariff for revenue only. It may not be amiss to suggest in this connection that the Democratic party was not burdened during this period with a surplus of revenue or a surplus of national credit. But this is true, that the farmers of this country sold their products during this period for at least one-third less than they have been receiving since, and paid an average of one-third more for everything they bought. When I was a boy we hauled our wheat forty miles to market over high hills and rough roads, and sold it at 45 cents a bushel. Corn was often sold at 25 cents and oats at 12½ cents. Apples and potatoes and other vegetables rotted upon the ground for want of a market. Coffee, calico, and cotton cost 100 per cent. more than they do to-day. Furniture, agricultural implements, wagons, carriages, cooking-stoves, sewing-machines, clothing, dress goods, books, newspapers, iron, nails, glass, and other articles are at least, taking the same qualities, one-third less than they were then. Facts and figures brought within our own personal knowledge are unanswerable.

Good horses were sold at $50 to $75, good cows for $10 or $15, and other things in about this proportion, and all the money a farmer expected in a whole year was enough to pay his taxes. The business of the country was mere barter and the little money in circulation was almost worthless; men were in debt, interest was high, and labor was cheap. I remember the cry of "Tippecanoe and Tyler too," when brawny men left home and family to swell the log-cabin processions with the hope that the iron hoof of free trade, which was then crushing the hearts and hopes of the people, should be lifted. These are the times to which the free-trader wishes to return.

They tell us that protection fosters monopolies and that manufacturers feed and fatten on the hard earnings of the poor. If this be true, why do we not have these factories in every town? Why is it that we are unable to get foreign capitalists to invest in manufactures? Again it is insisted that labor is no better paid in this country than it is in Europe. If this is true, why is there a constant tide of immigration into this country, when no American laborer ever thinks of going abroad to better his condition?

The Democrats are opposed to free trade when the Chinaman wants to come to America. They are opposed to free trade in patent-rights. The gentleman from New York [Mr. HEWITT] sued the Cleveland Rolling Mill for $200,000 damages for an infringement of a patent-right, the notice of which was in the morning papers lying on the members' desks when he was making his free-trade speech. A nation is a great family. If it buys more than it sells it will come to want. A family that only earns $1,000 a year can not pay out $1,200 a year without ultimately going into bankruptcy. If we pay annually $200,000,000 for wool, woolens, sugar, coffee, tea, and other products to foreign countries, and only sell abroad $150,000,000 in the same time, the balance of trade will be against us to this extent, and hard times will come as certainly as night follows day.

Free trade is a scheme to make the rich richer and the poor poorer. The only demand for revenue reform which has come to this Congress this season has come from the free-trade clubs of New York, among whom wit passes for worth and wealth for brains, and from retired capitalists who have gone out of business to live on their coupons and incomes. The direct effect of opening our markets to the world is to place American labor in competition with the half-paid, half-clad, half-fed labor of India, China, Japan, and other foreign countries, and to increase the value of money—to increase its purchasing power by diminishing the price of the products of the world to the lowest possible level. Not only this, but it will blight the hopes and happiness of the toiling millions who are the glory of our Republic. It will take the carpets from their floors, the clothes from their backs, the flowers from their gardens, the books from their libraries, comfort from their homes, and gladness from their hearts. It will turn colleges into tenement houses, churches into hospitals, and homes into hovels. It will strike down our printing-presses, our public schools, and our institutions of learning and charity. The blighting specter of poverty and want, of hunger and cold, of penury and wretchedness will sit at the cheerless fireside of every laborer's home, an unwelcome but an abiding guest. The laborers of this country can not live on nine or ten cents a day as do the Mongolians, the Japanese, and the laborers of India. The life of this Republic and the prosperity of our people demand that the laborers of this country shall be well paid, shall have comfortable and happy homes, shall have books and schools, churches and colleges, comforts and luxuries, for to them we are indebted for the strength and power, the glory and grandeur of the Government, beneath whose overshadowing wings 55,000,000 of people dwell in peace and unity.

Mr. Chairman, I have seen proper to consider at some length the tariff on wool. Having the honor to represent in part a State that grows more wool than any other State in the Union, and having the honor of representing a district which produces more wool than any other district in the United States, I felt it to be my duty under existing circumstances to give this question that consideration which its importance demands. Having lived on a farm from childhood to manhood, and having engaged in this industry, I have probably a greater familiarity with raising sheep and growing wool than most members of this House. Believing as I do that the reduction of the duty on wool was done inadvertently and in haste, I desired to state the circumstances under which the reduction was made. Knowing, as I do, the course pursued by the Democratic members of the Forty-seventh and Forty-eighth Congresses, and the pledges made by the Ohio Democracy, I wished to expose the unblushing hypocrisy which has characterized their treatment of this question. The pretense that the Democratic party will restore the wool tariff of 1867 is a sham and a cheat, and in this statement I shall be corroborated by a very large majority of the Democratic members of this House.

I hold in my hand the resolutions of the wool-growers of Ohio and Pennsylvania, in which they pledge their support at the ballot-box to such men and measures as will restore the wool tariff of 1867. They will resent in October and November the outrage which was perpetrated in the campaign of last year and the indignity with which they have been treated by this House. A million men can not be crushed by any political party. I know you laugh at the idea of farmers discarding their party affiliations, and say they will get bravely over that before the election. Mr. CONVERSE told you that your failure to restore the duty on wool would influence half a million votes in the coming election. Mr. WILKINS intimated the same. The elections of this year will decide whether the wool-growers of this country can be ignored and trampled upon with impunity. The House of Representatives of the Forty-eighth Congress, where a measure to increase the duty on wool

must necessarily under our Constitution originate, was specially charged with the duty of restoring the tariff of 1867. The refusal to do so will overwhelm the Democratic party and destroy the last expectation of victory in 1884.

The wool-growers fully understand the situation. They know the position occupied by the two parties on this question. The party that gave homes to the homeless, freedom to the slave, and protection to American industry is the only party that can be trusted to restore this duty. I speak in no partisan sense. The Democratic members of this House had a grand opportunity of securing the support of the wool-growers of the country, but they spurned it with contempt and suffered it to pass away; and now are struggling to drive the wool-growers still farther away. And yet this is what should have been expected. How can any man who believes in a revenue tariff, or in the Ohio Democratic platform, favor the protection of any industry? No member of Congress can succeed when he is constantly stultifying himself.

I have probably taken more time, Mr. Chairman, than I should have done had some Democratic member seen proper to represent on this floor the wool-growers of the United States. This should have been done by a Democrat in a Democratic House. I had expected to say something on the merits of this bill, but I had not until within the last day or two thought of entering upon a full discussion of this subject. The discussion closes to-morrow and I am advised that this subject will not be discussed by any gentleman who is hereafter to speak. This is my only apology for occupying so much time in presenting this subject. My sympathies, my voice, and my vote are with the farmers of this country whose great industry has been assailed, and I shall earnestly and faithfully labor to restore the law of 1867. This will be a prominent feature in this campaign, and, mark me, it will not down at your bidding. It is an important question and can not be turned aside. We spent ten or twelve days in the consideration of the "bonded whisky bill" in the interest of a few distillers; we spent as much more time in the investigation of the record of a soldier whose disobedience of orders and unfaithfulness to his country's flag brought dishonor upon himself and defeat upon his comrades, but this Congress has no time to give to the consideration of a question which touches a million men and affects a million homes and which is closely identified with the vital interests of the country. Protection of American industries, protection of American labor, and protection of American homes is the polar star of American prosperity, and its steady light will cheer and gladden the hearts of American citizens when the champions of free trade, revenue tariff, and incidental protection are forgotten.

APPENDIX.

TABLE No. 1.—*Showing rates of duty on wools prior to the passage of the act of March 3, 1883, and also under the present tariff.*

Class.	Rate before revision, March 3, 1883.	Equivalent ad valorem.	Present tariff.	Equivalent ad valorem.
		Per ct.		*Per ct.*
Wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents per pound or less.	10 cents per pound and 11 per cent.	55.74	10 cents per pound.....	44.74
Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound.	12 cents per pound and 10 per cent.	39.18	12 cents per pound.....	29.18
Wools of the second class, and all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents per pound or less.	10 cents per pound and 11 per cent.	47.08	10 cents per pound.....	36.09
Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound.	12 cents per pound and 10 per cent.	42.33	12 cents per pound.....	32.33
Wools of the third class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 12 cents or less per pound.	3 cents per pound.....	25.49	2½ cents per pound.....	21.24
Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 12 cents per pound.	6 cents per pound.....	31.32	5 cents per pound.....	26.11

Wools of the first class, when imported washed, shall pay a duty of twice the amount to which they would be subjected if imported unwashed; and the duty on wools of all classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed.

TABLE No. 2.—*Showing rates of duty on woolen goods prior to the passage of the act of March 3, 1883, and also under the present tariff.*

Class.	Rate before revision, March 3, 1883.	Equivalent ad valorem.	Present tariff.	Equivalent ad valorem.
		Per ct.		*Per ct.*
Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not specially enumerated or provided for in this act, valued at not exceeding 80 cents per pound.	50 cents per pound and 35 per cent.	71.66	35 cents per pound and 35 per cent.	59.60
Same, valued at above 80 cents per pound.....	50 cents per pound and 35 per cent.	71.66	35 cents per pound and 40 per cent.	65.40
Flannels, blankets, hats of wool, knit goods, and all goods made on knitting-frames, balmorals, woolen and worsted yarns, and all manufactures of every description, composed wholly or in part of worsted, the hair of the alpaca, goat, or other animals, except such as are composed in part of wool, not otherwise provided for in this act, valued at not exceeding 40 cents per pound.	20 cents per pound and 35 per cent.	90.97	12 cents per pound and 35 per cent.	75.39
Same, valued at above 40 cents per pound, and not exceeding 60 cents per pound	30 cents per pound and 35 per cent.	90.72	18 cents per pound and 35 per cent.	68.43
Same, valued at above 60 cents per pound, and not exceeding 80 cents per pound	40 cents per pound and 35 per cent.	89.68	24 cents per pound and 35 per cent.	48.50
Same, valued at above 80 cents per pound.....	50 cents per pound and 35 per cent.	66.96	35 cents per pound and 40 per cent.	62.37
Women's and children's dress-goods, coat-linings, Italian cloths, and goods of like description, composed in part of wool, worsted, the hair of the alpaca, goat, or other animals, valued at not exceeding 20 cents per square yard.	6 cents per square yard and 35 per cent.	68.75	5 cents per square yard and 35 per cent.	63.13
Same, valued above 20 cents per square yard.....	8 cents per square yard and 40 per cent.	67.05	7 cents per square yard and 40 per cent.	63.67
If composed wholly of wool, worsted, the hair of the alpaca, goat, or other animals, or of a mixture of them.	New; formerly rated in class above.	.....	9 cents per square yard and 40 per cent.	.....
Provided, That all such goods weighing over four ounces per square yard shall pay a duty of.....	50 cents per pound and 35 per cent.	68.09	35 cents per pound and 40 per cent.	63.87
Clothing, ready-made, and wearing apparel of every description, not specially enumerated or provided for in this act, and balmoral skirts and skirting, and goods of similar description or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods.	50 cents per pound and 40 per cent.	62.51	40 cents per pound and 35 per cent.	55.37
Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel, and goods of similar description or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made or up manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods.	50 cents per pound and 40 per cent.	.....	45 cents per pound and 40 per cent.	.....
Webbings, gorings, beltings, bindings, braids, galloons, fringes, gimps, cords and tassels, dress-trimmings, head-nets, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand or braided by machinery, made of wool, worsted, the hair of the alpaca, goat, or other animals, or of which wool, worsted, the hair of the alpaca, goat, or other animals is a component material.	50 cents per pound and 50 per cent.	68.30	30 cents per pound and 50 per cent.	60.98
Endless belts or felts for paper or printing machines.....	20 cents per pound and 35 per cent.	57.16	20 cents per pound and 30 per cent.	52.16

TABLE No. 3—*Quantities and values of raw wool imported into the United States from each foreign country, from* 1878 *to* 1883, *inclusive.*

Countries from which imported.	Year ended June 30—											
	1878.		1879.		1880.		1881.		1882.		1883.	
	Pounds.	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*
Argentine Republic	9,489,121	1,191,429	6,929,514	791,883	12,278,776	1,625,378	6,163,223	1,015,685	9,821,234	1,431,772	8,691,873	1,132,895
Belgium	244,699	48,846	29,494	3,963	4,408,568	942,210	90,551	23,689	340,963	60,613	1,641	203
Brazil	798,998	97,127	260,025	32,194	839,424	113,645	668,163	108,598	493,505	65,336	1,269,159	141,399
Chili	2,856,771	314,712	3,773,604	395,645	3,329,156	245,098	1,852,721	175,522	2,534,219	223,528	1,099,260	110,879
China			21,271	2,088	66,751	9,188	208,188	23,354	167,819	17,689	630,742	63,807
France	913,662	105,390	2,500,694	286,612	12,715,011	1,644,444	3,311,775	420,717	4,411,078	552,028	5,798,992	706,857
Germany	267,727	51,858	44,746	8,638	691,498	94,669	191,641	38,773	17,827	11,169	10,671	8,960
England	18,387,554	3,750,762	16,742,071	2,136,819	56,466,765	12,121,637	24,556,110	4,467,814	18,943,885	3,579,092	24,749,910	4,511,409
Scotland			134,579	16,964	1,542,876	325,598	230,116	31,745	1,699,002	276,050	1,286,085	191,712
British North American Provinces	2,502,207	750,286	2,546,270	576,003	4,075,665	1,051,389	1,670,305	502,407	1,276,389	295,840	1,347,627	282,503
British East Indies			98,400	9,912	227,642	38,380	118,521	15,404	81,815	10,794	643,402	77,117
British Possessions in Africa and adjacent islands	3,935,705	599,516	1,060,352	151,847	7,293,129	1,125,941	2,587,305	435,157	3,682,114	578,694	1,587,016	244,188
British Possessions in Australasia	2,085,869	528,135	399,518	98,873	7,666,604	1,850,937	2,199,065	564,831	4,000,286	1,002,899	2,604,701	656,045
Greece	282,200	29,326					480,235	60,776				
Hawaiian Islands	207,820	21,153	125,530	12,498	295,031	35,026	67,997	6,970	152,885	22,651	142,016	20,182
Italy					94,337	16,663	83,759	12,392	69,548	10,700	33,629	4,019
Mexico	835,487	72,216	819,784	66,300	1,321,874	144,875	1,009,376	99,479	121,666	18,037	1,775	257
Russia on the Baltic and White Seas					2,222,187	235,453	627,593	93,156	2,876,240	419,197	2,383,649	309,045
Russia on the Black Sea			1,786,893	233,177	1,100,513	139,600	3,772,558	538,160	8,057,347	1,046,568	10,206,074	1,338,433
Turkey in Europe					1,350	524	29,370	2,594	211,308	25,417	981,032	130,155
Turkey in Asia	249,672	29,667	593,617	100,508	1,207,576	134,065	522,193	66,093	905,183	114,604	1,071,969	135,103
Uruguay	5,273,092	758,212	1,113,231	108,673	9,577,309	1,733,001	4,823,562	882,609	6,894,885	1,221,800	5,920,713	868,403
All other countries	118,495	14,380	25,562	1,948	709,705	99,929	699,909	118,043	1,032,546	111,662	133,542	15,760
Total	48,449,079	8,363,015	39,005,155	5,034,545	128,131,747	23,727,650	55,964,236	9,703,968	67,861,744	11,096,050	70,575,478	10,949,331

TABLE No. 4.

Statement showing the quantities of wool imported into the United Kingdom of Great Britain and Ireland during the calendar year 1882.

(From the Statistical Abstract for the United Kingdom.)

	Pounds.
Spain	117,041
Germany	2,727,703
Other countries of Europe	34,792,494
British possessions in South Africa	53,876,065
British possessions in the East Indies	26,923,704
British settlements in Australia	345,784,446
South America	10,872,521
Other countries	13,891,083
Total imported	488,985,057

Tariff and Protection—Profits and Wages—Women-workers and Infants—Toilers in the Factories—Wealth and Poverty.

Under this policy [protective tariff] commerce has been obstructed, the cost of production has been increased and the earnings of labor have been confiscated. These taxes are not needed for revenue, and they can not be legitimately or beneficially maintained for any other purpose. There is not an instance in the history of the world in which a government has made its people rich and prosperous by imposing unnecessary taxes upon them.—*Mr. Speaker Carlisle—letter to Hon. John Kelly, May* 22, 1884.

The vast wealth which attends the apparent prosperity of this period is not the wealth that gives greatness and strength to a republic. The wealth that builds palaces, undermines the foundations of free government and wrings from the heart of labor the cry of despair.—*Holman.* [*Appendix, 1st Sess. 48th Cong., p.* 17.]

You compare the nation, perhaps, to a parched tract of land, and the tax to a fertilizing rain. Be it so. But you ought also to ask yourself where are the sources of this rain, and whether it is not the tax itself which draws away the moisture from the ground and dries it up.—*Bastiat.*

Woe unto you also, ye lawyers! [νομικοῖς] for you lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers.—*Luke,* xi, 46.

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 2, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. COX, of New York, said:

Mr. CHAIRMAN: Gentlemen in this debate have discussed economy as if it were a party question. Economy knows no party; it knows no nationality. Economy has reference to cash and credit. Its philology shows that it is the "law of the house." It is not the law of a faction. It is not the law of contending elements or parties. So far as I am concerned, I know no sure rule for my action on this question except the law of economy. No party can tell me that abundance is a curse and that scarcity is a blessing. No party can tell me that taxation is conducive to human happiness. Onerous taxation is nothing if not an obstacle to comfort and prosperity. No party platform, no caucus resolution, no convention shibboleth can make or unmake the everlasting laws of supply and demand, and of interchange among individuals, communities, and nations.

FEDERALISTS AND DEMOCRATS.

Gentlemen quote Federalists and Democrats, Hamiltons and Jeffersons, Jacksons and Madisons, Websters and Clays, Wrights and Walkers, in behalf of this or that economic theory. The sentiments attached to these great names are nothing to me unless they conform to the eternal law of economy. Two and two can never be made equal to five though indorsed in a thousand ways by party platforms or great statesmen. Is it said that Jackson was a protectionist, and that Madison advocated certain duties as an encouragement for home manufactures? Granted. So I may say that Hamilton said in the Federalist that—

Exorbitant duties on imported articles serve to beget a general spirit of smuggling which is always prejudicial to the fair dealer and eventually to the revenue itself; they tend to render other classes of the community tributary, in an improper degree, to the manufacturing classes, to whom they give a premature monopoly of the markets; they sometimes force industry out of its most natural channels into others in which it flows to less advantage; and, in the last place, they oppress the merchant, who is often obliged to pay them himself without any retribution from the consumer.

Not being accustomed to swear in the words of Hamilton, or of any master, I attest his statement by the laws of economy and his practice under them; for did not Hamilton in the first instance propose to encourage manufactures by admitting free the raw materials? Whether he be Federalist or Democrat, it matters not. This policy may have been wise or unwise in his day; but it is certainly wise now, because it is in conformity with the higher laws of economy, and is best for the people.

DEMOCRATIC POLICY.

It is a peculiar satisfaction to me to know that the great bulk of the party with which I act, not only in their platforms but their legislation, has demanded that there shall be equality of taxation; that the burdens of government shall fall equally upon all; that one class shall not be taxed for another; and that monopolies should be overwhelmed by an indignant people. When I find Jefferson at Paris—inspired with an earnest purpose to serve America and France—demanding that our surplus of rice, tobacco, furs, peltry, potash, and timber (which France wanted) should go to her, while her surplus of wines, oils, brandies, fruits, and manufactures (which we wanted) should be interchanged for our commodities, I recognize the wisdom, justice, and democracy of his policy and philosophy. He said that "the Government have nothing to do but not to hinder their merchants from making the exchange."

Fortified by this philosophy and practice, I propose to place on record a few suggestions in answer to what fell from the gentleman from Pennsylvania [Mr. KELLEY] in the speech he made on the 15th of April, and to some remarks made by other gentlemen on the pending bill.

REDUCTION OF PRICES.

He starts out by saying that he does not believe "that a cheapening of goods which involves a reduction of wages can relieve any stagnant American industry." This assumes that the cheapening of our products of manufacture must result in a reduction of wages. Why should this be the result? Do not wages depend on the supply of labor in the market, and the skill of the laborer? Do not the supply and skill of

labor now regulate the wages in the factories? Do not the statistics of the last census show that the profits of manufactures would allow larger wages than those now paid? Why are not larger wages paid? Because there is fierce competition for employment, and a limited market for manufactured products at present prices. The cheapening of goods would, to the extent of their reduction in price, enable 55,000,000 of people to consume our manufactured products more largely than they now do. I see no other result from "cheapening" until a reduction of tariff enables us to sell surplus products in foreign marts.

POWER OF CONSUMPTION.

The very next assertion made by the gentleman [Mr. KELLEY] is proof of this. He says "the power of production the world over has, upon the prevailing basis of the distribution of the joint production of labor and capital, outrun the power of consumption;" and "that all markets are overstocked; that in every land multitudes of skilled and industrious people have from many proximate, but all of which are secondary, causes, been idle for a large portion of many recent years."

The gentleman makes no exception of the United States. Is he correct in this assertion? What is the remedy? Obviously the only scientific remedy is to develop a better system of exchange of products. People will consume industrial products if they can obtain for their surplus other products in exchange. There are no limitations on consumption except those imposing restrictions on production and exchanges. All obstructions placed in the paths of trade and commerce are illogical.

OVERSTOCKED MARKETS.

Asserting that our markets are overstocked with our own industrial products, the gentleman [Mr. KELLEY] proposes as the only remedy, restrictions on the exchange of our surplus for the surplus products of other nations! It is well known that our factories are now so far developed in capacity that they could, at present high-tariff prices, by running on even the eight-hour plan six or eight months of the year, glut our home market with their products. Yet the gentleman proposes, in such a condition, to confine for all time these products to the home markets! And at the same time he holds out to our farmers the comfortable prospect of having at no distant day no foreign markets for their products! Will such a condition of production tend to the general prosperity of the people? Will a system of manufacture which is now able to glut the home market be improved by a system of agricultural production which will have no foreign market? The gentleman must admit, so far as manufactures are concerned, that we have now a development of capacity for production too large for the home markets. Will he benefit manufacturing capital or labor by enlarging that capacity? Surely not. Will that capital or labor be benefited by the loss of a foreign market for our agricultural products? Surely not. Yet his theory is that we must increase our manufacturing army, an army that is now too large, in order to create a home market for our agricultural products! On the conditions which he states himself, is not his theory simply absurd? The gentleman's theory is practicable in one way only: the Chinese way. To put it into successful operation all our industries should be developed only in proportion to our population; and when that proportion is reached further development should be stopped, by law of course, in order to prevent overproduction. The people would require so many bushels of wheat per annum, so many yards of cloth, and so on in respect to every article to be consumed. If the rolling-mills turned out more iron than might be wanted, they would have to be closed until the surplus which glutted the market was sold for consumption. We must, according to the Pennsylvania plan, diversify our industries so as to produce our own sugar and everything else we want. Stop raising surplus wheat, says the gentleman; raise sorghum; and so on in respect to other products. What about our cotton? Must we raise only what we can consume of that staple?

THE DISMAL SCIENCE.

Is not this the theory of "protection" as laid down by its greatest apostle? I want no better indorsement of my recent "Address to Congress" than the gentleman's speech. In the latter, the gentleman expressly demands the Chinese wall that I spoke of—the Chinese system. To that extent his speech is logical. In its economical argument it is absurd and refutes itself.

I admit that if our industries were regulated so that their products would exactly fill our home demands and no more, and if all persons engaged in them were subject to distribution so far as to be compelled by law to shift about from one calling to another, according to the extent of production in each calling, we might by and by be as independent of other nations as China and India were for thousands of years. It is a system of this sort that is implied in the gentleman's [Mr. KELLEY'S] speech, or else there is no sense in it.

I do not desire such a system. I know that if we adopt such a system it must produce castes of labor in this country. It must result in a municipal custom or law that will in time affect and regulate every kind of labor, and leave nothing to enterprise. It would do this as certainly as it has done it in India and China. We would have no business to transact with the "outside barbarians" of Europe under the gentleman's system of home consumption.

The American people have now come to that stage of development in which the gentleman [Mr. KELLEY] sees no chance for them to maintain themselves except by the abolishment of commerce. He looks all over the world and says we must come to this. This frank admission, that Americans must consume all our industrial products, is an assertion of the best policy that the leading protectionist in the House can suggest. The gentleman illustrates the "dismal science" of which he talks.

THE PROTECTION OF AMERICAN WOMEN.

Are the American people prepared to pursue this home policy until the object of the protectionists has been attained? This is the important question before the country to-day. Is there no labor to be considered but factory and forge labor? The gentleman [Mr. KELLEY] cites the condition of labor in Austria, Germany, Switzerland, the Netherlands, France, England, and other countries, and assumes that our labor is protected from such a condition by high tariffs. I would ask the gentleman, would the laborers of these countries be in their present condition had they our institutions, our immense domain of cheap and fertile land, and no enormous standing armies to support? The gentleman wants to protect American women from being degraded as he has seen women degraded in these countries. So do I. I might here remark that I would like to see a system of manufacture different from that carried on in Philadelphia under heavy protective tariffs, where for years thousands of American mothers have been forced, in mid-winter, to rise by gas-light, at 5 o'clock in the morning, and walk the streets in snow, sleet, and rain, to leave their little children, even nursing babes, at the nurseries established by charity in that city, to be cared for until the same mothers call for them after a hard day's work, at 7 or 8 o'clock at night, to bring them home to their miserable lodgings! If exclusively American manufacture means this Philadelphia kind of "protection to American women," I am not in favor of taxing fifty-five millions of people for the benefit of their employers, who are living in luxurious splendor on the 40 or 50 per cent. profit on capital which high tariff makes possible.

I want to try a system of production that will give different results. I want to throw open the market of the world for America, so that Americans can exchange the surplus of the bounties with which nature has endowed them for the bounties of other climes. I want something more cheering than the gentleman's [Mr. KELLEY'S] "dismal science," something more Christian, something more humane, something not so utterly and terribly selfish. I believe in commerce and progress, not in exclusion, stagnation, and starvation! [Applause.]

I will append to my remarks, for the information of the gentleman from Pennsylvania, a statement furnished me by a lady who supports herself by daily toil. It is in regard to the conditions in which women who have to labor for a living are placed in Philadelphia—that high-tariff city of eminent respectability and sweet-sounding sanctity.

THE CONDITION OF LABOR IN PHILADELPHIA UNDER PROTECTIVE TARIFFS.

The statement referred to is made by a lady who resides in Philadelphia. It describes the operation of the *Crêche* or public nursery and kindergarten system established in that city for the care of the children of such women during the hours of daily labor.

This lady belongs to one of the most respectable families of Philadelphia. She is an active worker herself in this truly benevolent system of aid to labor. I am not permitted to use her name, but my other friend from Pennsylvania [Mr. RANDALL] knows her family well; indeed, she is a resident of his district. Her father was at one time one of the largest ship-owners of Philadelphia. In his lifetime he was a good Democrat, and a constituent of the gentleman [Mr. RANDALL].

INFANTS IN THE MILLS.

It will be seen by this statement that notwithstanding high tariff protection on cotton goods, infants are harnessed to mill machinery in that city in operations that are considered dangerous to adult labor! I allude to "spooling," in which the little hands that should have no tasks but play, grow weary at toil and are liable to mutilation. Is not this Herodian protection of the industries? One of the mill-owners is humane enough to desire the invention of a machine that would enable him to dispense with the sacrifice of infant hands to the Moloch of manufacturing greed. Well may he desire this. It would be more consonant with his humane feelings and decidedly more advantageous to his pecuniary interests. I do not desire for my country the wealth fostered by such sacrifices of the innocents. Verily I say unto you, "It is easier for a camel to pass through the eye of a needle than for [such] a rich man to enter the kingdom of heaven."

That enterprise which depends for its success upon the work of children whose palates have not yet lost the flavor of their mother's milk is a blot upon our boasted progress and a crime against humanity. Civilization does not demand the sacrifice of the human family upon the altar of greed, nor does it allow that man is created as a part of the machinery of commerce.

Such enterprises must be fostered by acts of Congress in order to enable them to compete with the pauper labor of Europe, say those who oppose tariff reform. How do the employers fare? Is the wolf at their door?

THE ANNUAL INCREMENT OF WEALTH.

Mr. Chairman, the development of our industrial resources has added, year after year, millions to our aggregate wealth. Who are the beneficiaries? I will show you that the producers of this wealth—the la-

boring classes—are not the beneficiaries. Their possessions are not accumulating. Is this condition of labor one that the lover of his country can contemplate without apprehension for its welfare? To such an one, will not the lines of Goldsmith seem prophetic?

Ill fares the land, to hast'ning ills a prey,
Where wealth accumulates and men decay.

I will give you some statistics and calculations in regard to the accumulation of our wealth that has been going on these many years.

All wealth comes from labor. In the distribution of our annual increment of wealth, the owners of 253,852 manufacturing establishments got of this increment for the last census year, $1,024,801,847!

The report for the last census year, 1880, states the assessed valuation of all the property in the United States as follows:

Real property	$13,036,766,925
Personal property	3,866,226,618
Total assessed valuation	16,902,993,543

The State, Territorial, county, city, and all other local taxation levied on this property, as stated in the same report, amounted to $302,200,694. This levy was at the rate of a fraction less than 1.80 per cent. (1.79) on the owners of the property. Do not the owners regard this small tax as a burden—an onerous burden? How would a proposition to double the rate of this levy be received by the tax-payers? How would they receive a proposition to triplicate it? Double the rate would be $604,401,388, triplicated the rate would be $906,602,082.

OPERATION OF THE TARIFF LAWS.

Would there not be a terrible outcry against such an increase of taxation? If the purpose of the triplicated increase was to grant two-thirds of the proceeds to the manufacturers with a view of protecting the wages of their employés from foreign labor competition, would the tax-payers consent to such taxation? Would they consent, if the manufacturers were to pocket the two-thirds instead of paying it to their employés? Of course they would not consent to such an increase of taxation. Yet, in effect, this is the operation of the tariff laws. Consumers, including of course all classes of labor, occupy houses of some sort on which a property tax is levied, and this tax is included in the rents. If there are no tenants, the owners pay the tax. The bulk of State and local taxes accrues on realty.

The manufacturers of the United States had in 1880 capital employed in their business to the amount of $2,790,272,606. The gross return to that capital, as stated in the last census report, after deducting the cost of all materials used and all wages and salaries paid, amounted to $1,024,801,847!

TARIFF PROFITS AND LOCAL TAXES.

"What relation have these profits to State, Territorial, county, and municipal taxation?" some gentleman may ask. I will show that there is a relation—a very striking one, too. If three times the sum of these taxes were assessed to the people, the amount levied would be $906,602,082. This levy would fall short of the sum of the manufacturers' profits in 1880, exactly $118,199,765. The latter amount would give a return of over 4 per cent. to the capital employed in manufactures that year.

In the address I delivered before this House on the 20th of March last, I gave official figures from the census report of 1880 which proved that on the average our manufacturers' capital got a return of between 36 and 37 per cent. Was not other capital that same year eagerly seeking investment in the public debt for 3 or 3½ per cent. interest? The profit accrued to the capital of the manufacturers yielded a sum equal to 6 per cent. of the assessed value of all the real and personal property in the United States! The amount of profits to manufacturers' capital reported for the last census year would have paid all the State, Territorial, county, city, and local taxes three times over that year, and still have left a surplus that would have given a return of over 4 per cent. to their capital!

When owners of inert capital are willing to pay a premium for investments in 3 per cent. bonds of the United States, is not 6 per cent. a fair return to active capital? Six per cent. profit in 1880 would have given to the manufacturers' capital $167,416,356, and have saved the consumers of their products $857,385,491. Out of this saving the latter could have paid all the State, Territorial, county, and municipal taxes levied that year and still have in bank to their credit the vast sum of $555,184,797!

EARNINGS STOLEN FROM LABOR.

Suppose we figure the return to the capital of the manufacturers at 10 per cent.—and is not this rate ample?—what would have been the result to consumers for the last census year?—A saving of $745,774,587—a sum that would have paid all the State and local taxes named, and still have left to the credit of the consumers $443,573,893! The latter sum saved annually for six years and invested in United States 3 per cent. bonds would amount to $2,861,051,610—a sum $70,779,004 in excess of the total capital invested in 1880 in the manufacturing industries of the United States. This six years' savings would pay off all State, Territorial, county, municipal and other local debts, and still leave unexpended $1,804,645,402! This six years' savings would exceed by $247,445,346 all the paid-up capital of all the railroad companies in the United States in 1880! Six years more of such savings would pay off all the bonded and all the unfunded debt of these railroad companies, as reported in 1880, and leave an unexpended balance of $48,935,314!

These figures show that if the labor of the country got the benefit which in the spirit and theory of tariff protection it has a right to get, it would soon be able to pay off all the debt referred to, buy out all the railroad companies, and still have an enormous surplus fund of its own. We Americans do things on a grand scale. We tax our consumers and rob our mass of producers in a ratio proportionate to the grandeur of our empire and the immensity of our resources!

The total amount of wages (including salaries of officers and clerks) paid in 1880 in these industries was $947,953,795. On a 6 per cent. return to the capital invested, the manufacturers could have paid in 1880 to their employés 90.44 per cent. in excess of the wages paid that year; and on a 10 per cent return to the capital they could have paid their employés 78.62 per cent. in excess of the wages paid that year.

The foregoing calculations show what consumers have to pay our manufacturers in excess of just and reasonable profits, on the theory of protecting the laborers employed in American manufacturing industries from competition with the "pauper labor of Europe." The manufacturers could have paid from the returns accrued to their capital in 1880 all the State, Territorial, county, and municipal taxes and 46.79 per cent. more wages to their employés than they did, and still have a return of 10 per cent. on the capital employed in their business!

It will not do to say that the incidental expenses of manufacture, such as insurance, repairs, and interest, offset to any considerable extent the profits of the manufacturers. Few if any of the large corporate establishments are in need of borrowed money. These make the largest profits and they can get money at less than half the rates that farmers have to pay. There is less risk in lending to the manufacturers; their profits are secured by act of Congress.

THE AVERAGE WAGES.

I showed in a former speech at this session of Congress that the average wages paid in the manufacturing industries of the United States was about $1.16 a day. It is said that the year covered by the census reports from which I made my calculations was exceptionally prosperous. Admitting this, it follows that $1.16 a day is exceptionally prosperous wages in the factories. It may be objected that this rate includes the wages of women and children. So it does, but it also includes the salaries of presidents, directors, superintendents, clerks, and foremen, and the highest wages paid to the most skilled workmen. Including these payments, and allowing the 713,560 women and children who worked in the factories during the census year $3 a week each, the average wages paid to the able-bodied males would not exceed $1.37 a day. What would the rate be with the salaries of the officials and clerks deducted? Deduct from the wages the recoupments of tariff profits and what would be the purchasing value of such wages? I challenge a fair inquiry on the wages question. It is on the sham pleading of protecting wages that all the high-tariff arguments are based. Labor is deceived on the false issue made by such pleadings.

SOME FIGURES FOR THE LABORERS.

In the many years of my public service I have often attempted to explain the operation of our tariffs to those most affected by them. I have often endeavored to make the wrongs of the system clear to the comprehension of those most interested. I mean the workingmen.

The laboring man has for his capital, brawn and brain. He draws upon both. His earnings should be an equivalent to the demands of a condition of respectable citizenship. Take the case of a workingman in this country. Suppose he earns $15 per week. That sum is above the average wages of a first-class artisan. It would give him $780 for a year of three hundred and thirteen working days. Now the problem in which the respectable workingman is most interested, is how to live on an income of that amount. Suppose he has a wife and four children. It would be impossible on such an income to maintain a family, even with strict economy, in meager comfort, without approximating closely to the following expenditure:

ANNUAL EXPENSES OF AN ECONOMICAL FAMILY.

House rent, $10 per month	$120 00
Fuel—	
Coal, 5 tons, $6.50 per ton	32 50
Wood, 3 cords, $6 per cord	18 00
Clothing and shoe bill	100 00
Milk and groceries, $5 per week	260 00
Butcher, $2 per week	104 00
Doctor's bill, say $16	16 00
School books, three children	10 00
Newspapers, two weeklies	4 00
Books and magazines	6 00
Amusements for whole family	10 00
Society dues, including life insurance	25 00
Possible days of lost time	25 00
	730 00
Balance in his favor	50 00
	780 00

This expenditure does not provide for such luxuries as fruit, fresh vegetables, and fish. Without these it leaves a balance of $50 at the end of the year for a rainy day. If such a workman should even mod-

erately use tobacco and spirits, say at an outlay of 12 cents a day, it has been computed, by one of his class, that at the end of the year he would have only $5.70 on the credit side of his ledger. But I have taken a case which is not the minimum of the workingman's wages. A man at $1.50 per diem (and this is not the minimum rate), with steady employment for the working days of the year, and with a wife and three children to support, would, at a proportional expenditure, be in debt $11.50 at the end of the year.

In these calculations you will find whence comes the spirit of unrest, whence come the strikes. Here you can see the skeleton in our household—the skeleton Want. His bony finger points at your feasts like that of the Egyptians in the days of the Ptolemies!

TARIFF EXACTIONS.

The tariff exactions enable Dives to clothe himself in purple and fine linen, and to fare sumptuously every day, while they compel the workingman to sit at the palace gate. Here you have the *fons et origo* of the "labor troubles."

A workingman of New York advises me that his wages have been $7.50 per week. The ordinary expenses, even if he were a boarder, counting two suits of clothes a year, without books, newspapers, or amusements—simply looking to his clothing, board, lodging, and washing, would leave him in debt every week at such wages.

If such cases do not come every day to the notice and conscience of men who are keen to foster "business interests," it may not be out of place here to give in detail some of the onerous tariff duties which press so heavily on the industrious poor—tariffs which we hope to remove by liberal legislation. It is well known that many seamstresses are employed in making clothing. For coarse trousers the regular pay is 7 cents a pair. They make ten pairs per day of twelve hours. Are they not very illy paid for their labor? If any one should be relieved by legislation should it not be workers of this class? How are they taxed on the articles they consume in their work? Their very needles are taxed 25 per cent., and their thread 80 per cent., their bees-wax 20 per cent., and their scissors 25 per cent., their buttons 25 per cent., and their pins 30 per cent. I am told that these poor women are compelled to provide their own thread, needles, thimbles, and other implements. Are we to refuse them relief?

Take the ordinary business of writing a letter, practiced by every one. With a large surplus of over $100,000,000, we have such minute exactions as a tax of 25 per cent. on paper and envelopes, 30 on ink, 60 on ink-stands, 54 on pencils, 20 on mucilage, 39 on steel pens, and 30 on pen-holders. We will not allow our paper manufacturers to have free the materials which enter into the manufacture of these articles. Does not this illustrate the wide-spread mischief of maintaining heavy duties on articles of every day consumption?

THE ASSESSMENT ON HOMES.

I would like, Mr. Chairman, to see the man who is a representative of the poor and working population, go forth and plead against the reduction of war taxes and for the retention of the fast-increasing and corrupting surplus. To take this stand he would be compelled to plead for a tax on the necessaries of life. He would have to advocate the taxation of woolen clothing before a jury composed of both manufacturers and consumers; and for whose benefit? The benefit of a handful of sheep-raisers?

The people of this country are coming to know the difference between a tariff for revenue and the tariff that despoils them. The farmers who have to pay a heavy tax on blankets and window-glass will not much longer be inquiring the cost of their shelter, their sunlight, and other comforts.

I know that the taxes on the various articles which enable a family to live in comfort may seem small in detail, when applied to our population individually. You may say that with our 55,000,000 of people it will cost them, under the tariff for taxes evenly distributed, only 7 cents per capita on seeds for breadstuffs and rice, 11 cents on chemicals, about 23 cents on cotton goods, about 7 cents on earthen, stone, and china ware, 14 cents on flax manufactures, 5 cents on hemp, 30 cents on iron and steel, 7 cents on leather, 13½ cents on metals and manufactures of metals, 2½ cents on paper, 36 cents on silk, more than 5 cents on tobacco, more than 3 cents on wood, about 60 cents on wool, and, what is most monstrous of all, 85½ cents on sugar and molasses!

These in detail may not seem much; but when we think of the 3,000 tariff articles ramifying through all the various wants of the people, the assessment is enormous.

ZANTE CURRANTS—AS AN ILLUSTRATION.

Allow me for one moment to bring to your attention one little item which may attract the notice of heads of families. Zante currants are well known to commerce. They are produced only in Greece. They can not be grown elsewhere. We import them into this country. The Greek Government is desirous of having the duties we levy on this article reduced, as currants are the only important modern Greek production that we import. Experience has shown that with each reduction of duty on Zante currants the revenue therefrom has increased. We could easily abolish this duty. It brings in little revenue. From 1865 to 1869, when the duty was 5 cents per pound, the importation was on an average of 2,000 tons yearly. This quantity gave a revenue of about $200,000. After that time the duty was reduced to 2½ cents per pound, and in 1871 the importation increased to 5,000 tons, giving a revenue of $250,000. In that year the duty was reduced to 1 cent per pound, and the quantity imported in 1882 was nearly 14,000 tons, giving a revenue of about $278,000. The duty might readily be reduced to half a cent or one-tenth of a cent per pound. But, on the principle of a free breakfast and dinner table for the working classes, the duty might as well be abolished. To certain classes in our country, currants are useful, being employed to make their bread more palatable, and to make a refreshing drink for the sick.

CLASSIC RECIPROCITY.

The Greeks think that a reduction of the duty would do them great good. Why not humor them? It will cost us little if anything—it would only be reciprocity. They have, on recent representations, admitted American pork. The national swine now grunts the Doric of New Atlantis where Homer sang, and Sappho loved not wisely but too well. Our lard is admitted to compete with the olive of the Academy of Plato. The land of Pericles is the asylum for the noble animal which the Teuton rejects with bristling wrath. The Greeks have taken off their tariff on our sewing-machines and agricultural implements. All these American products go into Greece free of duty now. The Greeks offer to give us a larger interchange if one can be found.

But of what use is all this tender of reciprocity? Do gentlemen fear the Greeks bearing gifts? They give nothing except in mutuality. We must raise more revenue out of these little currants from the classic land, and thereby make the cost of living dearer to our workingman.

EXPATRIATED TUBERS.

By a parity of reasoning, we are in such need of surplus revenues that we have a tax of 15 cents a bushel on potatoes. What for? To enact class legislation against the Irish who have come here? Is not the potato an original native American—racy of the soil? Shall we expatriate its descendants, merely because of accidental birth? Shall we, semi-Celts, submit to a tariff on the tuber that puts the iron in our blood? Let the gentleman who, in part, represents Chicago answer this question when he makes his next philippic against the British lion.

I turn for more comfort on this question to another gentleman from Illinois [Mr. MORRISON], one who has worked laboriously and wisely to alleviate the burdens of the people and relieve our overflowing Treasury. He brings the tariff exactions home to us by such illustrations and generalizations as this:

> On sugar, an essential article of food in every home, we pay 50 per cent. That is to say, whenever the earning of three days' labor are used to buy sugar one day of the three goes to the Government for taxes or to the planter for bounty. And this is not the most grievous of these burdens. They are continued, while the Treasury, already full, lures the avaricious—invites the venal and corrupt. All talk of administrative reform which ignores these conditions but illy conceals the bad purposes of those who would continue existing abuses. The reduction or removal of unnecessary taxes lies at the bottom of all reform.

FREE-TRADERS AND SLAVE-TRADERS.

Whether we take the *minutiæ* of the tariff bounties or the gross results, as illustrated by our production and taxation, there is the same lack of economy, and the same injustice and tyranny. To generalize: Labor is about the only un-*tariffed* thing that is permitted to pass our custom-house! American salt, scissors, silks and such, are coddled as bountifully as the tariff conspirators could desire; but the makers of salt, scissors, silks, and such—the laborers—get not one scintilla of protection. If the milk of Congressional kindness must be fed out in the form of protection pap, our workingmen are ready to ask, nay, to clamor, that it be fed to live men and women instead of to soulless corporations. They want it to nourish laborers who can appreciate it. Of what importance is the dead matter that is forbidden to pass the custom-house freely? It can not distinguish between cuffs and courtesies, but the laboring man can. Suppose it were proposed to levy a tax of 50 cents per pound, live net weight, on every immigrant that landed here, what indignation and horror would be exhibited! This proposition would make the high-tariff men show their hands; it would bring their "protection to home labor" very close to their pockets. Do not be surprised when the workingmen hoist their banner for free men and free matter. They will then draw the line between freedom and the slavery that forbids labor to have its own. When I am called a "free trader" because I would lighten the burdens of labor, I am proud of the title. The man who opposes me must be a slave-trader!

NO ONE ASKS FOR REFORM.

In the delivery of his speech the other day (April 16) in favor of high protective tariffs, the gentleman from Massachusetts [Mr. RUSSELL] asked us, with the utmost confidence of putting a poser, in respect to the reduction of tariffs:

> Has any interest or any section of the country asked for the reintroduction of this disturbing element? Is there any appeal by petition or otherwise for the reopening of the revision of our tariff laws?

The gentleman, triumphantly answering his own interrogatory, said:

> There is but one response to this question: No!

I must assume that the gentleman has not examined the economical side of the question in the light of the best attainable data, in the light of the special investigations of the census officials.

POLICY AND STATESMANSHIP.

I would remind the gentleman from Massachusetts [Mr. RUSSELL] that there is a demand for tariff reform—the demand of conscience, of good policy, of statesmanship. Will he say that these do not demand the curtailment of taxation that yields the enormous profits I have shown by the official figures? I would remind him, and other gentlemen on this floor, that the Democratic party is, in virtue of its majority in this House and of the sentiment that made that majority, pledged to a substantial tariff reform.

THE ISSUE BEFORE THE PEOPLE.

As far back as 1872, the most lame and impotent of our party platforms had these words:

There is in our midst honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade. We remit the discussion of the subject to the people in their Congressional districts, and the decision of Congress thereon wholly free from executive interference or dictation.

The sentiment of the people is not yet for absolute free trade; no one proposes such a measure now. Some dream of it, by gradual steps. But few intelligent men deny the soundness of the doctrines of frugal administration, or that we must soon come to such measure of reform as will reduce our corrupting surplus.

Some Democratic members who accepted this plank of their party platform, and who now array themselves with the opposition to reform, fail to remember that the people of the Congressional districts have submitted the issue of reform to Congress. We have a very large majority in this House. The policy of our present organization is for tariff reform. Shall that policy be now ignored? We are asked, "Where are the petitions for reform?" My answer to this is, petitions are for small grievances—for individuals. The ballot is the mode of redress for all-pervading national evils. Look around. The ballots have been cast in the districts, and behold the result—the great Democratic majority of this House! Must there be unanimity in every Democratic district before Democrats in Congress can venture on reform? The question of reform is forced upon us as a party issue. In such an issue must the few control? Is that party organization?

REDUCTION OF TAXES A PARTY ISSUE.

What a day for the country when reduction of unnecessary and most hurtful taxation is made a party issue! What a day for the country when laws that secure such profits to manufacturers such wages to labor as those I have shown, find so many unblushing advocates for their maintenance on the statutes! These laws are the foundation and chief corner-stone of monopoly. These laws secured the vast wealth to the few that has made great monopolies possible in this country. High tariffs are the tares that have grown and fructified into rank monopoly in the fields of industry. They have sapped the soil, exhausted every honest industry, and destroyed the harvests of labor. This has been going on for more than twenty years. This explains the vast accumulations which have enabled the few to monopolize all the great corporate enterprises that hang, like leeches, on the whole body-politic of the nation. Here we have the true origin of monopoly.

THE TRUE MOTTO OF INDUSTRY.

How is labor to disenthral itself? Is it by the maintenance of your tariffs? Is it not by the eradication of the cause, rather than by fostering it, that a natural distribution of the results of labor is to be reached? The revenue derived directly from the tariffs hurts nobody. It is the indirect revenue that results to corporate capital that hurts. It is the vast accumulations which come to the few that is the evil. This evil is worse, far worse, than national poverty. In the latter condition there is equality of opportunity, equality of burdens. The greatest good to all is the true motto of industry as well as of democracy.

RECUPERATION FROM THE SOIL.

The South at the close of the rebellion was stripped of everything except its natural resources. Where is she to-day? Does any industrious man or woman suffer there for any of the necessaries of life? Have not all the people of that section abundant food, abundant shelter? Is not the ownership of a home within the reach of the humblest laborer there without any extraordinary effort? Is this the result of your tariffs? No, Mr. Chairman, it is in spite of them.

Strip the New England and our other manufacturing States, devastate them as the South was devastated until they are absolutely deprived of all wealth, and property in every form except their natural resources, and where would they stand in the scale of wealth twenty years hence? Is it not true that all power of industrial recuperation is vested in the soil? Surely we owe a just equality for industrial progress to those who develop the resources of the soil.

A QUESTION OF RIGHT.

By what right do you decree that the great mass of our producers shall be deprived of a fair proportion of the annual increment of national wealth? By what right do you decree that the farmers of the South and West shall be required to pay on every tariff-protected article that they use in their farming operations and households a price far beyond fair value? By what right do you decree that the owners of our quarter million factories shall take annually from the consumers $422,574,838 in excess of a return of 21.5 per cent. to manufacturing capital? This excess was equal to 2½ per cent. of the whole assessed wealth of the nation in 1880! It is forbidden in Scripture to "seethe a kid in its mother's milk." Who can deny that these exactions have capitalized the transportation corporations that are now bleeding our producers at every pore?

Mr. Chairman, a bill providing for a very small reduction in these exactions is now under discussion.

THE DUTY OF CONGRESS.

It is said again and again that no one asks for relief from these exactions. It is also said that the maintenance of our manufactories depends on the continuance of these exactions. The first objection, even if true—which it is not—is unworthy of a moment's consideration. Are we not here to legislate for the best interests of the people—the whole people? Is not the Congress presumed to be inspired with the will and ability to do this? The other objection is based on the assumption that Congress is not informed of the true condition of our manufactures and of the labor employed in them. We are abundantly informed that this labor can not by any possibility be in a worse condition than it is in and has been in for years. When women and little children are employed by the hundreds and thousands from ten to twelve hours a day in the production of textile fabrics in our factories, can labor be in a worse condition? When you read the testimony taken before the Senate Committee on Education and Labor, in an investigation that has only skimmed the surface of a few manufacturing centers, can any of you have the effrontery to rise in this House and talk of protecting the wages of American labor by tariff laws? I will read a few extracts from the evidence of two most intelligent witnesses. Those of you who come from the manufacturing districts need not such testimony to open your eyes to the appalling degradation in which textile and other tariff "protected" labor is placed.

CONDITION OF OUR IRON-WORKERS.

I find from the testimony of Mr. Robert D. Layton in regard to the iron industry at Pittsburgh, Pa., that the following facts are proved:

First. That skilled workers earn wages on an average of $2 a day for three hundred days in the year.

Second. That the other laborers in this industry earn about $300 per annum.

Third. (I quote from the report.) That—

Our iron-masters live, in many instances—there may be a few exceptions where their aspirations do not find vent in that direction, but as a general thing, they live in very elegant palatial residences, they have carriages and horses, and fine grounds, and servants, and everything that a person would suppose would go to make life enjoyable.

Fourth. (Speaking of the dwellings of these skilled and unskilled laborers.) That—

In Pittsburgh, for example, on the south side, where our mills are numerous, you will find row after row of houses that are single tenements, each composed of three rooms and a basement kitchen. Again, there are other buildings, large structures in which rooms are rented, but those houses, as a general thing, are very close to the works. I know of one instance where I called upon a friend at his house in the summer time when the doors were open, and we had to talk very loud to be heard on account of the noise of the mills. In such a situation as that sickness in the family is terrible. They [the houses] are in one continuous line, all joined together, just a partition separating them. They are simply one long house divided by partitions; divided into apartments; but each has an independent entrance of its own. * * * Here and there there may be an alley-way between the houses, but there are not many such breaks. This description is true of all that part of the city down about our place. It is more densely populated on the flat than up on the hill. * * * In the other parts of the city they run in blocks; the houses are larger, and in many instances each house has an alley-way by which you can take your coal, or anything else that you wish, around to the back. In the more densely populated portion the ashes and everything that has to be carried out must go through the house.

I can name you other portions of our city where there will be five or six families in one house, some in the cellar, some on the first, second, third, and fourth floors—as high up as the house goes.

In reply to the question—

What grounds have they around them, what shade, what grass, what opportunities for the children of the family to have out-door recreation?

The answer was—

If there is any grass on the south side of Pittsburgh attached to a tenement house it is in a little box sitting on the window-sill. I do not know of any existing on the earth. They would have to take up a brick to sow the grass, if they had any. I know numbers of houses where the back yard of each is not more than eight feet by ten, and that is allowing more territory than many of the landlords do. * * * The children are compelled to play on the streets. They have no other place. For out-door exercise they take the pavement in the middle of the street. What little ball-playing they indulge in is done on the streets at the risk of breaking windows and being stopped summarily by the police.

In reply to the questions—

What opportunities have men who live in these tenement-houses and their families for recreation on Sundays and holidays? What resorts have they? Where do they go to? Do they stay in their houses or do they go out into the country or into the parks?

The answers were—

If they take the street-cars and go to the limits of the city—our lines generally run to the suburbs—they can go out into the country. Usually they are tired and they stay at home. They may walk around sometimes on Sunday to see a friend, or they may go to church, but if they don't do that they stay at home and rest. The public libraries are closed on Sunday and our poor men can not get into them to read or study.

Does this evidence show a pleasing result to labor in our best tariff-protected industry?

CONDITION OF OUR COAL-MINERS.

Let us glance at the condition of the coal-miners in Pennsylvania. I will cull a few extracts from the testimony—

In some mines they (the miners) work where the vein is seven or eight or nine feet thick, and the work there is comparatively comfortable; but where it is only three and one-half or four feet thick it is very uncomfortable. Then they are constantly in danger; never out of danger; they do not know at what time a piece of "horse-flag" may fall and crush them to death; it falls when it is least expected. If it were expected, preparations could be made to avoid the danger in many instances, but that can not be done. The miner goes to work in the morning just as the sun is coming up above the horizon, and he comes out of the mine in the evening just as it is going down, so that his life is pretty nearly all night. The work is very hard and exhausting. The men have no advantages of society, or very little. Coal-mines are not situated in busy centers; they are out in isolated places. The operator does not live in the midst of the mines in ninety-nine cases out of one hundred. The men mingle only with their fellows in their own little villages and communities. In the mines they may work two together. That is pretty nearly the extent of the miner's social habits. In winter it is night to him all the time. From the shortening of the days to the lengthening of them he seldom sees the sun; it is night all the time, and the only company he has is that of the other miners engaged with him in his work. * * * The miner, unlike other mechanics, except carpenters and pattern-makers, is required to furnish his own tools and buy his own oil, powder, and lamps.

In reply to the question—

I had the idea that men were seduced into that sort of employment by extraordinarily remunerative wages?

The answer was—

The average miner's earnings, as I think will be shown to you, do not amount to more than $350 a year. That is the seductive compensation given to the miner for spending the greater portion of his life in utter darkness. In Pennsylvania the miners and other citizens had a law enacted at the last session of our General Assembly prohibiting these truck-stores of which I have been speaking—"pluck-me" stores, as the operatives call them; they are known universally by that name in the mining regions—we had a law passed, I say, to prohibit such stores, but our able constitutional lawyers, I believe, found holes in it, and the institutions continue. We want a law making it a misdemeanor for an operator to say to his men that if they do not deal in his store he will discharge them. We want such a law passed, with a penalty behind it, so that a man violating the law can be prosecuted and put in prison—a law which will prevent the operator from compelling his workmen to accede to his demands or else lose their work and starve to death.

FRAUDS AND OPPRESSIONS ON LABOR.

The "pluck-me" stores are owned by the employers of the miners. In respect to the chances of competition by other stores, the evidence is—

I never knew of anything of that kind being attempted, for the simple reason that if they were built the operatives could not deal with them; they would be compelled to deal at the "pluck-me" store or else to quit the place. That is well understood.

The evidence is to the effect that the operators of the mines compel the miners to purchase all their provisions, clothing, and other articles at these "pluck-me" stores, at an excess cost of from 10 to 25 per cent. above ordinary retail prices. The quality of the goods is seldom equal to those of lower price elsewhere. Orders on these stores are the legal-tenders paid for wages. Hence the desire for the enactment of the law referred to. What care the employers about the clause in the Constitution that no State "shall make anything but gold and silver coin a tender in payment of debts." What have coal-miners to do with constitutional rights? Their tariff-protected rights are only of the "pluck-me" class. Do not the tariff laws hand over all consumers to the "pluck-me" manufacturers—the 25 to 50 percenters?

Not content with the exactions of the "pluck-me" stores, it appears that the miners are cheated in the weighing of the coal they mine, by the use of a "sliding link" on the scales. "Our miners almost universally complain of being cheated in the weight." Shall we put coal on the free-list? Never! The wages of American coal-miners must be protected!

BOYCOTTING BY EMPLOYERS.

"Black-listing" is another grievance of which miners, as well as most other skilled laborers, complain. Those who are active in organizing strikes for living wages are "black-listed," refused employment, and the notice of their names is sent to manufacturers and employers as a mode of protecting our industries from independent men who dare to assert the rights of American citizenship. Here is an extract from the evidence on this point:

The mere fact that the men had joined the Knights of Labor was deemed sufficient reason by the potteries there [East Liverpool, Ohio] and their association to declare the men discharged and to shut down the works until the men would agree to go back to work not as members of any labor organization. We have resisted that action on the part of the employers, believing that as American citizens we have a right to join an association for our own defense, our own advancement; we have resented that action of theirs, and the struggle has been a bitter one and is continuing yet. We are slowly gaining a few points, but the struggle, as I have said, has been long and bitter. That probably is the latest and most prominent issue that we have had with the employers in which a large number of men have been engaged, but we have thousands of isolated cases of individuals who have been victimized and driven from their homes and early associations simply because of the fact that they have been members of labor organizations. In many cases no other cause was ever assigned, even after they had done everything possible to discover why they were discharged. And not only this, but in many cases the employers, the coal operators especially, have banded themselves together and put men on what they call the "black-list" merely for being members of labor organizations—not the Knights of Labor alone—but other organizations, and have prevented them from going to work at their homes or anywhere within a reasonable distance of their works. I have known one shovel manufacturer to keep two sober, industrious men, with families, from getting work for nearly two years. He followed them from the city of Pittsburgh clear down to Ames's, in Massachusetts, and all the way back again.

A PICTURE FOR THE PROTECTIONIST.

The following extracts show how the tariff-protected coal-miners live:

Q. Can you tell us anything in regard to the physical conditions and surroundings of the working people, their food, their clothing, and whatever occurs to you pertaining to their mode of living?

A. There are differences of course in those respects, depending upon the amount of wages paid. The daily laborer perhaps lives more poorly than any of the others, has the least house-room and the most illy-ventilated rooms, the least means of educating his children, and the least opportunity for society and other advantages. Then comes the coal-miner, who receives more wages, but who generally lives in a little two-room house. These houses are built in long rows, not painted, with no grounds and no fences about the houses, and the men deal in the companies' stores, who tax them about all they can earn for their goods. * * * The kitchen furniture consists generally of a stove and some dishes, a few chairs and a table. They have no carpets on the floors so far as I have seen. I am speaking now about the lower parts of the houses; I don't know about upstairs. * * * In many instances there are no cellars under the houses. If there were cellars the miners would be enabled to lay in a stock of supplies.

Q. Of what material are the houses usually built?

A. They are always frame houses. I can not recall an instance of one being built of any other material than wood.

Q. Are they plastered inside?

A. In some instances they are and in others they are not.

Q. Is the kitchen also the sitting-room of the family?

A. Yes, sir; it is the sitting-room, kitchen, and parlor.

Q. And library?

A. And library. Sometimes they have some little pictures on the walls.

Q. What kind of pictures?

A. Oh, some little chromos or prints.

Q. Does the miner usually have a newspaper?

A. Yes, sir; wherever he can afford it.

Q. He is usually an intelligent man?

A. Yes; he generally can read.

Q. How are they supplied as to clothing?

A. Well, it is absolutely necessary for a miner to have two suits. The one that he wears when working in the mine is of the poorest quality, and usually very black and dirty, and then he has an ordinary suit of clothes besides.

Q. How are his wife and children clothed?

A. They are clad in the plainest possible garments, as a rule.

Q. What wages does the miner get generally?

A. The wages may average $2 or $2.50 a day; but, dealing in these truck-stores, when the end of the month comes around he generally has very little left. I have known some of them to receive in actual money at the end of the month 35 cents after the rent was taken out.

Q. Are they charged rent for these houses?

A. Oh, yes.

Q. What amount of rent?

A. All the way from $4 up to $8 or $9 a month. Some of these houses have more than two rooms, but in the majority of cases they have only two rooms.

Q. How are those people situated as to school privileges?

A. Usually the miner in the soft-coal regions, and I think in our hard-coal regions too, puts his boys to work in the mine very young. I have observed boys of from 8 to 14 years of age working in the hard-coal region, and in the soft-coal mines boys of 10 or 12 years of age are able to assist their parents materially in the mine, and unless the miner has a large number of them his boys are usually employed in that way helping their father. If there are only one or two boys in the family the father generally takes them into the mine with him. They go to school some, but their means of education is very limited.

Q. Is that because the father prefers that the boys should assist him in his work or because of a lack of school privileges?

A. The school privileges are generally good enough, but absolute necessity compels the father in many instances to take the child into the mine with him to assist in winning bread for the family.

Q. Do any of those miners ever accumulate any money?

A. There are some instances of that, exceptional cases—as there are in almost every occupation—cases where miners have accumulated a little funds.

Q. What are the personal habits of the miner generally as to economy or a disposition to save his wages?

A. He gets so very little to save from that he rarely saves anything. His desire may be to economize, but his opportunities for it are so poor that he seldom is able to accumulate any savings, let his desire for economy be ever so great.

I have given you these few extracts from the testimony of Mr. Robert D. Layton, of Pittsburgh, Pa., before the Senate Committee on Education and Labor. I would ask the advocates of tariff to read the testimony of this gentleman before they talk to us of protecting the wages of American labor by act of Congress.

NEW ENGLAND FACTORY LABOR.

Bad as is the condition of the iron-workers and coal-miners of Pennsylvania, it is infinitely superior to the condition of the operatives in the textile factories of New England. Had I time I would quote at length from the testimony of Mr. Frank K. Foster, of Massachusetts, before the same committee. But as nothing short of a full reading of this testimony would do justice to the subject, I, refer the inquirers after truth, the honest friends of American labor, to the report of the evidence, pages 41 to 93. If the condition of labor, male and female, adult, youth, and infant, is any worse in the English factories than in those of Massachusetts, I have yet to learn of it.

I want to hear no more hypocritical advocacy for high-tariff wages from the robbers of our laborers, the persecutors of manhood, the tyrants of working-women, the blasters of youth, the destroyers of infants. No honest, intelligent man can read this testimony and still say that the people should be required to contribute over a billion dollars a year to swell the vast revenue of the employers of this labor. Yet this will continue to be the result unless you reduce your tariff. Such will be the condition of our labor, and daily getting worse, until you abolish all protective tariffs.

NO SUDDEN RADICAL REFORM.

There is absolutely no sufficient remedy for this condition of labor but the repeal of the law that has put factory and mill production on an artificial basis, instead of the natural one of supply and demand. To this we must come soon. No one proposes a sudden radical reform. No one proposes immediate free trade.

Shall the present small advance to reform pass? Shall we take a step toward eradicating the system that is monopolizing the results of all productive labor? Or, shall we aid in concentrating the national wealth

in the hands of the few at the rate of 2½ per cent. per annum? It is said that the proposed reduction must cause a corresponding reduction of wages or else a closing of the factories. Such reduction of wages is impossible simply impossible. As I said in my tariff talk before the House on the 20th of last March, as I often said before, and as every factory hand knows but too well, wages now are and long have been regulated not by rates of tariff, but by competition for employment. I say that wages are now down to the lowest living rates. The present rates afford barely sufficient means to keep the body and soul of the operatives together. What is true of textile production is true of other manufactures. It is true of mining.

Labor organizations and executive and legislative investigations are fast exploding the theory that tariffs protect wages; yet the most interested are the blindest!

TARIFF AND LABOR EMPLOYMENT.

As to the claim that the factories must close if we reduce the tariffs, I reply to this by relating the following anecdote:

In 1881 some English sugar-refiners imagined that they needed protection from French competition. In discussing this matter, Mr. Cross, M. P., in his speech of August 12, 1881, in the House of Commons, pleasantly alluded to the fact that notwithstanding the dismal prospect some members of one great Scotch firm had bought land on the Thames, were spending £150,000, and were going to add to the general depression by producing 70,000 tons a year more of refined sugar.

I heard—

Said he—

something the other day which will illustrate the position of the sugar-refiners. Some six sugar-refiners, I think, from Liverpool called to see an honorable member and met him in the lobby. They told him their dismal story, to which he listened with patience. When they had finished he said: "Well, gentlemen, if you can find me a sugar-refiner who lives in a house of less than £200 a year rent I will support Mr. Ritchie's motion." They sighed, but they went away sorrowful, for they had great possessions. Next day he met two of them in the Royal Academy and asked if they had bought any pictures. "No," they said; "there is nothing worth buying;" but one of the gentlemen * * * before he left town * * * bought a pleasant little house for the modest sum of £37,000. * * * In such cases as these—

Said Mr. Cross—

I do not think much sympathy is needed.

RELATIONS OF LABOR AND CAPITAL.

Our manufacturers, those who come to Congress protesting against tariff reform, seldom live in houses limited to $1,000 rental. The most of them can afford to purchase houses equal in value to that bought by the modest sugar-refiner. Let us give them Mr. Cross's answer. Let us not tax labor for their benefit. Let us put capital and labor on a more equal footing than is possible under high tariffs. Instead of creating or maintaining conflicts between labor and capital, let us declare a common and advantageous equality for them. In this connection we should repeat to our artisans and laborers the words addressed to English labor by Mr. George W. Medley, at Sheffield, on November 8, 1881:

Endeavor, if possible, to master some of the first principles of political economy. Acquaint yourselves, for instance, with the meaning of the word capital. Recognize in capital that portion of wealth which is devoted to reproductive purposes, and that as one of its chief purposes is the payment of wages it should be treated as a friend, to be cultivated and encouraged, not as an enemy, to be plundered or destroyed.

To this advice I would add that no such friendship can exist without fair reciprocity. It can not exist under a tariff system that enables manufacturers to hire artisans and laborers under the law of supply and demand, and at the same time depreciates the purchasing power of the wages prescribed by that law, by adding the tariff rates to everything that labor consumes.

THE PRESS, MONOPOLY, AND LEGISLATION.

Trades-unions and co-operative companies are doing good service in educating English laborers in the economies.

Most of our press and many of our public men are doing exactly the opposite here. The press is largely owned and controlled by monopolist capital, and wealth is becoming, if it is not already, a more powerful element than intellect in American legislative bodies. This tendency must be stopped—stopped short, else there will soon be an end of the Government established by our fathers. This tendency is of such grave import as to demand vigorous and immediate action. I can not remain silent when I see the spirit and genius of our Constitution being crushed to earth by the sordid hand of Mammon. I want a return of the healthful days, when men such as Stephen A. Douglas and Robert J. Walker were the standard-bearers of the people. The Republican party has long since passed into the hands of the plutocracy. Reform is possible only through some other party. Is that the Democratic party? Yes; beyond doubt, I say, if it will arise and gird up its loins and be brave and true to its declared principles, and spurn with contempt every compromise with injustice, any compromise with plutocratic monopoly.

THE "DISMAL SCIENCE" OF EXCLUSION.

The burden of all the speeches delivered by the advocates of high tariffs on the reform bill now pending is—that these are intended for the protection of the American laborer. There is nothing new in any of them except the frank admission of the gentleman from Pennsylvania [Mr. KELLEY], that we need not expect a restoration of commerce, that we must find a home market for all our products in the near future; in short, the "dismal science" of tariffs.

RESULTS OF CIVILIZATION.

It is insisted that the competition of manufacturers will eventually reduce the price of their products. Have we any evidence that this will be the result? You may cite the fact that certain articles, perhaps most articles, are cheaper than they were twenty years ago. This citation is plausible, but it is not proof. Prices are relative things. Things attainable by the laborer a century ago only as rare luxuries are now necessaries of life. If such a condition were not the proper result of civilization, the latter has for the average human being no advantage over barbarism. Indeed barbarism might be best for the race, since it insures general equality of condition.

It is not the price of any one or more articles that affords a criterion. It is by the ability of the wages-earner to obtain the things that he wants that we must measure the results of high tariffs. The laborer must be advancing in comfort. He must advance in independence in proportion to the cheapening of products, else what is the advantage to him of your high tariffs? Has this advancement taken place? On the contrary, the laborer finds himself each day less able to surround himself with the comforts which advancing civilization turns into the necessaries of life.

COMBINATIONS OF MANUFACTURERS.

Our system of manufacture can not be carried on without large capital, sole or aggregate. It is only the few who have such capital. It requires phenomenal efforts, of which few are capable, to become possessed of sufficient capital nowadays to engage in any of the important branches of manufacture. The great eat the small. They are like the fishes of the sea. The great, like "princes, are combined." They know their power to dictate prices. They know that for them combination is lawful, and better than competition. Therefore they do not compete, or they compete only for the purpose of breaking down those who will not combine with them. I cut the following out of an evening newspaper of the 1st instant:

The galvanized-iron manufacturers of the United States, in session at Pittsburgh, Pa., yesterday, formed a national organization. When prices are established, each firm will be compelled to sustain them.

This illustrates the truth of what I am saying. Have not most of our great manufacturing industries formed like organizations? Why, we have our wool and our iron and steel associations. I know not where such associations stop. Hard ware and soft ware and even the fluids are combined. Have we not the distillers' and the brewers' national associations? Are any of these formed with the object of reducing prices in proportion to the cost of production?

Oh! the sham of wages and competition in tariff-protected production! We are no nearer such competition than we were twenty years ago. Look at the protection given to galvanized iron. I turn to "The existing tariff," as reported by Senator MORRILL (Report No. 12, Forty-eighth Congress, first session), and on page 66, section 151*b*, I find the present tariff on sheet-iron to be, according to thickness, from 1.1 cents to 1.5 cents a pound; and it is provided in section 151*c*, following—

That on all such iron, * * * when galvanized or coated with zinc or spelter or other metals, or any alloy of these metals, three-fourths of 1 cent a pound additional.

With a protective tariff at the rate of from $37 to $45 a ton of 2,000 pounds on galvanized iron, we find the manufacturers of this article combining in a "national organization" to establish prices "which each firm will be compelled to sustain." This is a sample among hundreds of the kind of competition that is to be developed under your high protective tariffs! Each firm in your "associated industries" must sustain prescribed prices. To do this they must at stated times suspend work in the mill or factory when there is that industrial result which the gentleman from Pennsylvania [Mr. KELLEY] calls "overproduction"! The plausible way to do this is to give notice of a 5 or 10 per cent. reduction of wages, and the desired result of a "strike" generally follows. This sort of "overproduction" is the natural consequence of a system that enables producers to fix a price on articles which compels the most economical instead of the most generous consumption.

TARIFFS PREVENT COMPETITION.

Is the tariff-reform party, the Democratic party, composed of babes and sucklings in the economies? Are we to be told with everlasting brazen effrontery, that competition in domestic manufactures is the remedy for the greed that inspires the maintenance of high tariffs, when we see so much evidence that every effort is being made to avoid the remedy? The aim of the associations is to maintain high prices and low wages. This they are abundantly able to accomplish while your tariff laws are on the statute-book.

TARIFF-PROTECTED ITALIANS.

Here is another instance of the way that protection works in the State from which the gentleman comes who most urgently advocates high tariffs:

A STRIKE ENDED.

READING, PA., *May* 2.

The four hundred Italian laborers on the new Schuylkill Valley Railroad, who struck for an increase of wages, returned to work to-day. They heard the

contractors had received an offer of three hundred foreign laborers, delivered here free of railroad charges from New York, and this caused a stampede to resume work.

These laborers demanded the outrageous wages of $1.35 a day from this corporation that dictates the price of coal to ten or fifteen millions of people. Who will vote to put coal on the free-list? Must not we protect the American laborer from the pauper labor of Europe?

SOULLESS CORPORATIONS.

The fraud on American labor that is implied in the idea of excluding certain immigrants is most contemptible. The emigrants of some nations are so poor as to be at the mercy of corporate employers when they land here. The supply of labor is in excess of the demand of corporate employers. The latter fix the wages at rates which suit themselves. The tariffs enable them to do this.

EXCLUSION OF CONTRACT LABOR.

The gentleman from Pennsylvania [Mr. KELLEY] insists that coal brought to the surface is not a raw material; hence it must be protected. Is the clay in the brick-yard, the furrow turned by the plow, a manufactured article? He is not opposed to the immigration of raw labor, provided it is not contract labor. Is not the gentleman aware that under our laws no contract for manual labor made by a foreigner in a foreign country can bind that laborer when he lands on our shores? Such contracts are null and void. Does he suppose that our courts would compel the return of such a contract laborer to his own country when they would hold that there was no such contract recognized by our laws? Any excuse to avoid the direct issue—to avoid reform! If you exclude Italian and Hungarian laborers it must be because of their nationality. To do this you know you must abrogate treaties. You have no intention of doing this. This was made apparent in the peculiar argumentation upon the Chinese bill. I assert without fear of contradiction, the Republican party has no such intention. The idea of excluding foreign labor is a delusion and a snare; it is too utterly attenuated to catch a solitary intelligent vote.

RESTRAINT ON IMMIGRATION.

I am in receipt of a letter to-day from a young mechanic who is my constituent. He has been dismissed, along with many others, because his employers went to Castle Garden and hired, at small wages, some thirty immigrants newly arrived. He writes to know if it be fair to "allow the men to come in from abroad and not the matter." By which he means that while the products of foreign labor are prohibited when cheap, the labor that made them is not excluded. This is the very jewel of economic consistency. It is for the tariff advocate to reconcile this inconsistency with his tenets.

If you really desire to exclude these laborers you will no doubt find willing assistants in the King of Italy and the Emperor of Austria, who are by no means anxious to lose any of their "food for powder." Even that kind-hearted monarch, the Emperor of Germany, does not look with favor on the emigration of his subjects to the United States. Her "Gracious Majesty" Victoria would infinitely prefer that British emigration should go to her colonies. And I may be allowed to remind the gentleman from Illinois [Mr. FINERTY] that our good friend Mr. Parnell does not look with favor on the expatriation of the Irish people. Will any member of this House seriously propose a political issue involving the exclusion *bona fide* of foreign labor from our shores? If so, let him now propose it.

SHIPPING INTERESTS.

In answer to what fell from the gentleman from Illinois [Mr. FINERTY] yesterday about our shipping interests, all I have to say is that when that gentleman, representing the Irish element, undertakes to read me or any one a lecture upon protection, he must remember that on my amendment for free ships he gave a vote to pay annually $140,000,000 of freight and fare to the English carrying trade, and not to America. And I want the gentlemen who were so opposed to my free-ship amendment, which is now being discussed in the Senate, and who cut off my other amendment for free materials—I want them to remember that the time is coming, owing to the advancement of economic thought and the better knowledge growing out of new relations in time and in space, when, if we in America can not have the right to buy abroad, we will with a better tariff build ships here. If we can not at once build ships after we have bought them abroad, we can begin, as Germany did, to make ship-yards for the repairing of vessels, which in time will lead to building vessels. Our olden commerce will then come back with the liberality of our exchange. Does the gentleman desire commercial relations between this country and Ireland? If the free-ships amendment becomes a law, there are capitalists in New York ready to invest $10,000,000 in a line of the best and swiftest steamers that can be built, to ply between that city and Valentia in Ireland. Would not free exchange of industrial products be beneficial to both countries? Would the gentleman deny them this advantage on the sentimental ground that these steamers might be built in Belfast, Ireland, where the magnificent steamers of the White Star line were built?

LARGE PRODUCTION AND GENEROUS CONSUMPTION.

Mr. Chairman, advancing civilization, with its thousand increasing wants, demands an industrial system that will foster the largest production and the most generous consumption of commodities.

There is not one article among the millions that constitute our "surplus products" that would not be consumed if people were free to find an exchange market. There is a limit here beyond which you can not go, while you have a tariff that enables producers of one industrial class to fix the price of their commodities when all other producing classes have to accept natural commercial prices. That limit is the ability of consumers to pay artificial, fixed tariff prices. What matters the rate of wages when you exhaust the purse of the laborer? The earnings of each day are barely sufficient for the day. When the stage of overproduction is reached the wages stop, but the necessity for food and clothing and housing continues.

IDLE LABOR IS A TAX.

With increasing wants none can afford to be idle. Every idle laborer is a tax on those employed. The only remedy is to cheapen products, not to stimulate prices. No people are as well able to cheapen products as the Americans. We have a vast area of soil and comparatively sparse population. We have great industry and surpassing inventive genius. Why should our labor want any comfort?

ARTIFICIAL RESTRAINTS OBNOXIOUS TO TRADE.

I regard every invention that enables us to increase our products as a blessing and not as a curse. Under natural laws "overproduction" here would be impossible. You must leave American industry and genius to these laws, the inflexible laws of trade and exchange, which can neither be repealed nor modified by artificial regulations. Permit the American people to act on their own unbounded resources without artificial restraints, and so long as these resources remain adequate in proportion to population, our condition must be in advance of that of all other people who are not equally endowed with natural wealth and physical and mental vigor.

If all abstract reasoning and practical results fail to convince, let us resort as Bastiat did to the parable or fable for instruction. He believed that the social organs would be developed most harmoniously in the grand air of liberty. He likened their restraint to the distortion of the body by rings, chains, hooks, and other artificial methods; and he thus pictured the analogues:

A child had just been born, and a crowd of soothsayers, magicians, and quacks were around it, armed with rings, hooks and bandages. One said: "This child will never smell the perfume of a calumet, unless I stretch his nostrils." Another said: "He will be without the sense of hearing, unless I draw his ears down to his shoulders." A third said: "He will never see the light of the sun, unless I give his eyes an oblique direction." A fourth said: "He will never be upright, unless I bend his legs." A fifth said: "He will not be able to think, unless I press his brain." "Stop!" said the traveler. "Whatever God does, is well done; do not pretend to know more than He; and as He has given organs to this frail creature, allow those organs to develop themselves—to strengthen themselves by exercise, use, experience, and liberty."

Left to itself, I believe our manufacturing industry would soon be on a better basis for labor and a more moral one for capital. We can double the consumption of our products if they are cheapened 25 per cent. We can export largely. If you bring your manufactured products down to natural prices, all other industries will grow in proportion. There must be reciprocity in the prices of all products in order to have reciprocity of exchange. With such reciprocity there can be no overproduction. You must give the farmer a fair exchange for his wheat, corn, beef, and pork, and then he and his household will consume more of your cloths and fabrics. Iron, steel, and all the metals will be more in demand. All products will be more in demand. The only economical problem that would require solution in such a condition is one for which no solution has yet been found, namely, the honest mode by which a man can live without work.

THE HERITAGE OF THE SOIL.

Equality for all is the law of God and the law of nature. It is the law of our national system. In the interest of the workingman I cite your tariffs before that law, and they are condemned, condemned, condemned! Produce, and exchange products. Wages are a measure, a yard-stick, a mere means of exchange. There is no such thing as overproduction under just laws. Produce and exchange, produce and exchange! Let the luxuries of to-day be the common fare of to-morrow. This is civilization, or else civilization is slavery, is worse than barbarism. Cite to me no more contrasts between our wages and foreign wages. The American laborer is a freeman. He has a heritage in the soil. He is a sovereign by right. His condition should be beyond compare! "The laborer is worthy of his hire." Remove the burdens that oppress him in his toil.

There is no escape from the doom of the race. By the sweat of your brow shall you earn your bread. We recognize the justice of this doom. We would not escape it if we could. But in this doom it is written between the lines that no man's brow shall sweat to earn bread for those who do not labor. No man shall be taxed to enrich his brother. "Bear ye one another's burdens." [Applause.]

I yield the remainder of my time to the gentleman from Illinois [Mr. SPRINGER] who now occupies the chair; and in doing this I append for the information of the gentleman from Pennsylvania [Mr. KELLEY], who is so dispirited over the fate of women-workers in England, the statement to which I referred in the opening of my remarks.

APPENDIX.

THE STATEMENT.

Women are generally employed in all the factories—the woolen and cotton mills, paper mills, and in all shops and factories where paper or textile fabrics are made or used. They are extensively employed in shoe factories; and women are employed in nearly all the shops where sewing is done and materials are made up by hand.

In all the establishments where perfumery and toilet articles are manufactured women are extensively employed in making and packing the products. In the chemical works and laboratories women are also largely employed. Straw goods and artificial flowers are made mostly by women. Trimmings, army and navy goods, embroidery, and bullion-making give employment to many women. The book-binderies and many printing houses employ women, and most of the work in fruit, meat, fish, and vegetable canneries is done by women. Silver burnishing employs women, and this, like some of the other classes of work mentioned, is extremely injurious to health.

I have seen hundreds of little girls as young as 7 or 8 years of age employed in the Frankford cotton-mills. These little ones work more than half time. They are employed at what is known as "spooling," because their small hands can do the work with less risk of breaking the threads. Their hands being small and the machinery close together, it is considered that there is less risk of mutilation than if full-grown persons were employed in this work. The spools wound by these children are used in weaving cotton cloths. The spools furnish all the material for such weaving, and little girls of this tender age do the spooling. The effects of this work on children of such tender years are apparent in their wan appearance. Frequently the mothers of these children work in other departments of the same factories. One factory-owner expressed to me the desire that some kind of machine may be invented by which this infant labor could be superseded.

There are extensive potteries in Trenton. There I saw a great many children, little boys and girls from 9 years old and upward, coming from work in these potteries. I understood that they worked full time. Women are employed to do the larger portion of the work. I think that many mothers are among the employés.

I know that women are extensively employed in dyeing yarns in Philadelphia. Women are the principal laborers employed in the Germantown knitting and hosiery mills. The cheap restaurants and dining-rooms mostly employ women as waiters and for kitchen work. Excepting the class last mentioned, the great mass of the women employed in the various departments of labor that I have mentioned are intelligent; many of them have a good ordinary school education. They are considered to be good, respectable people. Women are extensively employed in this city and its suburbs for various reasons. One reason is, because they have to work in order to support themselves and help to sustain their relations or families. Another reason is, because employers can get them to do the same work that men do, and at much less wages; indeed, much of the work can be done better by women than by men. Still another reason is, because women are more uncomplaining than men; they will submit to impositions to which men would not submit.

Women are often imposed upon in regard to denials of payments, and they submit from a fear of losing their employment. They do so because of the great competition by women for employment. For example, I know of a case where a woman was cheated out of two weeks' wages by a large manufacturing firm here, under a rule of the firm for retaining the first two weeks' wages in order to insure regular attendance at work. This woman worked for the firm referred to nearly a year, and when she left they refused to pay her the money so retained. She needed the money badly. There are, no doubt, many such cases. On the other hand many employers are generous. The treatment of the women workers depends upon the disposition of their employers. Of course strict rules must be maintained. As a rule, I think women are not imposed upon by employers, except in the matter of paying low wages and exacting long hours of work.

Women generally go to work at 7 o'clock in the morning. They work, with one hour's intermission, until 6 o'clock in the evening—ten hours per day!

When they go home at night these women are often compelled to work several hours at household affairs, such as preparing meals, washing, ironing, sewing, patching, scrubbing, and such other necessary duties. There are dull seasons in all manufactories, and, indeed, in all classes of business. In the busy seasons the wages of women in the factories would, I think, average from $5 to $7 a week; a few earn more than this on piece-work. Nearly half the year most women are unable to find work for more than half time. In the latter case their earnings are in proportion. A good deal of the time work is totally suspended.

MODE OF LIVING.

In regard to the mode of living, I would say that most of the girls begin factory life when they are very young. They grow up with little knowledge of economy or housekeeping. It is very common for factory girls to deny themselves necessities in order to clothe themselves nicely. In this way many of them dress beyond their means and station in life. When out of employment they are often on the brink of starvation. No matter how nice and tidy these girls and women may appear in the streets, "poverty" is, as a rule, the only word that can be applied to their homes. "Home" is a word that has no real meaning to the majority of them. They have no homelike surroundings and comforts. They go to work as children, and are kept at work until they grow up into womanhood. They live amid squalor and misery, and marry men who have grown up under similar conditions. Husbands of this sort are often more of a burden and drag on their wives than helps to them, or providers for their families.

I am not surprised to learn that at Washington the existence of this condition of industrial labor at Philadelphia is questioned. I believe its existence would be denied here in Philadelphia by most well-to-do people. The latter are mostly as ignorant of the real condition of the women and child-laborers of this city as if they were a hundred miles away. They see children running about the streets in the poorer quarters of the city whose parents are at work—children often locked out in the streets until their parents come home at night—and they think, if they think of the matter at all, that such children are only playing on the streets convenient to their homes and mothers.

I thoroughly know the condition of the women laborers in the ward in which I live, the fifth ward. I have been through every lane and alley in it hundreds of times.

I know it is a common practice on the part of many mothers going out to work to lock out their children in the street. Some mothers do this because they think it is safer than locking them in their rooms. Fatal results have followed the latter practice.

In the central part of the city the laboring people—those employed in the kinds of work above named—do not often occupy separate houses. They live mostly in rented rooms, frequently only one room to a small family, and several families in the same house. In the outskirts of the city laboring people are better off as regards accommodations. There are many small houses in the suburbs that can be obtained at low rents; nice, comfortable houses.

PUBLIC NURSERIES AND KINDERGARTEN.

It is only since 1873 that any real effort has been made to establish in this city the *Créche* system, which has been for years in operation in Paris. We have now five of these nurseries, where infants are cared for while their mothers are at work. The infants are brought in by their mothers between 6 and 7 o'clock a. m., and are cared for by competent hired nurses until called for by the mothers as soon after 6 o'clock p. m. as is possible. Infants of 3 weeks old have been thus taken care of. But this is not encouraged. It is generally a rule that infants under 2 or 3 months old are not taken in.

These nurseries are supported by subscriptions from charitable people in the ward and city. The nurseries are of limited capacity. There are kindergärten in connection with these nurseries for the instruction and amusement of children over 3 years of age. These are similarly supported and the State Legislature has made a small appropriation for them. When the children are brought to the schools or nurseries in the morning they are washed and bathed and dressed when necessary. They are provided with three good wholesome meals daily under the supervision of paid teachers and nurses. The schools are provided with kindergärten apparatus, toys, &c. This system of aid for laboring women is doing a good work. The accommodations and surroundings at the schools and nurseries are all that could be desired. These institutions are indeed little paradises for such children. The nurseries where the babies are kept are provided with cradles, nursing bottles, and rich, pure, genuine milk. A kind-hearted matron (paid) presides in the nursery. Most of the little ones can get in and out of their cradles and are able to amuse themselves. Some of the mothers of such infants work in the factories, but most of them are engaged in common laboring work.

Many of these infants are thus cared for in the nurseries until they are 3 years old. Then they graduate into the kindergarten attached to the nursery. Here they are cared for and taught until they are 6½ or 7 years old, when they are sent to the public school in the vicinity. After they are thus sent to the public schools, they are still cared for at the nurseries; the parents continuing to bring the children to the latter each morning when they go to work and to call for them on returning from work to take them home. They are still fed, washed, and clothed, when necessary, as before. At present there are only five such nurseries in the city, but there are twenty-four kindergärten of the kind described; the leading feature of which is that the teachers shall discharge to these little ones the duties of a mother when the mothers are absent at their daily labor.

I append hereto, marked "A," an extract from the City Mission Directory descriptive of three of these nurseries.

From the same directory I append an extract marked "B," showing the number and locations of the kindergärten.

I also append, marked "C," a report from one of these nurseries.

CHILDREN ROAMING THE STREETS.

There are several sections of this city in which it would be no exaggeration to say that there are daily thousands of little children roaming the streets uncared for in the absence of their parents. The reasons for this neglect are:

First. The absence of parents who are engaged in various industrial and laboring pursuits.

Second. Even in cases where both parents are not so absent, the cramped space of their lodgings, bad ventilation, and general discomfort combine to make the open air, although foul and unhealthful from reeking streets, better in a sanitary point of view for the children than if they were locked up in-doors during the parents' absence.

Third. The great danger of locking up little children by themselves all day in a room. Of course there are some cases where neighbors or relatives keep some sort of supervision over such children during the absence of their parents.

Fourth. Prejudice on the part of the parents against the nursery and kindergarten system, absence of proper parental affection, and, probably, the distance of the nurseries and schools from the homes of the parents.

If all the children of working people in this city, who are thus left to wander in the streets, were required to be cared for at the kindergarten schools, the latter would have to be increased by several hundred. This will no doubt be done as soon as the parents begin to appreciate the importance and benefits of such harbors of refuge.

It is a common practice for working mothers who have babies and other children, to pay some poor woman a few cents for taking care of the baby during the day. The other children are generally locked out into the street. In very many cases the children are given a piece of bread, when so turned out. This is all the provision that is made for them until the mothers return from their work at night. Some mothers give their children a few pennies to buy bread from the neighboring bakers for dinner. I believe there are thousands of such cases. There is a great need for the spread of the *Créche* system. There is plenty of missionary work for the kindergärten and missionaries. Remoteness from these schools and nurseries no doubt deter many parents from availing themselves of their benefits.

A mile or two is not at all an uncommon distance for mothers to carry babies to these nursery schools. I know of a case where a woman carried her child to one of these schools three miles every morning, and then walked back a mile to the factory where she was employed. She had to repeat the same walk when returning from work after 6 o'clock in the evening. This she kept up during the four years she was employed in that factory. It makes no difference as to the kind of weather there is to be encountered. Just think of it; hard-worked, worn-out women scarcely half clad, having to get up on a winter morning at, say, 5 o'clock to prepare a scanty breakfast, and then having to walk with a babe perhaps in her arms and a couple of little children trudging alongside to a kindergarten nursery through rain, snow, or sleet in the gaslight! The old saying "that one half the world does not know how the other half lives" is eminently applicable to our women who have to earn their living by daily labor.

It appears to me that the condition of the laboring class is getting worse instead of better. One of the causes, perhaps the great cause, of this condition is the want of steady employment. There is of course a large "lazy" and "worthless" class of people in the city, but is not this their misfortune as much as their fault? It is only the active and worthy who can obtain steady employment even at the best of times. If there were employment for all, I believe there would be comparatively few of the so-called "lazy" and "worthless" class. When a man or woman can find employment for only six months out of twelve and is dependent on labor for support, it requires some spirit, virtue, and energy to resist the demoralizing effects of enforced idleness. Depression of spirits is conducive to drunkenness. I think this vice of the laboring classes is due as much to the want of steady employment at living wages as to any other cause.

The employment offered to women in the retail stores is eagerly sought for, although the work is very arduous and the wages small. Women so employed, especially those in the large stores, are required to dress well, indeed handsomely. To do this on such wages as they receive leaves but a small pittance for support. There are thousands of women so employed in this city. Many of them have children or relations wholly or partly dependent on them for support. Latterly I have noticed a tendency on the part of merchants who advertise for "sales ladies" or women clerks to announce that they preferred to employ only those who are living "at home." The evident object of this announcement is to obtain young girls who can afford to spend all their wages on dress, so as to present a handsome appearance in the stores. Such girls look more attractive to the merchant's patrons or customers than women or girls who have to contend with the cares of life on small wages.

The result is that those who have need of employment in the stores are frequently unable to obtain it, and those who do obtain such employment are sometimes demoralized by indulgence in fine dress beyond their means and station in life. Employers insist on the fine dress, however inadequate the wages. Oh, the fate that too often follows! One is often reminded of Hood's pathetic lines:

"Take her up tenderly,
Lift her with care;—
Fashion'd so slenderly,
Young, and so fair!"

A.

LOMBARD STREET DAY NURSERY.

No. 430 Lombard street.

The object of this charity is to aid poor and industrious mothers by taking charge of their children during their absence from them in working hours. It provides daily shelter, care and food, and also kindergarten instruction.

By means of this industrial training, children of 3 years old begin to learn attention, order, and manual skill, together with truthful, dutiful, reverent ways. Those who are old enough attend public and parish schools, returning to the nursery, as to a home, for meals.

Children are brought at 6½ o'clock a. m. Bathing is carefully attended to, and three full meals are given each day.

Number of children on the roll (December, 1881), 414; largest attendance in one day, 48; meals supplied, 25,115.

DAY NURSERY FOR CHILDREN.

No. 2218 Lombard street (incorporated 1873)

The object of the Day Nursery is to receive and care for, during the day, the young children of poor, industrious working-women whose employment calls them from their homes, and who would otherwise be obliged to leave their children entirely without protection and subject to the perils of fire and accident.

Three meals a day are given of good wholesome food, and washing and bathing are strictly attended to.

Children are received at 6½ o'clock in the morning; and none are admitted who are over 8 years of age.

Such instruction as they are capable of receiving is given them by the matron, who also exercises a careful supervision in the play-room which is provided for them.

Those who are old enough are sent to the public schools, and return to the nursery for meals and during the school recess.

THE NORTHERN DAY NURSERY, OF PHILADELPHIA.

No. 923 N. Seventh street (chartered).

Receives and cares for children (not over 8 years old) of working-women whose employment calls them from home.

The nursery is open daily at 6½ a. m. The children must be brought neat and clean as possible, and called for at 7 p. m. Six cents per day is charged for each child. Three meals furnished, and all that can be done for the comfort and interests of the children.

B.

KINDERGARTEN INSTRUCTION.

The movement in behalf of neglected children under school age, and for the prevention of crime and pauperism, has resulted in the establishment of quite a large number of free kindergarten, among which seventeen have been instituted under the auspices of the various ward associations. They are as follows:

No. 1, for 50 pupils. Public-school building, eighth section, southwest corner Twenty-second and Locust streets.

No. 2, for 50 pupils. Public-school building, sixth section, New street, between Front and Second streets.

No. 3, for 50 pupils (colored). Progressive Workingmen's Club, 424 South Eleventh street.

No. 4, for 30 pupils (colored). Church of the Crucifixion, Eighth street, above Bainbridge.

No. 5, for 50 pupils. Bedford-street Mission, 619 Alaska street.

No. 6, for 25 pupils. Day Nursery and Children's Home, 723 Saint Mary's street.

No. 7, for 25 pupils. Mission church, Saint Mary's street, above Sixth street.

No. 8, for 25 pupils. Office of Charity Organization of Third ward, in co-operation with House of Industry, 718 Catherine street.

No. 9, for 50 pupils. Office of Charity Organization of Fifth Ward, 338 Griscom street.

No. 10, for 25 pupils. Office of Charity Organization of Sixth Ward, 309 Branch street.

No. 11, for 25 pupils. 2331 Jefferson street, in co-operation with Charity Organization of Twenty-ninth ward.

No. 12, 116 Diamond street, in co-operation with Eighteenth and Nineteenth Wards Charity Organization and Kensington Day Nursery, for 25 pupils.

No. 13, Southern Home, for 25 pupils.

No. 15, Pulaskitown, Germantown, for 25 pupils.

No. 16, Biedeman public-school building, Saint John's street, in co-operation with Eleventh Ward Charity Organization, for 25 pupils.

No. 17, 2428 Spring Garden street, in co-operation with Fifteenth Ward Association of Charity Organization, for 25 pupils.

These schools will be extended as fast as funds are provided. The annual expenses of those now carried on are about $5,000. Visitors will be cordially welcomed, and it is hoped that all who are interested in the object will approve the means and contribute to their support. Donations and annual subscriptions may be sent to the treasurer, Sub-Primary School Association.

DAY NURSERY RULES.

1. That children shall be brought as clean as circumstances will allow.
2. That they shall be taken home in good season, as soon as the mother's working hours enable her to come for them.
3. That articles of clothing lent be carefully returned and in good order.
4. That payments for children be made as regularly as possible.
5. That no gifts of money be offered to those in charge in the house for care of particular children, but any money which mothers may wish to give will be gladly received by the treasurer to aid in maintaining the nursery and adding to the comfort of all the little children it shelters and provides for.

Kindergärten referred to in the foregoing statement:

SUBPRIMARY SCHOOL SOCIETY—FREE KINDERGÄRTEN.

No. 1, for 50 pupils. H. Lenox Hodge Kindergarten, public-school building, eighth section, southwest corner Twenty-second and Locust streets.

No. 2, for twenty-five pupils. Public-school building, sixth section, New street, between Front and Second streets.

No. 3, for 25 pupils (colored). Progressive Workingmen's Club, 424 South Eleventh street.

No. 4, for 25 pupils (colored). Church of the Crucifixion, Eighth street, above Bainbridge street.

No. 5, for 50 pupils. Bedford-street Mission, 619 Alaska street.

No. 6, for 50 pupils. Day Nursery and Children's Home, 713 Saint Mary street.

No. 7, for 50 pupils. Beulah Coates Kindergarten, mission church, Saint Mary street, above Sixth street.

No. 8, for 25 pupils. House of Industry, 718 Catherine street.

No. 9, for 50 pupils. Office of Charity Organization of Fifth Ward, 338 Griscom street.

No. 10, for 25 pupils. Public-school building, sixth section, northwest corner Crown and Race streets.

No. 11, for 50 pupils. Beideman public-school building, eleventh section, Saint John street, below Buttonwood street.

No. 12, for 25 pupils. Hoffman public-school building, fifteenth section, northeast corner of Seventeenth and Wood streets.

No. 13, for 25 pupils. Day nursery, 116 Diamond street.

No. 14, for 50 pupils. Pulaskiville, Germantown.

No. 15, for 25 pupils. Christ-church chapel, Jefferson street, below Twenty-sixth street.

No. 16, for 25 pupils. Western Temporary Home, 35 North Fortieth street.

No. 17, for 25 pupils. Southern Home for Destitute Children, southeast corner Twelfth and Fitzwater streets.

No. 18, for 50 pupils. Anna Hallowell Kindergarten of the Eighth Ward Charity Organization, 238 South Tenth street.

No. 19, for 25 pupils. Public-school building, sixth section, New street, between Front and Second streets.

No. 20, for 25 pupils. House of Industry, 112 North Seventh street.

No. 21, for 25 pupils. Public-school building, ninth section, Filbert street, above Twentieth street.

No. 22, for 25 pupils. Union Temporary Home, northeast corner Sixteenth and Poplar streets.

No. 23, for 25 pupils. Morton street free Kindergarten of Germantown, Morton street, above Haines street, Germantown.

No. 24, for 25 pupils. Monroe public-school building, fourteenth section, Wood street below Twelfth street.

School term: First Monday in September to July 1.

School session: Every week-day, except Sunday, from 9 to 12.

These schools will be extended as fast as funds are provided. Visitors will be cordially welcomed.

The result of kindergarten training in Saint Louis, Boston, Philadelphia, and elsewhere show that the kindergarten furnishes the best method of child-training for all classes, and especially for the destitute and neglected.

C.

PINE STREET DAY-NURSERY.

No. 427 Pine street.

At the close of its fifth year (1883) the Lombard street day nursery obtained the ampler space and larger rooms so much needed for the welfare of the children under its care. It was removed from 430 Lombard street to 427 Pine street on the 2d of June, the new home having been altered, to prepare it for occupancy, during the previous month. The airy, well-ventilated apartments, and the pleasant play-ground afford all that is desirable for health and enjoyment. The house having been provided without expense to the nursery, the fund gathered "for purchasing or altering property" remains for use in future improvements. The kindergarten class for the little ones, and the daily attendance at parish and public schools by the older children, as well as the nursery teaching of housework and sewing, furnish opportunities for training in every department of education and industry suited to the years of its inmates. It remains to ask that the generous friends of these little children will still continue to supply the means and material for the maintenance of the new home, as well as their daily food and a certain amount of needful clothing. Provision was made at the Christmas festival for eighty children, all habitual attendants on different days, and the mothers were as usual invited to tea.

On the same afternoon, the 26th of December, before the festival, the house was dedicated to its special use by the bishop of the diocese, assisted by Rev. Dr. Davies, in an informal service, in which the children united by singing their Christmas hymns and chanting verses of the twenty-third psalm. The only shadow resting on this happy afternoon was the loss, three days previously, of a faithful attendant, whose term of service began with the existence of the nursery, and ended only with her death on Sunday evening, December 23. Assistance is still rendered in the house by little girls who, having early learned in the nursery kindergarten habits of accuracy and industry, now show the good result of these lessons by skill and usefulness in various departments of service. Each of these little workers receives, during the summer holidays, the gift of a dress, which she is taught to make for herself. Some forms of useful industry are also found for the boys, and the nursery is thus enabled to retain children under its care longer than would otherwise be possible, instead of parting with them during the years when its protection and guidance are still greatly needed. Many thanks are due to Dr. —— for his faithful and generous aid to the nursery as its physician; and many, also, to its steadfast friend, Mrs. ——, whose kindness has again supplied an assistant kindergartner, as well as to Mr. ——, for furnishing the nursery with ice during successive seasons of six months each, and to the many other friends to whose thoughtful kindness the children are indebted for much-needed articles of food and clothing, and various sources of comfort and enjoyment, unknown otherwise, amid the hardship and privation of their little lives.

Names on the roll		605
Number of children added since last report		85
Daily average attendance		29
Largest number in one day		46
Number of meals supplied		25,845
Balance remaining December 31, 1882		$164 30
Amount received to date, from—		
Donations	575 00	
Subscriptions	605 00	
Rent of upper rooms	234 00	
Mothers' payments	430 93	
	2,009 23	
Expended for furniture, repairs, milk, fuel, provisions, salary and wages	1,461 48	
Leaving a balance of		547 75

The report this year includes a period of twelve months, instead of thirteen. From money derived from contributions, $796.55 have been appropriated to the expenses of the nursery, while the resources of the house have supplied $664.93, making the sum of $1,461.48, which represents the expenditure for the past twelve months, exclusive of the kindergarten.

The fund contributed for "purchasing or altering property" amounts to $785.

Contested Election—English vs. Peelle.

SPEECH

OF

HON. STANTON J. PEELLE,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 21, 1884.

The House having under consideration the contested-election case of English vs. Peelle—

Mr. PEELLE, of Indiana, said:

Mr. SPEAKER: I trust I shall have the reasonable attention of the House while I endeavor to present this case on behalf of the people whom I have the honor to represent. I ask this House, sitting as jurors, to decide the case according to their best judgments of the law and the facts in the case, and to dispose of it as you would were it a case involving your own right to a seat on this floor. I am not here to justify bad precedents which may have been established by both sides of this House; but, sir, I would not hesitate to submit this case on any precedent which may have been established by either side, however bad it may be, for in all my investigation of the various cases brought into this House I have found no one sufficiently bad which if applied to this case would justify this House in unseating me, much less seating the contestant.

But, sir, the gentleman from Ohio [Mr. CONVERSE] who reported this case from the Elections Committee does not pretend either in his report or in his argument of this case that there is a single precedent in all the range of cases which would justify his action, nor does he cite a single authority either of any State or of the nation to sustain his novel position. He rests the case, in the absence of either law or precedent to sustain him, upon his own statements couched in his report and in his witness-like speech on this floor. But, sir, the gentleman forgets that there is no evidence whatever in the record to sustain his conclusions, and his speech on this floor will readily convince any one who has examined this case that he has not given it that examination which his position required.

Has he examined the case simply far enough to believe that a careful examination might still further test his convictions as a lawyer? Under severe pressure some men close their eyes to the truth, that they may be rocked into forgetfulness of duty. I venture the assertion that there is not a man on this floor who has examined this case who has arrived at any other conclusion than that the gentleman from Ohio has, to say the least, committed an error and one which will torment this House in the future. There is not a man on this floor, including the Speaker of this House, who if sitting as a judge would not unhesitatingly decide, on the record presented, that the contestant was not entitled to a seat; and yet the gentleman from Ohio asks you to unseat me and seat the contestant.

Now, Mr. Speaker, let us examine the several grounds upon which the gentleman in his report claims that the contestant is entitled to represent the seventh Congressional district of Indiana. The gentleman assigns six reasons, and here they are, as recapitulated by him in his report:

First. The correction of the error in counting the vote in Marion County gives contestant 99 additional votes.

Second. The fraud and coercion practiced upon the 51 paupers, 34 of whom were Democrats, and compelled to vote for contestee, would, if corrected, add to contestant's vote 68 additional votes.

Third. The fraudulent jail vote counted for contestee makes in the result a difference of 34 additional votes.

Fourth. The 12 counterfeit tickets which were counted for contestee, and should have been counted for contestant, make in the result 24 additional votes.

Fifth. Votes of naturalized citizens, and others fraudulently rejected, 100 additional votes. Total, 325.

Sixth. The destruction of the secrecy of the ballot by contestee's friends in the use of the spring-back tickets undoubtedly made a difference in his favor of several hundred more votes in the final result, to which he is not entitled.

The first ground refers to the so-called recount of the ballots by Austin H. Brown, and now how was that recount, so called?

SO-CALLED RECOUNT.

Soon after the November election in 1882 a contest was instituted over the office of sheriff by the defeated Democratic candidate, and the circuit court, under a provision of the statute authorizing such proceeding, appointed three commissioners to recount the ballots on sheriff. That commission consisted of two Republicans, Henry C. Adams and Norman S. Byram, and one Democrat, Austin H. Brown. These commissioners were sworn to perform that special duty and none other. Before the recount of the ballots under the order of the court had commenced Mr. William H. English, the father of the contestant in this case, approached Austin H. Brown and employed him to count what he denominates the "spring-back" ballots, and Mr. Brown in his testimony swears that the senior English did employ and pay him for that service. Here is his testimony on that point (page 88):

Cross-examination by Mr. PEELLE:

Q. State your politics.
A. I am a Democrat.
Q. Have you not been very active in the interests of the Democratic party in this State for years?
A. Yes; I was not very active last year.
Q. But you have been an active politician?
A. I did not work at the polls last year.
Q. I will ask you to state at whose instance you kept an account of the vote for Stanton J. Peelle during the time of the Lemon-Hess contest?
A. Mr. William H. English came to me, I think it was a day or two before we commenced our duties here, and asked me to take an account of all of the so-called "spring-back" tickets—that is, the character of the tickets that have been explained in this evidence as such—and offered to compensate me for it.
Q. Did he do it?
A. He did.

And he admitted to Mr. Adams that he was employed by Mr. English, sr., to keep count of all the votes, and this he does not deny anywhere. Here is Mr. Adams's testimony on that point (page 405):

Q. What did he say he was keeping that count for?
(Objected to as incompetent.)
A. He said he was keeping it for Mr. English; that he had been employed by Mr. English to keep it.
Q. Did he say that he was employed by Mr. English to keep count of the vote, or simply to keep count of the number of Republican tickets upon which Mr. English's name appeared?
A. He said he had been employed to keep count of all the votes, which he proceeded to do.

Now let it be borne in mind that Mr. Brown was the paid employé of Mr. English, sr., to perform that service. Now before I proceed further let me read from the report of the Committee on Elections, made by the gentleman from Ohio, and see how fairly he states the case:

Your committee are fully aware of the danger attending recounts to set aside official returns. They fully indorse the doctrine that recounts to be of value must be honest, fair, and correct.

How fair he seems to be! And now let us see if that so-called recount was "honest, fair, and correct."

It is conceded by the contestant that this so-called recount of the ballots cast for Congress was made at the same time the ballots were being recounted on sheriff under the order of the circuit court, and when the commissioners were sworn to perform that special duty and none other. And yet during the recount of the ballots cast for sheriff, Austin H. Brown, as the paid employé of Mr. English, sr., attempted to, and swears he did, count the ballots cast for Congress; and he further swears that he kept the count on Congressman secret from the other members of the commission, and that he had been counting the ballots on Congressman two or three days before it became known to Mr. Byram, who was near him, that he was counting the ballots on Congressman at all. Here is his testimony on that point (page 380):

Q. Did not you point out errors to Mr. Byram as you went along?
A. No, sir; not on Congressman. It was the third day before he knew I was keeping the vote on Congress. We had passed largely into the precincts.

So that by his own testimony he not only admits that he was employed by Mr. English, sr., to count the ballots on Congressman, but admits that he was making such count secretly and without the knowledge of Mr. Byram or any other Republican. That he was admonished by his employer to perform the work as he did there can be no doubt. The gentleman from Ohio had evidently not examined that testimony when he put into his report that—

"They fully indorse the doctrine that recounts to be of value must be honest, fair," &c.

Had Mr. English, sr., or the contestant, said to me or any of my friends at any time before the recount of the ballots for sheriff that he desired a friendly agreement to recount the ballots cast for Congress, such an agreement would readily have been acceded to, as without a majority of votes over the contestant I could not have consented to remain in my seat in this House. But no such proposition was made to me or to any one else, and yet the gentleman from Ohio in his blindness says in effect that such recount was honest and fair. In the light of such honesty and fairness every member's seat upon this floor would be insecure, and instead of being the Representatives of a majority of the voters in our respective districts, we would be at the mercy of any and every man who could be employed to secretly and clandestinely recount the ballots cast, and at the mercy of one who, under such an employment, was interested to give his employer value received for his money.

Why did Mr. English so employ Mr. Brown to count those ballots? Was he not anxious to have a result that would enable him to have his son seated on this floor? And was not the employed anxious to gratify his employer? The objective point in the recount was to so reduce my majority as that a majority might appear for the contestant. My majority over the contestant in the district was 87 votes, and that could not be overcome by a less vote. So that Mr. Brown made the discovery that I had 99 less votes than were returned for me by the board of canvassers, which would give the contestant 12 majority. Small, to be sure, but then it was quite enough for the purpose if such recount were to be sustained by this House, in whose political faith Mr. English, sr., has from the beginning manifested most extraordinary confidence.

I deny the competency of the testimony of Mr. Brown in such unauthorized and secret recount, made as it was under employment from one whose interest it was to have a favorable result regardless of the real truth, and I challenge any member of this House to cite a single authority in support of the competency of such testimony. Mr. Brown fails wholly to point out a single error in any one of the eighty precincts in Marion County, and if an application had been made to the court for a recount of the ballots, based upon his testimony in this case, the application would have been denied for the want of some specific allegation of fraud or mistake (section 280, McCrary on Elections, second edition, and authorities there cited), and yet the gentleman from Ohio seemingly rests the case upon the so-called recount, and then, notwithstanding his was the first speech made in this case, he proceeds to testify as to the good character of Mr. Brown, as if some one on this side of the House had attacked him.

Why, sir, it is unnecessary for the purposes of this case to attack Mr. Brown's character. All that is necessary for me to do is to state the circumstances and the manner in which he served his employer in that matter. And now let me proceed further, if such testimony is to be considered as competent in a case involving the rights of 36,000 voters. As stated before, there are eighty election precincts in Marion County, a county that casts over 26,000 votes. After Mr. Brown had counted some twenty precincts in the county, Mr. Byram, on his own motion, concluded to keep count of the ballots cast for Congress also, and during such count they would frequently disagree at the end of the precincts, and then, that their counts might agree, changes were made without again counting the ballots until their counts did agree. And now on this point let me quote from the testimony in the record in this case. Mr. Byram and Mr. Adams, the other two commissioners, Mr. Hawkins, a watcher in the room in the interest of the Republican sheriff-elect, and also Mr. Myers, the Democratic watcher in the interest of the Democratic contestant for sheriff, all testify on this point, and it is the only testimony given, except the testimony of Mr. Brown, in which he denies having made any corrections. Here is the testimony *verbatim:*

Mr. Byram, on page 390:

Q. When you would get through counting a precinct, what, if anything, was said by you or Mr. Brown with reference as to how the vote stood for Congressman?
A. Well, I sometimes asked Mr. Brown how the vote stood for Mr. English or Mr. Peelle, how he had it; and sometimes he would ask me how I had it.
Q. What was done at the end of each precinct there, if anything?
A. If our results were not alike, there was frequently corrections made or the work gone over again, and a memorandum was kept to show, and sometimes corrections were made.
Q. Did Mr. Brown make some corrections or not, as you went along?
A. Yes, sir.
Q. Did you make some corrections sometimes?
A. I think probably I did, in one or two instances.
Q. What kind of corrections did you make?
A. I could not tell, except I tried to make them compare with Mr. Brown's figures.
Q. How many times were those corrections made?
A. That is a question I could not answer. I do not know.
Q. Was it pretty general, or was it only a few times?
A. It was only a few times.
Q. Was there any time when Mr. Brown refused to make corrections to correspond with your count?
A. Not that I know of; he never refused to do it; no, sir.

Mr. Adams (page 405):

Q. I will ask you to state whether or not at the end of each precinct after the count had been made of each precinct, what was said or done between Mr. Byram and Mr. Brown with reference to the vote for Congressman?
A. They just struck a balance—that is, compared notes to see how they stood.
Q. Did Mr. Brown make any corrections, or not, as he went along?
A. Yes, sir; sometimes he and Mr. Byram did not agree, and they always ended it by agreeing except in one instance.
Q. How was that?
A. I do not recollect exactly how it was. I remember one instance, and they agreed except that one instance. I remember of laughing about it at the time—about their disagreeing on that point.

Mr. Hawkins (pages 419 and 420):

Q. Did Mr. Byram or Mr. Brown make any comparison of their vote at the end of each precinct for Congressman?
A. Yes, sir; in almost every instance, my impression is.
Q. Did they or not make corrections pro and con?
A. Yes, sir; I think in more than Franklin Township; but my recollection is not so distinct about counting the tickets over for Congressman in other precincts, but I know the count was delayed and they looked over the returns in connection with the general returns of the election, and made their comparison afterward to see which was wrong and where the mistake occurred.
Q. Was there any time in which Mr. Brown or Mr. Byram refused to make corrections?
A. My recollection is there was one precinct, I do not know which it was, that they could not agree on.

Mr. Myers, the Democratic watcher in the interest of Mr. Lemon, in his cross-examination (page 469) says:

Q. You were there as watcher at the solicitation of Mr. Lemon, were you not?
A. Yes, sir.
Q. He was the Democratic candidate for sheriff?
A. Yes, sir.
* * * * * * *
Q. Did you not state it would be impossible for him to keep the vote for Mr. Lemon correctly if he undertook at the time to keep the vote on Congressman?
A. No, I did not say that.
Q. Did you not say that to Mr. Hawkins?
A. No, sir.
Q. I will ask you if within the last two or three weeks you did not state to Mr. Hawkins that it was impossible for Mr. Brown to keep a correct account in the manner in which he kept it, and if you were called as a witness you would so swear?
A. No, I did not make the statement.
Q. What did you say?
A. The statement I made was this: He asked me if I did not remember that two or three or four times, I forget now the number of times, that Mr. Brown and Mr. Byram would disagree in their counts as to the number of votes cast for Congressman, and I told him I did, and I remembered once or twice the entire vote was counted over for a certain precinct and ward, and still they could not agree, and they would fix them up and make them agree, leaving a vote or two or three. I forget the number.
Q. I will ask you if it is not a fact that it was impossible for Mr. Brown to keep an accurate account on the vote for sheriff and Congressman at the same time and under the circumstances in which they were making their count?
A. I do not know in regard to Mr. Brown's capacity for anything of that kind. It is a pretty difficult job, but I presume he could do it. He is an expert in this business.

Such was the manner in which that so-called recount was made, and yet the gentleman from Ohio says it was honest, fair, and correct. Would he think so if his seat were involved? Why, sir, if he were unseated upon such testimony he would never cease denouncing it. He asks the House to accept the so-called recount of Brown as "fair, honest, and correct" as against the official returns attested at each election precinct by five witnesses, or four hundred witnesses in the county, verified by eighty inspectors, constituting the official canvassing board. But this is not all, for at the conclusion of this so-called recount Mr. Brown admitted that Mr. Peelle's vote would be increased on a recount more than the Republican sheriff had gained, and it was conceded that Mr. Hess, the Republican sheriff, had increased his majority in the recount 49 votes, and that he should so report to Mr. English, his employer. Let us examine the evidence on this point.

Mr. Byram (page 422):

Q. Was anything said in that conversation about Mr. Peelle gaining more on a recount than had been gained for Mr. Hess?
A. Yes, sir; I made that statement to the parties there, that a recount would show a larger gain for Mr. Peelle than for Mr. Hess.
Q. Did he say anything about reporting to Mr. English?
A. My recollection is rather indistinct of that part of it, but it is that he stated that he did not think it would do any good for Mr. English to go on or have a recount; that it would be no benefit to him, and he would say so to Mr. English. That is only an indistinct recollection of it now.

Mr. Hawkins (page 419):

Q. Were you present after the recount had been had at the time in which there was a conversation between Mr. Byram and Mr. Brown about the recount for Congress?
A. Yes, sir.
Q. State what occurred.
A. My recollection is that the question was asked there by Mr. Adams or by myself jointly—I do not know who it was—of Mr. Byram about the recount on Peelle, and we were sitting there together, all of us, and something was said about the recount on Peelle and English, and how it would compare with the Hess and Lemon recount. Mr. Byram then said that he thought Mr. Peelle would gain more than Hess gained by the recount; and Mr. Brown—I do not know that I can give the exact language—but my impression is the same as Mr. Adams's, that Mr. Brown said that he did not think there was anything for Mr. English to gain by a recount, or that he would not advise him to have a recount, or something of that kind.

Mr. Adams (page 404):

Q. At the time, during the count of the vote or at the conclusion of the count of the votes cast for this county for sheriff, what was said, if anything, by Mr. Brown or in Mr. Brown's presence as to how the vote would stand on a recount for Peelle and English?
A. Well, it was after we were through counting and after the count was over, and it was the morning of the day we reported.
Q. After the count had concluded?
A. Yes, sir; it was after we had agreed, and Mr. Brown, Mr. Byram, and myself had agreed on our return that we should make, and Mr. Brown said—I believe he said—he would like for Mr. Cropsey to look at it and to have them see it; and Mr. Lemon, and probably Mr. Cropsey, was in the room and looked at it, and we were waiting for some time for some purpose or other, and Mr. Byram and Mr. Brown and myself, and, I think, Mr. Hawkins, were standing at the end of the table, and we were talking about the English count. It was our impression and my impression that the advantage in the recount, or that the advantage in the recount of the vote for Congress—that it would have made a gain in favor of Mr. Peelle, and that remark was made to Mr. Brown, and I spoke to him about it and he acquiesced in it.
Q. State what he said.
A. My best impression is he said right then that that was the case, and he should say the same to Mr. English, and that Mr. English would have nothing to gain in a recount, and he would tell him so.
Q. Was Mr. Byram present when that occurred?
A. Yes, sir; and Mr. Hawkins.

So that here at the conclusion of this so-called recount of the ballots for Congress he admits that my vote would be increased more than Mr. Hess's had been, and that he should so report to Mr. English. Now, it must be conceded from this evidence that the sitting member in this case nor any of his friends had any notice whatever that errors had been discovered in such recount to lessen his majority, and yet the gentleman from Ohio says that such recount was honest and fair. But how does Mr. Brown meet this evidence? When on the stand in behalf of the contestant in chief he denies having made any such statement at all, but after sitting by and hearing the testimony of Mr. Byram, Mr. Adams, and Mr. Hawkins, gentlemen whose characters are above reproach, he comes to the witness-stand under the guise of rebuttal, and here is what he then says, when he knows the case on the part of the contestee has been closed (page 458), on direct examination:

Q. Did you say anything that day in the presence of Mr. Byram, or Mr. Hawkins, or Mr. Adams as to what would be the probable result of the votes for Congress as between English and Peelle should a recount be made in the future? And, if so, state what you did say and your reasons for saying it.
A. I never made any statement as to the result of the count. I may have

stated, and I have an impression that I did, that I would not advise Mr. English to have a recount of the ballots, for the reason that the tickets which we had just completed counting, in my opinion, had been tampered with as to sheriff before they reached us, and what would be done in that case might be done in any other if it was necessary to accomplish a given purpose. I do not think I ever made any remark in any other connection in reference to a recount.

And the only and sole reason given by Mr. Brown why he believed such tickets had been tampered with was because during the time he was attempting the double duty of recounting the votes for sheriff and the votes cast for Congress he could not find the ticket he himself had voted—a ticket which he said he would know anywhere.

Mr. Speaker, while I deny that there was any tampering with the ballots, or that the evidence justifies such a conclusion, yet I say, if it be true that the ballots had been tampered with in any way, then it is clear under all the authorities that such recount goes for nothing, and McCrary on Elections (section 555, second edition) says:

That the party offering such ballots in evidence must show affirmatively that they have not been tampered with, and that they are the identical ballots cast at the election in question.

The burden of proof is upon the contestant; but instead of introducing testimony to show affirmatively that the ballots are the same, as were returned by the several precinct election boards, he casts doubt upon the genuineness of the ballots by the testimony of the same person by whom he seeks to establish the correctness of the recount, and yet the gentleman from Ohio says that this recount was fair and honest.

Why, Mr. Speaker, if I continue I shall certainly convince this House that the gentleman from Ohio knows less about what constitutes a fair and honest count of ballots than Satan does about the plan of salvation. But I am not done yet. Now, Mr. Brown swears that at the time of that recount he had a memorandum-book in which he kept the count of the ballots both for sheriff and for Congress, keeping both counts in the same book, and that after the commissioners had made out their report to the circuit court as to the ballots cast for sheriff he went home. The recounting of these ballots commenced on the 23d and ended on the 27th day of November, 1882, nearly three weeks after the election. That the next day after the recount had been concluded he sat down and drew up a statement which he puts in evidence in this case over contestee's objection, which is as follows (page 87):

BROWN'S STATEMENT OF THE RECOUNT.

Q. Did you at the time make any report of the result of that count?
(Objected to as immaterial.)
A. Yes. I made a statement in writing, which I have here.
Q. If you have that record please produce it and read it and attach it to your deposition as a part thereof.
(Objected to as immaterial and incompetent and as an indirect attack upon the returns.)
A. (Reading); "In the election contest for sheriff of Marion County, Indiana, in the case of Lemon *vs.* Hess, I acted under appointment of the circuit court as a commissioner to recount the ballots received for that office at the general election held in that county November 7, 1882. The recount took place between the 23d and 27th of that month. At the same time I counted the vote for Congressman for that district, every ballot passing through my hands and being closely scanned by me, and of the ballots for Stanton J. Peelle for that office 12,551 were of the kind commonly called card-board, or spring-back tickets; and the aggregate of all the ballots showed said Peelle's plurality over William E. English in that county to be 99 votes less than the number returned by the board of canvassers, making his plurality 443 without the vote of the second precinct of the twelfth ward of the city of Indianapolis, which precinct the board of canvassers returned as 98 majority for Peelle. My count embraced the ballots in all the election precincts of the county except the ballots in the second precinct of the twelfth ward, which could not be found; but the vote of that precinct was returned to the board of canvassers by the inspector of elections of that precinct as 98 majority for Peelle in said precinct. This 98 majority added to the aggregate of my count of the ballots of the other precincts would make Peelle's vote 541 more in Marion County than English's, being 99 less than the number returned by the board of canvassers November 9, 1882.

AUSTIN H. BROWN.

INDIANAPOLIS, *November* 28, 1882.

Such were the deductions drawn by Mr. Brown from the memorandum which he kept of the so-called recount—no one going over his figures to verify their correctness—and when cross-examined as to the whereabouts of his memorandum he had lost it. But here is his testimony on that point (page 379):

Q. In that testimony you said that you concluded the count with reference to sheriff and went home in the afternoon very tired, and that the next day you made a statement which you put in evidence in your testimony before?
A. Yes, sir.
Q. Did you have that book before you at the time you made that statement?
A. I had the memorandum; yes, sir.
Q. What did you do with that after it was made?
A. My recollection is I put it away with some papers in my desk, and afterward in cleaning up my desk, which I do two or three times a year, I regarded those papers as of no value and destroyed them, is my recollection now.
Q. Have you seen that little memorandum of the vote for Congress since you made that statement?
A. Not to refer to it, unless in the way I spoke of in overhauling my papers; but I had all the facts before me at the time.
Q. At the time you made that statement from the figures you kept what did you do with the statement?
A. I told Mr. English about it; it was my duty to tell him so.
Q. Why did you retain it?
A. I thought it was a very good paper to keep.
Q. Why?
A. I supposed it might be of some use.
Q. Where and how?
A. As a matter of evidence if this contest was to go on.
Q. You thought the result of those little figures that you had made would be better evidence, did you, or not, than the book itself?
A. It never entered my head in regard to that, one way or the other.
Q. When you made that statement, then, as I understand, you anticipated that it might be useful as evidence in this contest, did you?
A. I did not know; I thought it might be useful; I thought the paper of some use outside.
Q. You did not think the memorandum-book from which you made that statement of any value?
A. No, sir; because I had all the facts collated that were in that memorandum-book, and a good many other matters besides; matters pertaining to the sheriffalty.
Q. Matters pertaining to the sheriffalty in that county?
A. I kept both counts in the same book.

The sitting member was entitled to an inspection of that memorandum from which Brown says he arrived at the conclusion that Mr. Peelle's majority in Marion County was 99 less votes than had been returned for him, but it was gone, and that fact is a very suspicious one in this case. He had destroyed the memorandum-book and retained the statement, as he says, because it might be of some use in this contest. He says he told Mr. English about it because it was his duty to tell him, but he carefully avoids telling any one else, and not until he came on the witness-stand in this case did I know anything about it as a matter of fact. And yet the gentleman from Ohio says that this so-called recount was honest, fair, and correct. But this is not all. I want to show this House now from Mr. Brown's testimony that he did not recount the ballots at all as to the contestant but that he simply attempted to note what he terms errors against Mr. Peelle, leaving the vote of Mr. English to stand as returned for him by the board of canvassers. The majority for Mr. Peelle in Marion County as returned by the board was 640, whereas Mr. Brown says that according to his count my majority was 541; and now how does he arrive at that conclusion? Here is what Mr. Brown (page 90) says on that point:

Q. You say that, according to your count, Mr. Peelle had 541 votes over Mr. English. Now, do you mean he had 541 votes over the vote as actually returned for Mr. English, or over his vote as actually counted by you?
A. According to the board of canvassers you had a plurality over Mr. English of 640, and my count gives that 541—a difference of 99.
Q. That is the majority simply over the vote as returned for Mr. English, is it not, by the board of canvassers?
A. Well, it is two different counts, I take it. If you take theirs it is one way, and if you take my statement of the count it is different.
Q. Is not that majority for Peelle based upon your count as compared with the actual return for Mr. English by the board of canvassers?
A. Yes, sir.

* * * * * * *

Q. I will ask you if in that examination in the votes for sheriff for the Republican candidate if the vote was not largely increased over the returns made by the board?
A. The Republican candidate got more votes.
Q. According to that count?
A. Yes, sir; I have it here exactly. Mr. Hess's vote was actually increased 7, and Mr. Lemon's was 35 of a loss.
Q. Making a difference of how much gain for the Republican candidate for sheriff?
A. The whole number of votes decreased. The ballots less were 35.
Q. How many gain would that make for the Republican candidate over the return of the board?
A. About 49, sir.
Q. Can you give me the total number of votes you counted as cast for Mr. Peelle for Congress?
A. I can not, sir. I can give you the total number of a certain ticket, on the "spring-back" ticket, but your name was on some Democratic tickets and on a few national tickets.

By the above testimony it will be seen that he counted, as he claims, the ballots cast for Mr. Peelle and accepted the returns as made for Mr. English, and that he did not count the ballots cast for English at all.

Again I insist that according to his own testimony he did not count the ballots at all for either, and that he was unable to give the total vote for either Mr. Peelle or Mr. English, and that he only kept the count by majorities as he went along, as he swears. Here is what he says at page 380:

Q. What was the total vote, according to your count, on Mr. English?
A. I could not give you that, sir; I did not keep it in that way; I kept it by the different majorities and in precincts as I went along.
Q. What errors were there in the precincts of the first ward for or against Mr. Peelle or Mr. English?
A. I can not state.
Q. What errors were there for or against Mr. Peelle or Mr. English in the precincts of the second ward?
A. You need not ask them all. I tell you I have no memorandum that I can refer to now giving any facts.

* * * * * * *

Q. Have you any recollection as to errors occurring in any particular precinct; you have not, as I understand you?
A. No, sir; I have a distinct recollection of a certain class of variations that occurred, which ran through the whole count.
Q. I understand you to say that you can not give the total vote that was counted by you for either Mr. Peelle or Mr. English.
A. No, sir.

From that it will be seen that he was unable to point out a single error in any one of the eighty precincts, or to give the number of ballots counted for either, and yet the gentleman from Ohio says that this so-called recount was honest, fair, and correct.

But this is not all, Mr. Speaker, for during the time this recount was going on Mr. Byram on his own motion concluded to count the ballots for Congress also when he discovered what Mr. Brown was doing, and so Mr. Byram commenced counting at the tenth ward, or about the twenty-first precinct, and from that time on he counted all the ballots for Congress as well as for sheriff; and accepting the returns as made in the twenty precincts he did not count, he gives the sitting member 127 more votes than were returned for him by the board of

canvassers, making his majority in Marion County 767 instead of 640. And now as to the twenty precincts not counted by Mr. Byram, I proved by Mr. Byram, and it was not denied by Mr. Brown, that the only change on the vote for sheriff in all the twenty precincts not counted by Mr. Byram for Congress was a gain of two votes only for the Republican sheriff, and it is, therefore, hardly possible that the sitting member lost 99 in those precincts.

In addition to this the sitting member put the official returns in evidence; and now by what authority of law or precedent will you set aside the official returns by such a count—a count made by one unsworn, unauthorized, secretly, for pay. If the returns in this case are set aside by such a recount, then where is the security for one's seat on this floor. My friend from Pennsylvania [Mr. ELLIOTT] argues that it was the duty of the sitting member to have the ballots recounted when he came to take his testimony in this case, because the recount of Mr. Brown had destroyed the *prima facie* case made by the official returns. Now, conceding the ballots to have been properly kept and not tampered with, I assert that the gentleman from Pennsylvania [Mr. ELLIOTT] nor any other gentleman upon this floor can find one single authority to support that position, nor is there a single precedent in all the election cases which sustains that position. McCrary on Elections (section 440, page 373) uses this language:

SEC. 440. But of course the parol evidence offered to set aside a return upon the ground of fraud must be such as to establish the fraud or mistake in the reception and deposit or in the count or return of votes. The official acts of sworn officers are presumed to be honest and correct until the contrary is made to appear.

It has accordingly been held that a return can not be set aside upon proof that a recount made by unauthorized persons some time after the official count has been made showed a different result from the official count. This was upon the ground that the count made by sworn officers, immediately upon closing of the polls was better evidence of the true result than a count made by interested parties, not sworn, at a subsequent period, and after the result of the official count had been made known. Such evidence comes far short of establishing either fraud or mistake in the official count.

And that is the rule which has been adhered to by this House since the first Congress convened, and if there is a single precedent to the contrary I have been unable to find it and would thank any gentleman to cite me to it. I quite agree with the chairman of the Committee on Elections [Mr. TURNER], who in his report in the Wallace-McKinley case on the 14th instant, says:

But since Congress passed the act governing contested elections they are instituted upon regular pleadings like any other suit, the proofs taken by the parties before designated officers, and all the proceedings are conformed to judicial precedents. We respectfully submit that it is greatly to be desired that these cases should be adjudicated upon the principles as well as the forms which prevail in the courts.

And now, Mr. Speaker, was that so-called recount honest, fair, and correct? If it was, then I have examined the wrong dictionary and Noah Webster was a fraud. I leave it for the considerate judgment of this House and the country whether or not that so-called recount was honest, fair, and correct. There can be but one conclusion for men disposed to be fair-minded and of legal acumen, but you are the jurors, and I shall not complain of your verdict, let it be what it may.

POOR-HOUSE VOTE.

I next come to what the gentleman from Ohio pleases to term "the fraud and coercion practiced upon the 51 paupers, 34 of whom were Democrats, and compelled to vote for contestee." Now, it is a little strange that so great a proportion of that vote should be Democrats; but what proof is there that any were Democrats, or, if Democrats, that they voted otherwise than as they desired? It is not denied but that they were legal voters, even if they were unfortunate enough to be inmates of the county asylum, but the only claim is that they were coerced into voting the Republican ticket, but whether they voted for Mr. Peelle or Mr. English is nowhere shown, and but one witness was examined on this subject, and I will read his testimony, that the House may see upon what testimony this ground of contest rests. Hiram W. Miller (pages 145 and 146) says:

Re-examination by Mr. WILSON:

Q. Did the use of the Republican ticket at your precinct prevent any person from voting his sentiments, if you know?
A. I think I answered that once before.
Q. What is the answer?
A. I answered that I believed it did, and Mr. Peelle wanted to know who, and I told him the paupers from the county farm.
Q. Did it affect the votes of any number of persons?
A. There was quite a number from that place that voted.
Q. Do you know what their politics were?
A. I think I do.
Q. What were they?
A. I think two-thirds of them were Democrats.
Q. How do you know that?
A. Well, sir, they had voted for me, and I claim to be a Democrat.
Q. How did they vote on that day?
A. They voted the Republican ticket.
Q. I mean on November 7, 1882?
A. They voted the Republican ticket.
Q. How many of such votes were there?
A. I polled the house, and I made it 50 or 51; something like that. There was 57 voted that day—paupers and seven employés.

* * * * * * *

Q. Could they have voted the Democratic ticket without it being known by those who had charge of them what ticket they were voting?
A. I think not.
Q. Who had charge of them when they came down?
A. Well, sir, a part of the officers and employés of the farm.
Q. Would two-thirds of those voters in that poor-house have voted the Democratic ticket on that day if they could have voted it without any influence—if they could have voted themselves?
A. That is my impression.

Question by Mr. PEELLE:

Q. Were they challenged?
A. Yes, sir; part of them were, I think. I challenged several voters myself.
Q. Were they sworn in or did they vote?
A. They were sworn in.
Q. Were they legal voters at that precinct?
A. Well, sir, that is something I am unable to say.
Q. Has there ever been any prosecution on account of the men sworn in?
A. No, sir; not that I know of.
Q. The county asylum is located in Wayne Township?
A. Yes, sir.
Q. You were a candidate for township trustee on the Democratic ticket some years ago?
A. Yes, sir; I was twice; I was elected twice.
Q. You say about two-thirds of those folks voted for you when you were a candidate for township trustee?
A. Yes, sir; I think there was more than that.
Q. You polled them at the last election, did you?
A. No, sir.
Q. How did they come to be on that poll-book; you said you polled them and there were 51?
A. I did not take their politics at all.
Q. Did you poll it at all?
A. Yes, sir.
Q. For what purpose?
A. For election purposes. Mr. Wright and his daughter gave me their names.
Q. You had voted them before for you?
Mr. WILSON. He did not say that.
Q. They had voted before for you?
A. I think they had.
Q. And they were polled out there that time by the Democrats for election purposes?
A. Yes, sir; I polled them four days before the election.

Questions by Mr. WILSON:

Q. When they voted for you was there any difference between the tickets used by the two parties at your precinct?
(Objected to for the reason that the ticket is the best evidence of the fact.)
A. There was not any.
Q. I mean no difference in the ticket.
(Objected to for the reason that the ticket is the best evidence of the fact.)
A. No distinguishing difference.
Q. Under whose control was the poor-house—what party, and what were the politics of the men in control of the poor-house when you were elected?
A. Republican.
Q. Were they the same men that are now in control?
A. Yes, sir; that is, at one election they were and one they were not. The first election it was under the control of Mr. Larry Logston, and at the last or second election they were under the control of Mr. Wright, the same man that controlled them on November 7, 1882.
Q. How many years ago was that election held there—the first time when you were elected?
A. That was in the spring of 1877, I think.
Q. The second election, what date was that?
A. It was two years later.
Q. 1879 that would be?
A. Yes, sir.

Such, Mr. Speaker, is the testimony upon which the gentleman from Ohio says 68 votes should be counted for English. That is, because he thinks two-thirds of them voted for him in 1879, and he is a Democrat, that therefore in 1882, three years later, the same number were Democrats; although Marion County contains 125,000 people, there were no deaths or changes in the county asylum from 1879 to 1882, if his testimony is to be accepted. He says only part of them were challenged and that they were sworn in and that no one was prosecuted for any violation of law. Where is the proof of coercion? It exists only in the brain of the gentleman from Ohio, for it never found a lodgment even with the contestant's counsel. He is an ingenious fellow, that gentleman from Ohio. He actually asks this House to take from me 34 votes without any proof whatever that they were cast for me, and then to round out the climax he asks you to count them for English, making a difference of 68 votes against me.

Again, he asks this House to do that without the least proof in the world that a single one of them would have voted for English. Why, if they were coerced into voting for me, then I should think the gentleman from Ohio would be satisfied to simply deduct them from my vote; but then the gentleman knows that there is a majority of 87 to overcome, and he finds it necessary to multiply by two for fear the votes elsewhere will not make it up. The contestant's witness, Mr. Miller, testifies, as we have seen, that it is his impression that two-thirds of them would have voted the Democratic ticket if they had not been influenced to vote the Republican ticket. The gentleman from Ohio in his report to this House says these 51 persons were compelled to vote the Republican ticket. By whom and how were they compelled to vote the Republican ticket? Why, I will tell you. The county asylum was under the control of Republican officials, and these unfortunate persons were accompanied to the precinct by some of the officials of the institution; therefore they were compelled to vote the Republican ticket. There is no testimony that one of them was even asked to vote the Republican ticket, or that a single being ever spoke to one of them on the subject. I have given you the only evidence introduced on the subject. But, sir, why dwell here? This House will never sanction such a monstrous proposition, whatever else it may do or fail to do, and I shall now leave the subject where it had no doubt been left by the House before I took it up.

FRAUDULENT JAIL VOTE.

The third ground of contest is what the gentleman terms in his

report "the fraudulent jail vote." Some witnesses were examined by the contestant, who stated that certain persons had told them that they had just come out of the jail and had voted the Republican ticket. There is no pretense that they were illegal voters, but simply that because of the use of the Republican ticket they could not vote the Democratic ticket without it being known by the Republicans that they had so voted. The names of seven persons are given, and contestant's own witness, Mr. Dowling (page 115) testified that Jack Crowley and Jack Porter were challenged by Republican challengers. Here is what he said:

Q. Were they challenged?
A. Certainly they were.
Q. Did they get their votes in?
A. Not to my knowledge. They were denied the privilege of voting.
Q. Those men that had Republican tickets given them, that came down there to vote, did not get to vote?
A. No, sir.
Q. They were challenged by the Republicans?
A. Yes, sir; challenged by the Republican police officers.
Q. You say one of them was a Republican?
A. Yes, sir. Porter, at least, claimed to be a Republican, but he would be damned if he was going to vote the Republican ticket, and he took the Democratic ticket and walked up to the chute and was looking at it and trying to vote it. That is the remark he made.

That witness would have us understand that notwithstanding Republican officials released Jack Porter, who was a Republican, yet he says Porter said he would be damned if he was going to vote the Republican ticket. Such testimony carries its own antidote. The man who is so lost to self-respect as to admit that he has been released from jail to enable him to vote is not entitled to belief, and yet such alone is the testimony of every witness who testified on this subject.

Here is the testimony of John W. Fultz (pages 117 and 118), brought out by contestant's counsel:

Q. Do you know of any voters who would have voted the Democratic ticket, including William E. English for Congress, and who voted the Republican ticket, or else did not vote at all because of the Republican ticket being printed on material which distinguished it, and thus affected the secrecy of the ballot?
(Objected to as going back to the direct examination.)
A. I know of three men; one of them lives in the first precinct, and he voted the Republican ticket against his will, never having voted it before in his life, and when he acknowledged the fact to me he was crying. I know another one that was compelled to vote the Republican ticket. I don't know that he was compelled, but he was coerced and persuaded, and he never voted the Republican ticket in his life before, and I have since been informed that he laid and cried all night about it. And I know of another one that tried to vote the Democratic ticket; he had been arrested for some offense, and he was let out of jail as a "trusty." He lived in the second precinct of the twenty-fifth ward, and he tendered his vote and his vote was refused, and they came down to me in the third precinct to come up in the second and see what the trouble was, and see if I could not assist him to get his vote in. He was a young man that I had known for some time, and he had worked with me in the shop where I was employed, and they challenged his vote and I asked them on what grounds, and they called my attention to a clause in the election laws where a person serving a sentence for a misdemeanor or crime was not entitled to vote, and they refused to receive his vote. These other men I spoke of, they had also been prisoners in jail, and they were not let out as "trusties;" they were let out for the purpose of voting the Republican ticket and gained their freedom by so doing. That they acknowledged.
Q. Do you know of anybody else that would have voted and did not on account of the character of the ticket?
A. I know others that claimed they were let out of prison to vote the Republican ticket to gain their freedom.
Q. My question was whether you knew of anybody else that was prevented from voting on account of the character of the ticket?
A. There was one man that I saw, but I can not tell you his name now, in the third precinct of the twenty-fifth ward. I can state the circumstances, but I can not give the man's name. If that will answer the purpose I will answer your question.
Q. I did not ask you for the names. The question was whether you knew of any other person, whether you knew their names or not, that were prevented from voting by the use of that heavy ticket that you have described?
A. I did, at one time, have a list of 26 or 28 names, I believe, who were coerced into voting the Republican ticket that never had voted it before—let out of prison for that purpose—but who they are now I can not tell you. I know the names of two of them, probably three.
Q. What are their names?
A. One is named Edward Tettenbrock and one is named John Condon. I could give the names of two others, but I promised them I would not use their names at the time they told me this. They wanted me to suppress their names, and gave as a reason that the police would run them in on some future occasion every time they got a chance if they did it. If you want to know the circumstances of this other man voting I can tell you the circumstances. I know he did not vote his sentiments. I am satisfied about that.
Q. State the circumstances.
A. They are simply these: There was a man came up into the chute in the third precinct of the twenty-fifth ward, and he had a Democratic ticket in his hand, and was going to vote it, and a Republican policeman was standing there challenging, and he caught him by the shoulder, and he says, "Come here a minute; I want to see you." I was satisfied that when he called him out he was going to try to coerce and bulldoze the man into voting the Republican ticket, and he took him around the corner and was speaking to him, and I tried to get close enough to hear what he was saying; but when he saw me approaching he took him on the other side of the street. The man was a Democrat, and never voted anything else but the Democratic ticket, and when he came back again he had a Republican ticket in his hand. I could tell by the difference in the paper, and he pulled his hat down over his eyes and was going up to the chute, and I said to him, "I would like to see you a moment," and he would not pay any attention to me, but walked right up and voted his Republican ticket.

And then on cross-examination he testified as follows (page 118):

Q. You say you know some man in the first precinct of the twenty-fifth ward that was let out of jail for the express purpose of voting the Republican ticket?
A. Yes, sir.
Q. What was his name?
A. Edward Tettenbrock.
Q. Did he vote it?
A. He told me that he did.
Q. Did you see him vote?
A. I did not see him vote.
Q. Did you see him let out of jail?
A. No, sir; I know he was in jail.
Q. You think he was let out of jail on that day?
A. He told me so.
Q. Was he a Democrat?
A. He claimed to have been a Democrat.
Q. All you know is what he told you?
A. Yes, sir. He was crying when he told me. He said he never voted the Republican ticket in his life, but he voted it that day to get his liberty; that his liberty was sweet, and he voted it.

All he knows about it was what he was told and the man was crying because he had voted a Republican ticket. His having been in jail does not appear to have troubled him much, but voting a Republican ticket lacerated his feelings so that he cried. Such is the character of the testimony all through on this jail vote. There is no competent testimony that any voted on condition that they were released from the jail, nor is there any evidence that the men so claimed to have been released were not legal voters; upon the contrary it was conceded by the witnesses and by contestant's counsel that they were legal voters. Now if there was any proof in this record that any Democrat was released from the jail on condition of his voting the Republican ticket, or if any one else was released on that condition, I should not consent to have such vote counted for me, but there is no competent proof on that subject; all the proof is hearsay and therefore incompetent. If persons were so released and had no such pride as would deter them from telling others that they had been so released, then why were they not put upon the witness-stand to tell their own story?

The chairman of the Committee on Elections [Mr. TURNER], on the 14th instant, in the case of Wallace *vs.* McKinley, uses this language in his report to this House:

The vicious tendency of hearsay evidence in election cases needs no demonstration. An unlawful vote may be cast for one party, and then upon the unsworn statement of the voter it may be deducted from the other party.

The witness Fultz quoted above says he at one time had a list of 26 or 28 names of persons who were coerced into voting the Republican ticket that had been released from the jail, but what their politics were or whether they voted for English or for Peelle is not shown; and yet the gentleman from Ohio wants this House to deduct the votes of 34 persons whom he claims were released from the jail and coerced into voting the Republican ticket, and this he asks this House to do on hearsay testimony, without any proof whatever as to the politics of the great majority of them and absolutely no proof as to whether they ever voted for me. But 9 persons were named, and 2 of those were named by two different witnesses, so that in point of fact, if the testimony should be considered at all, there were but 7 of them. But upon such proof will you disturb the title of a member on this floor? If so, then all that will be necessary to make a successful contest in this House will simply be to put upon the witness-stand three or four witnesses to swear that a given number of persons told them that they had been released from prison and coerced into voting such and such a ticket.

"It matters not whether their names are given or not," says the gentleman from Ohio. "All that will be necessary is to find a sufficient number of persons who will say to some one else: 'We have been released from prison and coerced into voting the Democratic ticket or the Republican ticket.'" It matters not whether their statements be true or false, just so they make the statement. Such is the conclusion of the gentleman from Ohio, as shown by his report; and if he examined the testimony in this case he must as a lawyer concede it. I shall not further dwell on this point.

COUNTERFEIT TICKET.

The next ground of contest is what the gentleman in his report speaks of as the "counterfeit ticket." There is no evidence as to what precincts these tickets were voted in nor by whom voted, nor is there any evidence in the record that they were distributed except at one place, and that among some men employed at a freight-house, where ten out of twelve of them were Democrats, who knew the kind of tickets they were getting. Here is the only testimony on that subject given by the contestant's own witness.

Mr. Sullivan (page 542):

Direct examination by Mr. WILSON:
Q. What is your business?
A. Freight agent of the Cincinnati, Indianapolis, Saint Louis and Chicago Railway.
Q. How long have you lived in Indianapolis?
A. All my life; 25 years.
Q. Were you in this city in November, 1882, at the time of the Congressional election?
A. Yes, sir.
Q. I will ask you if you attended that election that day?
A. I voted.
Q. Where were you most of the day?
A. At my place of business.
Q. Where is that?
A. On South Delaware street, on the corner of Louisiana street.
Q. Did you see any ticket headed "Democratic ticket" and all the names Democratic except Mr. Peelle's name was on as the candidate for Congress?
A. I did.
Q. Where, and under what circumstances, and who had them?
(Objected to as not rebuttal.)
A. I was out in the freight-house on the morning of the election, and Mr. George Hawkins (who was deputy collector of customs) had some of those tickets, and handed me one and said, "Here is your ticket; vote this."

Q. Did you read it?
A. Yes, sir.
Q. Where did you read it?
A. I read it at the time he handed it to me, and was informed by the man who has charge of the freight-house down there that the tickets were not good; that the name of Mr. Peelle was inserted for Congress.
Q. That was the first time you knew of it, when your attention was called to it?
A. Yes, sir.
Q. How many tickets did he have?
A. I could not say as to that.
Q. Did he have a bundle of them, or only one ticket?
A. He had several in his hands at the time.
Q. Did you know Mr. Hawkins's politics?
A. No; I do not know him politically, but I presume he is a Republican of course.
Q. Do you know whether he left any of those tickets with anybody else there?
A. Yes, sir; he did. He distributed them among the freight-house men.
Q. Do you know the politics of those freight-house men?
A. There is about ten out of twelve Democrats.

Now, while there is no proof in the record that these men voted that ticket, there is proof that not more than a dozen tickets of that kind were found in all the county, as testified to by Mr. Brown (page 88):

Q. In that recount did you find any ballots that purported to be Democratic tickets and contained the names of the Democratic candidates for the various offices, except that Stanton J. Peelle's name was printed for Congress in place of William E. English; and if so, how many?
A. Yes, sir; I think there were not more than a dozen in the whole county got in the box of that character.

And here is what Mr. Byram said as to the number of such tickets (page 421):

Direct examination by Mr. PEELLE:

Q. I recall you for the purpose of asking you if you noticed any Democratic tickets in the boxes at the time you were counting the vote for Lemon and Hess and Mr. Peelle with the name of Mr. Peelle printed on instead of Mr. English?
A. Yes, sir.
Q. Straight Democratic tickets, except Mr. Peelle's name was printed in there instead of Mr. English?
A. Yes, sir.
Q. How many were there of that kind of tickets?
A. I do not think there was to exceed five or six; I do not know that there was that many; there was a few.

Here is what Mr. Adams, the other member of the commission at the recount, had to say (page 404):

Q. Did you find any Democratic tickets in that box with the name of Mr. Peelle printed on them?
A. Yes, sir.
Q. How many?
A. Not more than five or six to the best of my recollection.

So that it will be seen that there is a preponderance of testimony that not more than 5 or 6 of such tickets were voted in all the county, and if voted at all was most likely voted by those to whom they were given at the freight-house. There is no evidence in the record anywhere that such tickets were seen at any precinct during the day. The only other witness who testifies on the subject of Democratic tickets with my name printed in was Mr. McDonald, and now here is his testimony, at pages 532 and 533, on direct examination:

Q. Did the Republicans use, or attempt to use, any counterfeit Democratic ticket, or any ticket imitation of the Democratic ticket, at the November State election in 1882, in this county; and if so, describe the ticket?
(Objected to as not rebuttal.)
A. Early in the morning, as I was going to the committee-rooms, some one gave me a ticket headed "Democratic ticket," that was, on examination, a facsimile, as near as could be made, of the Democratic ticket printed and used that day, except that it had Mr. Peelle's name instead of Mr. English's for Congress. I saw several of them during the day; how numerously they were issued I do not remember, but I made a special examination of that one, as it was the first one presented.

And then, on cross-examination, here is what Mr. McDonald says (page 533):

Q. Who first handed you a copy of the counterfeit ticket that you spoke of?
A. I am unable to say.
Q. Was it a Republican or a Democrat?
A. I think he was a Democrat. I can tell you where it was handed to me better than I can the name of the party. I was going down to the committee-rooms in the First National Bank building, and within a few feet of the stairway leading up some one handed me this ticket.
Q. You say it was a Democrat?
A. My impression would be that it was a Democrat, because he seemed to be bringing it to me for inspection.
Q. Did you see any other ticket of that kind during the day?
A. I am not able to recall any.
Q. I understood you to say in your examination-in-chief that you saw other tickets of that kind during the day?
A. It might be that I did.
Q. Did you see any of those tickets in the hands of Republicans anywhere?
A. I do not recollect the ticket in the hands of any Republican canvasser.

From that testimony it will be seen that while Mr. McDonald in his direct examination says "I saw several of them during the day," &c., yet on cross-examination he was forced to admit that notwithstanding he had been going from precinct to precinct during the day, he was able to recall but one single ticket he had seen of that kind during the day, and that was handed to him by a Democrat. There is no pretense in the record in this case nor has the gentleman from Ohio even claimed that such ticket was illegal. It is a legal ticket under the laws of Indiana, and not until the contestant shows that such tickets were voted by persons under the belief that they were voting for him can this House transfer such ballots from Peelle to English. There is no proof that any fraud or deceit was practiced, or that a single one was ignorantly voted by any one; so that the presumption is in favor of the tickets having been voted by persons knowing what they were doing, and this presumption is strengthened by the testimony of Mr. Sullivan that such tickets were distributed among Democrats who knew the kind of tickets they were getting.

Now, upon such proof as this the gentleman from Ohio asks this House to deduct 12 votes from Peelle, and not content with that he asks that you count them for English. He is not willing even that you should take 6, that being the highest number testified to by both Mr. Byram and Mr. Adams, but he asks you to accept the testimony of Mr. Brown who says there were not more than a dozen. He does not pretend but that there may be less, and certainly 6 would not be more than a dozen, but I apprehend this House will not for a moment consider that question as affecting my right to a seat on this floor. This contest is not a matter personal to myself; it is a matter in which the people whom I have the honor to represent are concerned, and their rights rather than mine should be considered by this House. All presumptions should be reckoned in their favor.

Fraud and wrong-doing should not be presumed unless the proof be strong and convincing, and I have no hesitancy in asserting that the gentleman from Ohio can not find a single precedent from the foundation of the Government to the present time that would justify or sustain the position he has taken; that is, that tickets recognized as legal where voted could be deducted from one candidate and counted for another without the consent of those voting such ballots and without any proof whatever that any one was deceived. It will not do to say that such tickets were intended to deceive and therefore did deceive, but the proof must show what was in fact done. Every presumption is in favor of compliance with the law, and voters who had nothing to do with the issuance of such tickets should not be disfranchised or have their votes counted for some one other than they voted for, unless there be sufficient proof that they were deceived and thereby voted differently from what they intended, and even then I doubt if such votes should be counted for contestant without some affirmative proof that they intended to vote for contestant. But enough on this point.

REJECTION OF VOTES BY INTIMIDATION, ETC.

I now come to the fifth ground of contest, which is that 100 or more votes were rejected in the second precinct of the seventeenth ward in the city of Indianapolis fraudulently and by intimidation. It is claimed by the contestant that in this precinct on election day, by reason of the police, certain persons were deterred from making affidavits touching the qualification of voters, and that in consequence thereof a large number of persons were prevented from casting their votes.

Now, what is the proof on this point? The contestant in his case in chief examined but one witness on this subject, and that was Mr. Frenzel (page 151), who testifies as follows:

Q. What time did you go to the second precinct of the seventeenth ward?
A. I think it was about half past one. I went there in the afternoon of that day.
Q. Why did you go?
A. I was called there because of some disturbances that were going on there.
Q. Did you go over there?
A. Yes, sir.
Q. Did you find any trouble there growing out of the use of this Republican ticket; and if so, what?
A. I found that owing to the Republican ticket being so easily distinguished from the Democratic ticket, that when a Democrat went to vote the Republican challenger, and particularly this patrolman, would know that he was voting the Democratic ticket, and immediately when they found that out they would bulldoze and browbeat the man so that he was either afraid to vote or was challenged and left.
Q. How many men were there of that sort, if you know?
A. I think there must have been at least sixty.
Q. Were those sixty Democrats?
A. Yes, sir; I think they were.
Q. What do you mean by patrolman?
A. A member of the police force, called patrolmen.
Q. Was there more than one policeman there?
A. There was one policeman and two captains of police.

That was all the testimony offered in this case in chief, and to meet that the contestee examined quite a number of witnesses to show that there was no disturbance at that precinct; that no one who was entitled to vote was prevented from voting, and that the usual vote was polled at the precinct. But here is the testimony offered by the contestee on this point, found at page 231, as follows:

E. J. Conway, who was being examined by contestee, on cross-examination by contestant's counsel was asked this question:

Q. Were there any policemen around that voting precinct that day?
A. Yes, sir.
Q. Who were they? What were their names?
A. Tim Splann was there a while, and Len Crane and Sam. Gerber, and there may have been one or two others for a short time. I don't recollect.
Q. Was Splann on the police force?
A. He was the captain of the police at that time.

Then again, on page 244, when the witness J. H. Bowlby was on the stand, on cross-examination he was interrogated and answered as follows:

Q. How many policemen were there?
A. I think there were two.
Q. Were there not more than two?
A. The captain was there a while. He drove down there.
Q. And were those two all that you recollect of? Who were those two?
A. I can not call their names. I never can call names very well. In fact I am not well acquainted with none of them by name. Campbell was there off and on.
Q. And Crane—was he there once in a while?

A. Crane—I do not know by name. I know him by sight, I expect.
Q. Do you know Mr. Gerber, a policeman?
A. No, sir.
Q. Captain Splann—was he there?
A. He is a large man, is he not? I am not particularly acquainted with Captain Campbell, but I know most of them by sight.
Q. You say some of these policemen were around there all day?
A. Yes, sir.
Q. And they were there to keep order?
A. I suppose that is what they were there for.
Q. Was there any particular need of having order kept at that precinct?
A. I did not see anything out of the way.

At pages 327 and 330 will be found the testimony of Mr. Splann, the captain of the police, and he testifies as follows:

Q. While you were in that precinct of the seventeenth ward where Mr. Frenzel was, was there other policemen there?
A. Yes, sir.
Q. Who were they?
A. Crane and Gerber were there.
Q. What Crane?
A. Leonard Crane.
Q. What is Gerber's name?
A. Samuel Gerber.
Q. They were patrolmen?
A. Yes, sir.

From that testimony it will be seen that there were two and only two policemen stationed at that precinct; that there was no trouble of any sort, as admitted by Mr. McDonald, page 463, on cross-examintion, who said there was no row there and no fights; and yet that is a strong Democratic precinct, and was carried by the contestant by 62 majority, and the gentleman from Ohio would have this House understand that from 60 to 100 voters were intimidated in that precinct and did not get to vote, all without any disturbance, row, or fight of any kind. The Democrats in that precinct are not so timid as the gentleman from Ohio would have you understand. Then, again, no affidavits were rejected, and the vote at that precinct was the usual vote, as testified to by the inspector at that precinct, Mr. Hetherington, at pages 331 and 332, as follows, on direct examination:

Q. How did the vote there correspond with the number of names recorded on the poll-book?
A. Well, that came out pretty well; better than we did at the last election.
Q. What election do you refer to?
A. The one we had here lately. We polled a very poor vote.
Q. What was the number of votes as compared with the number of names on the poll-list as compared with the election of 1882, if you remember?
A. I can not say exactly.
Q. Do you remember whether there were more or less votes than in 1882?
A. No, sir; they were about what is generally polled there.

And on cross-examination he testified as follows:

Cross-examination by Mr. WILSON:

Q. How old did you say you were?
A. Fifty-three in October.
Q. Do you use glasses?
A. Yes, sir; when I read.
Q. Is your vision as good as that of most anybody—as people of your age usually?
A. Well, I am unfortunate in having only one eye, but it is a very good one, and I can see as much as anybody with it, and it is very strong and powerful, but I read so much at night I find it is a benefit to wear glasses.
Q. When Mr. Peelle asked you about that Republican ticket you put your glasses on before looking at it a while ago?
A. Yes, sir; I recognized the names.
Q. But you could tell the difference between those tickets by feeling them?
A. I could.
Q. Was there anybody there challenged and sworn in that was not allowed to vote at your precinct—that was not allowed to vote after they were sworn in?
A. Yes, sir; several. I understood you to ask me if there was anybody sworn in?
(Question repeated.)
A. No.
Q. No trouble of that sort at all?
A. No; some voters—I frequently had trouble in getting parties to swear them in, and they made a business of getting Chris. Schoettle to do it, and I stopped it.
Q. How did you stop it?
A. Because he did not know the parties he was swearing in.
Q. How do you know that?
A. I asked him. I said, "Do you know that man, Chris.? Do you know his name? Do you know where he lives?" "No." Then I says, "Then don't you do that."
Q. Did not you refuse to take votes after they were sworn in?
A. No, sir; when parties were sworn in with a party that had authority to swear them in I never refused a vote.
Q. The question is about Mr. Schoettle.
A. I never refused a vote after they were sworn in.
Q. Did not you refuse votes that he swore were residents of the ward and had a right to vote there?
A. No; Mr. Schoettle swore in 2 votes, and I saw he was making a business of it, and I put the question to him, "Do you know that man, Chris.?" and he says, "I know he is a voter." "Do you know his name?" "No." "Do you know where he lives?" "No." Then I said "Don't you do that any more."
Q. You told him, then, he must not swear in any more votes?
A. I did; and he did not do it.

Here it affirmatively appears that no vote was refused after it had been sworn in as stated by the witness.

Under the statute of Indiana (section 4702 Revised Statutes 1881), when a voter has been challenged he shall step aside, and in addition to his own oath as to his qualification as a voter some one in the precinct who has been a *resident householder and freeholder for at least one year prior to the election* shall also swear as to the qualification of the voter; but there is no evidence whatever in this record that either Schoettle or any one else who attempted to swear in voters at that precinct was a householder in the precinct, or that he owned real estate in the precinct for one year prior to such election.

There is not a syllable of evidence in the record that Schoettle was authorized under the statute to swear as to the qualification of voters, nor is there any evidence that the other man (Wehla) owned real estate or was a householder at all in the precinct; so that neither of those two persons were authorized to swear as to the qualification of any voter, and such affidavits if tendered were rightly rejected, unless the party making the challenge had withdrawn it, but there is no evidence that any challenge was withdrawn. The contestant's own witness, Mr. Hicklen, swears that Schoettle and Wehla were the only two men in that precinct who attempted to swear in voters, and that they did not own real estate, as required by the statute. Here is Hicklen's testimony, pages 482 and 483:

Q. Do you know of another voter down there whose vote was refused after he had been sworn in other than the one you mentioned?
A. Yes, sir; I saw them sworn in.
Q. I mean men who were challenged and sworn in. How many of that kind were refused? How many of that kind were rejected by the inspector?
A. I could not say how many there were.
Q. Did you see more than that?
A. Yes, sir; I saw more than one.
Q. Did you see more than two?
A. Not sworn in according to the laws of Indiana, but men who were residents of the ward, and every one knew, would come in there with their affidavits made out in full and present it to the inspector; but they were men who had no real estate in the ward.
Q. And the challenges were not withdrawn, were they?
A. The challenges were not withdrawn.
Q. And the inspector would not receive that kind of affidavits, as the law required the affidavits to be of some one who owned real estate in the ward. Is not that the fact?
A. That is the law in this State.
Q. And it was that kind of affidavits you are referring to?
A. It is that kind of an affidavit.
Q. You say you have a personal knowledge of one man whose vote was refused after the affidavit had been made for him?
A. Two men that I know of.
Q. Was there more than two rejected after the affidavits had been made?
A. No; but there would be more men not coming to vote who had ascertained that they could not vote by being sworn in by some one who owned no real estate.
Q. As the law required?
A. Yes, sir.
Q. Then you only know of two men whose votes were rejected when affidavits properly prepared had been offered?
A. No; I do not say that. I say that I know there was any amount of men who did not come up and apply, and did not go in the chute to vote because they knew their votes would be challenged and rejected.
Q. Give me the name of some man who did not vote and did not come to the chute because he knew that he was going to be challenged.
A. I do not know the names of the parties.
Q. You do not know the name of one of them, do you?
A. I can not call one to mind now.
Q. All the votes that you say you saw rejected were two; is not that really so?
A. No. I saw men that I knew were voters in that ward, and I wanted them to come up and vote, and they replied if they went up there their votes would be challenged and the challengers would not withdraw them.
Q. Did you see the inspector reject any but two votes at that poll?
A. No rejection.
Q. Did you see the inspector, Mr. Hetherington, reject more than 2 votes?
A. All Mr. Hetherington had to do was to wait for the outside man to challenge. He did not challenge any votes.
Q. Did he receive any vote of any one that was offered to him?
A. I do not know whether he did or not.
Q. I mean did he refuse any vote that was offered him?
A. Not that I know of.

So that by the testimony of the contestant's own witness these men did not own real estate in the ward, as the statute requires, and further along in his testimony he admits that Schoettle and Wehla are the only two men who were there swearing in votes, and by his testimony he corroborates the testimony of the inspector that no vote was rejected after it had been sworn in. Neither Schoettle nor Wehla are put upon the witness-stand. From the testimony which I have read it will be seen that the contestee fully met the testimony of Frenzel that 60 voters were prevented from voting in that precinct, and now under the guise of rebutting testimony the contestant examines several witnesses, all of which is cumulative and not rebuttal. But assuming that this House will consider all the testimony, notwithstanding the contestee has had no opportunity to meet the same, I will now read from the testimony of such witnesses as were examined in rebuttal, so called. But before I do that permit me to remark that it is gravely stated in this report that there are in the city of Indianapolis seventy-four regular policemen and that on the day of election there were one hundred and fifty extra policemen appointed, and it further appears in the record in this case and in the brief of contestant's counsel that there were eighty-five United States officials in that county on election day.

This is dwelt upon as very remarkable and unusual; but this House will be surprised when I say that nowhere in this record is it shown that there was a single Federal officer at any precinct in that whole county during the entire day, and nowhere is it shown in this record that a single one of the extra policemen complained of were even seen on the day of the election, much less interfering with voters; and yet the gentleman from Ohio, in his report, misleads this House by asserting that these officers intimidated voters. And now what is the testimony introduced in rebuttal, and upon which this House is asked to count 100 votes for the contestant that were never cast for him and without any proof whatever that they would have voted for him even

had they voted. The House will notice, as I read along, that not a single name is given of any one who was intimidated and prevented from voting. Here is the testimony of Mr. Frenzel (pages 477 and 478):

Q. You said awhile ago that there was a German man whose vote was rejected and for whom an affidavit was prepared?
A. Yes, sir.
Q. Who was swearing him in?
A. Chris. Schoettle.
Q. You say he was a naturalized German. Do you mean that he had simply taken out his papers and became a citizen?
A. I could not say as to that. It might be that he had only taken out his intention papers.
Q. It was that day he took them out?
A. I could not say whether it was that day or the day before.
Q. Was not the ink still wet on the paper?
A. No, sir; not that I remember of.
Q. Do you remember who it was?
A. No, sir; I do not know that I can now say?
Q. Do you know where he lives?
A. No, sir.
Q. Do you know whether he was a voter in that ward to your own knowledge?
A. He was properly identified to me as being a voter there by responsible parties.
Q. Do you know anything about that, or about him, except what was told you that day?
A. Only what was told me by reliable parties, and I had seen the man there.
Q. That day?
A. I saw the man that day, and I had seen him before.
Q. You do not know how long he had been in this country, or how long he had been in that precinct?
A. No, sir.
Q. That was the only man's vote that was rejected that had been sworn in?
A. Yes, sir.
Q. You say at the time the inspector claimed he was not a resident?
A. The inspector claimed that Schoettle, who swore him in, did not actually know him.
Q. Did he question Mr. Schoettle as to his knowledge of the man and his residence?
A. I think he did.
Q. And it was after that that Mr. Schoettle withdrew himself, did he?
A. Mr. Schoettle left the polls then.

* * * * * * *

Q. You say there was only one vote that you saw for whom an affidavit was offered there that was refused. Do you know whether there were voters depending upon that affidavit; and, if so, how many?
(Objected to.)
A. I thought there was a good many, and it was my impression that there must have been at least fifty or sixty that were scared off, as it appeared to me.
Q. Did you make any statement about that at the time as to the number?

* * * * * * *

Q. Do you know of any man that did not get his vote in there that day?
A. It would not have been possible for me in that large crowd and with the amount of excitement going on there to have even identified my friends.
Q. You do not know the name of any man whose vote was not gotten in?
A. I can not state at this distant day.

The witness only makes a general statement as to the number as being 50 or 60, and out of that whole number he is unable to give the name of a single one; and yet upon such testimony the gentleman from Ohio asks this House to count those as votes cast for the contestant. But let me read further.

Here is the testimony of William Buehrig (pages 485 and 486):

Q. Do you know how many voters, on account of the refusal of those affidavits, there were who did not vote?
(Objected to as not rebuttal; and for the further reason that counsel had announced that he was through with the witness, and the contestee had no cross-examination to make.)
A. I judge there were 100 or more. From noon on I do not think we got in a dozen votes; in fact, I asked a dozen to vote, and they said, "What is the use? they won't let us vote." I know individual cases of men who had lived in the ward a number of years and they would push them right out of the chute and would not let them vote; and late in the day, when wagon-loads of Democrats would come there, they would hold some Republican in the chute and keep him there; and the chute was crowded a while before the polls closed, and parties that wanted to vote could not vote.

* * * * * * *

Q. Who made the affidavits?
A. Mr. Schoettle made some, until they scared him off, and Mr. Wehla.
Q. How long was Mr. Schoettle there?
A. He was there off and on all day.

It will be noticed that his statement as to the number is also general: "I judge there was 100 or more." He gives the name of no man, and the same men who were attempting to swear in those men, who owned no real estate, &c., as the statute requires, is mentioned; and yet he says that 100 men were dependent upon the affidavits of men not authorized under the law to swear as to the qualification of voters, and upon such testimony as that the gentleman from Ohio asks you to count 100 votes for English, and, too, without a line or word of evidence that a single one of them was a legal voter in that precinct.

But let me read from the testimony of Mr. McDonald, a prominent candidate for the nomination for the Presidency (pages 461–463):

Q. What was your position as to that campaign?
A. I was chairman of the Democratic State central committee, and also chairman of the executive committee.
Q. Now I will ask you if when you went to either precinct there in the seventeenth ward you had any conversation there with reference to swearing in voters? If so, state fully what you said and what was said at that precinct, if you recollect.
(Objected to as immaterial, and for the further reason that the question does not disclose with whom he had a conversation, if any one.)
Mr. WILSON. I state here as to the admission of the evidence that the witnesses for the contestee from the second precinct of the seventeenth ward have testified as to alleged conversations of Senator McDonald, in the language of the statement made at that precinct concerning swearing in voters, and we have a right to call for the entire conversation.
A. I will state at one of the precincts in the ninth ward I met John Frenzel, who was a member of the executive committee and treasurer of our State central committee, and who had been on a committee acting in concert with the county central committee to see about qualifying voters that might be challenged, and I learned from him who in the seventeenth ward was expected, or had been, or had been spoken to about qualifying such voters as might be challenged, as we understood there were quite a number of voters in that ward who were employés of some machine-shops in the western part of the city across the river, and he gave me the names.
Q. Do you recollect that name?
A. No; it is a German name.
Q. Was it Schoettle?
A. It was some such name. It was a German name. When I got down to that precinct of the ward I found trouble there about the votes of certain parties being received and inquired about this man, whose name had been given me by Mr. Frenzel, to know if he would file an affidavit to qualify a voter who was then challenged, and Mr. Pierce Norton, whom I found there—whether he came before me or after I do not know—took a blank affidavit and had it filled up and went to the voter to have it signed and sworn to before a notary public, as I understood. I did not know the man, but I understood he was a notary public; and Norton and myself, and this voter, whom I did not know, but I remember to be a young man, and the witness who had signed the affidavit, this German, started up to the poll to have this man's vote presented. We went up through the chute, and when the voter got to the window the affidavit was presented and his vote, and the inspector asked the witness something about this man or what he knew of him and what his name was, or something of that kind, and the German not answering to his satisfaction, the vote was refused. I then turned to see who had interposed the challenge. I felt satisfied that this person who was tendering his vote was a legal voter. I understood he had just come across from the shops with quite a number of others who had been at work during the forenoon and had adjourned to come over in the afternoon to vote, and there was nothing about them to indicate that they were not legal voters, and nothing to show that there was any attempt on their part to put in illegal votes. I turned to see who it was had made the challenge, and a person standing off at the right was pointed out to me as the person, and I asked the question—I said, "Do you know that this man is not a legal voter? I do not want any man to vote here who is not a legal voter, and unless you have some knowledge that he is not a legal voter I suppose you would hardly challenge him;" and he said: "No, I do not know he is not a legal voter, and I do not know that he is; but if he puts it in he is to put it in according to law," and he spoke in a very brusque sort of a way; and I said: "This man has complied with the law." By that time the German witness, who had filed his affidavit, seemed to be a little inclined to back out. He did not understand what was going on, or did not seem to very well. He was growing somewhat timid, and he was backing out of the chute, and in the mean time parties on the outside were saying: "Put them out! Get them out of the way!" or words of that kind were passing around, and we got out of the chute and I did not hear what the inspector said, but finally it resulted in the vote being refused. That much I clearly understood. Not being able to talk with this man in his own language, I then told my son Frank, who was with me in the buggy, to drive back to the ninth ward and bring down Mr. Frenzel to see if he could not get a better understanding with this person and unlock this trouble about the votes; and about the time Frenzel came there—I remained until he did come, and soon after he came I went away. The person that I spoke to I did not know, but I had the impression he belonged to the police force—that is, the person pointed out to me as the one who made the challenge, but I do not know that. He spoke up quite brusquely, and seemed quite determined that this man should not vote.
Q. You made your statement, did you, in the presence of the gentlemen standing around the chute?
A. Oh, yes, sir; the conversation took place while I was in the chute, and Judge Norton was in the chute, and the man whose vote we were presenting and the witness—we four were there.

Cross-examination by Mr. PEELLE:

Q. He then told you to clear out of the chute, so that others could pass up to vote?
A. Yes, sir; they got impatient.
Q. It was in order to enable others to pass up the chute to vote?
A. They did not want that affair to stop the vote any longer.
Q. Do you know who that man was that was challenging?
A. I do not.
Q. Did you examine the affidavit?
A. I am very confident I did. It was written by Pierce Norton. I recollect of his bringing the affidavit up after he had filled it up. It was a printed form.
Q. You do not know who the man was that was offering to vote?
A. No, sir.
Q. Do you know where he lived?
A. Nothing, except what I was told there.
Q. You do not know whether he was a legal voter or not?
A. No, sir; except what I was told there, and that was that he was from the workshops on the other side of the river and boarded in that ward.
Q. All you know about it is what was told you by those persons?
A. Yes, sir.
Q. Personally you have no knowledge upon the subject?
A. Personally I have no knowledge of the parties at all.

* * * * * * *

Q. I will ask you this—if the inspector did not ask that man who was vouching for this voter whether or not he knew him?
A. It is possible he did.
Q. And if he did not tell him he did not know anything about him, and he did not know him at all?
A. He could not give him his name; I remember that.
Q. Did not he say he did not know the man?
A. No; I do not remember that he said he did not know the man. He was a German, and I did not understand him very well myself.
Q. And the inspector refused to receive the vote after he had questioned the man who had vouched for him?
A. Yes, sir.
Q. Is it not a fact that the reason he gave for refusing was that the man that swore him in knew nothing about him?
A. He was not satisfied with the man's information. I think I said to him if the man is satisfied to make the affidavit he could make it anywhere else as well as to come here.
Q. And when the German ascertained the difficulty he began to back out and became a little timid?
A. Yes, sir; he was hesitating.

* * * * * * *

Q. No trouble there and no fighting?
A. No fights.
Q. No row?
A. No row.

From the statements made on this floor this House might infer that Mr. McDonald was a very timid man, as he had been ordered out of

the chute—meekly submitted; but upon examination of his testimony it will be seen that Mr. McDonald was asked to get out of the chute simply to enable persons who were there to pass up and vote. It will be seen that this same man, Schoettle, was then trying to swear in the vote that Mr. McDonald refers to, but the man did not own real estate, as required by the statute, nor is there a line of evidence that he was a freeholder; besides, Mr. McDonald himself was forced to admit that Schoettle did not know the man's name who he was swearing as a legal voter in that precinct, but this House is asked to count such votes for the contestant. Now, Mr. Speaker, such is the character of the testimony on this point all through. Not a single witness pretends to give the name of a single one of the 100 claimed to have been scared away, nor is one of them put upon the stand to testify. If any such number were prevented from voting certainly some of them could have been procured as witnesses, and before any such votes can be counted some of them at least must testify that they desired to vote and made reasonable effort to vote, but were prevented, &c. I refer the House to the case of Norris *vs.* Handly, Forty-second Congress, and to McCrary on Elections, section 431, where he says:

> Where it is alleged that a large number of persons have been deterred from voting by violence and intimidation, the testimony of those persons or some of them should be produced. The opinions and impressions of others is not sufficient.

He then quotes in support of this from the case of Norris *vs.* Handly, *supra:*

> It would seem that if over two thousand electors were deterred from voting by violence, threats or intimidation, some of these electors could be found to come forward and swear to the fact. Your committee think that it would establish a most dangerous precedent to allow a fact of this character, so easily established by the direct and positive testimony of so many witnesses, to be proven solely by hearsay and general reputation, &c.

The rule of law there laid down was long since adopted by this House, and yet you are asked to set aside that well-founded rule without the testimony of a single one of those timid voters, and without any testimony as to how they would have voted; the gentleman from Ohio and my colleague [Mr. LOWRY] both ask the House to count 100 votes for the contestant. When it is remembered that my majority in the district was only 87 votes, it is not surprising that 100 men are claimed to have been prevented from voting. That, as well as the number of votes claimed to have been lost to Peelle on that so-called recount, is not alarming when you consider that 87 majority had to be overcome. If this House should find that fraud and intimidation had been practiced at that precinct, being but one of the eighty precincts in the county, so that a fair election was prevented at that poll, then, under the rule laid down in McCrary on Elections, section 425, &c., the precinct should be thrown out, and in that event 62 votes would thereby be added to the contestee's majority. But, Mr. Speaker, I can not think that this House will be so lost to all sense of fair dealing and well-founded law as to sustain the report of the Committee on Elections.

I now come to the sixth and last ground of contest presented by the report.

ILLEGAL OR SPRING-BACK TICKET.

The constitution of Indiana provides:

> All general elections by the people shall be by ballot. * * *

Under that provision of the constitution the Legislature of Indiana has enacted the following statute:

> All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper of a uniform width of three inches, without any distinguishing marks or other embellishments thereon, except the names of the candidates and the offices for which they are voted for. (Section 4701 Revised Statutes 1881.)

Now, did that Republican ticket conform to the statute? It was printed on plain white paper; it contained no distinguishing marks or other embellishments; it was three inches in width, and contained the names of the candidates and the offices for which they were voted. The supreme court has repeatedly held that the heading constituted no part of the ticket. (See Drulinger *vs.* The State, 29 Ind., 308; Millholland *vs.* Bryant, 39 Ind., 363; Stanley *vs.* Manly, 35 Ind., 275.)

And, in addition to that, it was expressly agreed between Hon. Joseph E. McDonald, chairman of the Democratic State central committee, and Hon John Overmyer, chairman of the Republican State central committee, that no exceptions should be taken to the headings of the tickets (see page 534). But the contestant does not claim that such is a distinguishing mark; his only claim is that the paper upon which the Republican ticket was printed was so heavy and thick as that it could readily be distinguished from the Democratic ticket, which, by the way, was so thin and light as that it could readily be distinguished from the Republican ticket.

The statute does not define what kind of paper; it does not say plain white book-paper, plain white news-paper, plain white writing-paper, or plain white plate-paper, but simply "plain white paper," and it was to obviate the difficulty that might arise by the use of technical terms and the difference of opinion that might exist in case of contests that the Legislature of Indiana in the section quoted used a general term applicable alike to plate-paper, book-paper, print or news-paper, &c.

The object of that statute was to make the tickets uniform in external appearance, as decided by the supreme court in the case of Drulinger *vs.* The State (29 Ind., *supra*), in which the court say:

> This object would seem to be secured, as far as legislative enactment could effect it, by requiring all the ballots cast to be uniform in *external appearance*, and such we think is the proper meaning of the section of the statute under consideration.

Again the supreme court of Indiana in the case of the State ex. rel. Julian *vs.* Adams (65 Ind., 393), which was a proceeding by information under the statute to contest the election of a circuit judge; and in that case it was alleged that the "ticket was printed on very white, thin, and hard paper, which rendered it quite transparent; that at the head of said ticket the words 'Republican ticket' were printed in with very peculiar and unusual type and in unusual form and with very black ink, and by reason thereof the words 'Republican ticket' were readily seen and easily read and understood by an inspector of the other side of the ticket; that in the ordinary way of folding the said ticket the words 'Republican ticket,' so printed as aforesaid, were exposed in such manner that the officers of the election, or any other person who might be present and desired to know the ticket which any elector was about to vote, could readily ascertain and know whether a persons was voting the Republican ticket, Democratic, or National ticket; that the tickets used by the Democratic and National parties at said election were printed on soft white papers," &c.

And yet the supreme court held that ticket legal, as containing no distinguishing marks forbidden by this statute. There are but three tickets in comparative controversy in this case—the Republican ticket, the Democratic ticket, and the National or Greenback ticket, and each ticket is printed on different kinds of paper. The National or Greenback ticket is printed on news-paper about two-thirds as heavy as the Democratic ticket, while the Democratic ticket is printed on book-paper about half as heavy as the Republican ticket. Now the question is which shall be the standard, or shall any standard be established? The statute of Indiana does not designate any official to procure or issue the paper for printing tickets upon, but leaves that to the respective political parties.

Now, in the first place, I insist that it is immaterial whether the tickets had been printed on plain white book, news, writing, or plate paper, so that in point of fact the ticket was printed on "plain white paper." But the contestant claims that the paper upon which the Republican ticket was printed was "plate-paper," and therefore not in accordance with the statute, and this he insists notwithstanding there is absolutely no controversy but that the material is paper and that its color is "plain white." Now, I apprehend that this House will not undertake to legislate for the State of Indiana; and yet if the House should hold that the paper upon which the Republican ticket was printed was not on plain white paper, that in effect would be to adopt the kind and quality of paper upon which the Democratic ticket was printed, thereby adopting a technical standard of paper, which the Legislature of Indiana sought to avoid.

The contestant in the prosecution of this case assumed that the paper upon which the Democratic ticket was printed was the correct standard, as the paper upon which that ticket was printed was book-paper; and assuming that he attempted to prove that the paper upon which the Republican ticket was printed was plate-paper and therefore not plain white paper, the burden of proof is upon the contestant; and now for the sake of the argument let us assume the plate-paper is not such paper as contemplated by the statute. Let us therefore examine the proof on the question first as to the particular grade or quality of paper, and see if contestant has made out his case even upon the theory that the material is plate-paper.

The contestant examined nine experts on this subject, and while with one or two exceptions they testify that the material is what is known as Western plate-paper, yet they all, with one single exception, agree that it is paper, and that its color is plain white. The only witness who said it was not plain white in color was Mr. Edward Mill, and he pronounced it a toned paper, "bordering on a buff tint;" but any man with good eyes and common sense would know better than that by looking at the ticket. Here it is, and I invite an inspection of it by all. And now here is his testimony and his reason for saying it was toned paper, &c.

Edward Mill, on cross-examination (page 140), says:

> Q. If a customer were to ask you for plain white paper, would you understand what he meant, unless he designated it as print, book, or plate paper?
> A. No, sir.
> Q. Is not that Republican ticket that you have in your hand printed on paper?
> A. Yes, sir.
> Q. Is not the color plain white?
> A. No, sir; it is what we call toned paper.
> Q. Is not toned paper white?
> A. No, sir.
> Q. What color is toned paper?
> A. Bordering on a buff tint.
> Q. What is the color of the paper upon which that Democratic ticket you have in your hand is printed on?
> A. That is white; dead white.
> Q. Why did you pick up the Republican ticket just now and compare it with the Democratic ticket before you answered the question as to the color of that Democratic ticket?
> A. In order to make a correct answer.

And on re-examination, at the same page of the record, he says:

Q. Can you make plain white paper without the use of bluing?
A. No, sir.
Q. What are your politics?
A. First-class Republican.

That was the only one of the contestant's expert witnesses who testified that the paper was not plain white; and to meet his statement I put on the witness-stand the contestant's principal expert witness, Mr. C. B. Wing, who sold the paper, and he testified on that subject as follows (page 321):

Q. State if there is any indigo in that paper, or bluing?
A. There is not any indigo in it.
Q. What do you call it?
A. Ultramarine blue.
Q. Is there not some of that in it?
A. Yes, sir.
Q. What is it put in there for?
A. If we did not put some bluing in we could not get any color. If it was not for that it would be a regular yellow paper.
Q. What do you put that in for—to make it white?
A. Yes, sir.
Q. Can you tell from looking at that paper whether there has been bluing put in or not?
A. Yes, sir.
Q. You can tell it?
A. It would not get that color if we did not put some coloring in.
Q. What do you mean by saying it would not be that color?
A. It would be a regular buff tint. It is just like you have a shirt washed. If you do not have some bluing in it it will become yellow in time, and that is the reason they put bluing in paper; because it becomes yellow if you do not do that; in time it will turn perfectly yellow like a man's shirt.
Q. State if paper whitened by the use of bluing has a tendency to become yellow by the lapse of time and contact with air?
A. Yes, sir.
Q. Has that ticket the appearance of turning color some?
A. I could not notice it on this ticket. I saw a ticket that I noticed it on.

John Carlow, on cross-examination (pages 26 and 27), says:

Q. What is your politics?
A. I am a Democrat.
Q. How long have you been a Democrat?
A. I can not tell you.
Q. Born that way?
A. Born that way; yes, sir.
Q. Did you have any bet on the result of the Congressional election last fall?
A. I did after election day. The day after the election I bet one-half a box of cigars.
Q. Did you bet on Mr. English?
A. I did.
Q. Before the returns came in?
A. Yes, sir; before they came in.
Q. Is there any difference between this Democratic and National ticket that you have been talking about in the paper?
A. Yes, sir; there is a little difference.
Q. What is the difference?
A. The Democratic ticket is on a little bit better paper than the National ticket.
Q. What kind of paper is that?
A. That is book-paper.
Q. Plain white paper, is it not?
A. Yes, sir.
Q. Now take the Republican ticket and say what is the difference between that and the Democratic ticket.
A. The difference is, one is book-paper and the other is plate-paper.
Q. The Republican ticket is plain white paper?
A. Yes, sir; plain white plate-paper.
Q. And the other is plain white book-paper?
A. Yes, sir.

Enos B. Reed, on cross-examination (page 111), says:

Q. That is paper, then, is it not?
A. Even a blank card is paper.
Q. That Republican ticket is printed on paper?
A. Not in the general acceptation of the phrase.
Q. It is paper, is it not?
A. I presume it is. It may be straw; even paper is made from straw and printed on.
Q. That is paper, is it not?
A. Yes, sir; I suppose it is.
Q. The color of the ticket is plain white?
A. Yes, sir.

C. S. Butterfield, on cross-examination (page 127), says:

Q. It is paper?
A. Western plate-paper.
Q. It is plain white paper?
A. Yes, sir.
Q. Where is your place of business?
A. 36 West Washington street.
Q. Just in stationery, are you?
A. Printing and stationery.

C. B. Wing, being the party who sold the paper to Mr. Hasselman, on cross-examination (pages 131 and 132), says:

Q. Do you know what plain white paper is?
A. I think I could tell a sheet if a man would hand me one.
Q. Is there more than one kind of plain white paper?
A. Yes, sir; there are forty different kinds. I think I could enumerate forty.
Q. If a man would come to you and want to buy plain white paper, would you know what the man wanted without interrogating him?
A. I would ask him what kind of plain white paper he wanted.
Q. What is plain white paper?
A. There are different kinds of that. There is plain white news-paper, plain white book-paper, plain white tub-size, and plain white writing-paper, and I could enumerate many more.
Q. Is that paper upon which the Republican ticket is printed plain white paper?
A. It is plain white plate-paper.
Q. Is not that as equally plain white paper as the book-paper upon which the Democratic ticket is printed?
A. I would call that Democratic ticket white book-paper, and this Republican ticket I would call white plate-paper.
Q. And print paper you would call plain white print paper?
A. I would say white print. I don't know as I would use the word "plain."
Q. If one is plain white paper the other is plain white paper equally.
A. Well, yes; I don't know but it is.
Q. What is it that makes plain white paper; what is plain white paper?
A. You can make plain white paper out of a good many things; you can make it out of wood and rags.
Q. That Republican ticket is printed on paper, is it not?
A. Yes, sir.
Q. And it is plain white, is it not?
A. Yes, sir.
Q. And if the Democratic ticket, which is printed on plain white book-paper, is plain white paper, the Republican ticket, which you say is printed on plain white plate-paper, is equally plain white paper, is it not?
A. I would call it white paper, or white plate-paper.

W. O. De Vay, on cross-examination (page 16), says:

Q. Are you a Democrat?
A. I am.
Q. Is that Republican ticket that you made part of your evidence—is it on paper?
A. It is plate-paper.
Q. Is it card-board, or is it bristol-board, or is it paper?
A. It is plate-paper.
Q. What is the color of that ticket?
A. It is white.
Q. Is it plain white or tinted?
A. It is plain white.

William B. Burford, on cross-examination (pages 22–24), says:

Q. You are a Democrat, I believe, in politics?
A. I am, sir.
Q. If I remember rightly you had no bet on the last election at all as to the result between Mr. English and myself?
A. No, sir; I never bet on elections.
Q. I will hand you the Democratic and National tickets, which have been introduced as a part of the evidence of Mr. De Vay, and I will ask you to state if there is any difference between the kind of paper that these two tickets are printed on?
A. Well, I think there is a slight difference.
Q. I will ask you to state what that difference is.
A. One is a little better grade of book-paper than the other.
Q. Are they both printed on what is known as book-paper?
A. They are.
Q. Is it plain white paper?
A. It is.
Q. I now hand you the Democratic and Republican tickets identified before and ask you to state the difference between those two tickets.
A. One is printed on book-paper and the other is printed on plate-paper.
Q. Are they not both printed on plain white paper?
A. They are, so far as white goes, if you do not qualify.
Q. The only difference being one is what is known as "book" and the other is what is known as "plate" paper?
A. Yes, sir.

Silas T. Bowen (page 36) on cross-examination, says:

Q. State if the material upon which this Republican ticket is printed and upon which the Democratic ticket is printed are not both paper manufactured the same way.
A. I suppose they are.
Q. State if the color of the Republican ticket is not plain white.
A. It would be regarded as plain white.

Edwin L. Hastings (page 37) on cross-examination, says:

Q. Where are you now employed?
A. Mr. William B. Buford's.
Q. The same gentleman who testified here the other day?
A. I do not know.
Q. That Republican ticket that you have been talking about—I will ask you to state if that is paper.
A. Yes, sir.
Q. What is the color of the ticket?
A. White.
Q. Is it plain white?
A. Yes, sir.
Q. Is not that a plain white ticket?
A. Yes, sir; plain white paper.
Q. I will ask you if that is not a printed ticket?
A. Yes, sir.
Q. I will ask you if that ticket is not printed on plain white paper?
A. Yes, sir.
Q. And you have been engaged in the business how long?
A. Thirty-five years.
Q. You have had the handling of all kinds of paper?
A. Yes, sir.
Q. Were you not formerly employed by the Journal Publishing Company?
A. Yes, sir.
Q. And you have an extensive acquaintance with the different qualities and kinds of paper?
A. I think so.
Q. I understand you to say that you have known tickets voted at elections to be printed on paper like that?
A. Yes, sir; I know of one election where they were printed just exactly like this—fully as heavy, I think.
Q. How long ago was that?
A. I do not recollect that.
Q. About how many years?
A. Four or five or six years ago. It seems to me it was the election before this one; I am not sure. I know we printed the ticket and it was printed on heavy paper.

Now let us examine the evidence of the contestee on this subject of the paper, and first let us see what a paper manufacturer has to say:

Henry Salisbury, being first duly sworn, testified (pages 276, 277) as follows:

Q. State your age, name, and residence.
A. Henry Salisbury; age, 63; residence, Indianapolis, Ind.
Q. How long have you resided in Indianapolis?
A. I have been here since 1869.
Q. What business are you engaged in?

A. Paper manufacturing.
Q. What is the name of your firm?
A. The Salisbury and Vinton Paper Company.
Q. Have you been in that business since you have been in this city?
A. Yes, sir.
Q. What business were you in prior to that time?
A. Before I came here I was in the same business.
Q. Where were you engaged in that business?
A. Springfield, Mass.
Q. Engaged in the manufacturing of paper in Springfield, Mass.?
A. Yes, sir; my mill was not there, but I resided there, and did business there.
Q. Were you ever engaged in the business of paper dealing?
A. Yes, sir.
Q. How long were you engaged in that business?
A. Nine years.
Q. What kind of paper did you handle as a dealer?
A. Nearly all grades of paper—fine papers and coarse papers.

* * * * * * *

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A, to the deposition of C. F. Holliday, and I will ask you to take that ticket and examine it carefully, and state what kind of paper it is printed on, if you can.
A. I should call that a "book" paper.
Q. About what weight would you call that, say 19 by 24, five hundred sheets to the ream?
A. I should think about forty pounds.
Q. About forty pounds—19 by 24?
A. Somewheres about that; I can not tell it exactly.
Q. Take its size, 25 by 38, five hundred sheets to the ream, and how much more would it weigh than that?
A. Nearly twice as much more.
Q. You think about eighty pounds?
A. About eighty pounds.

* * * * * * *

Q. I will ask you to state, when that paper is in sheets 19 by 24 or 25 by 38, what it is known as in the trade?
A. It is known as "book" paper.
Q. What is the color of that paper—I mean those tickets voted in 1882?
A. It is what they call white paper.
Q. Is it, or not, plain white paper?
A. I should say it was plain white paper.

Calvin L. Divine, being first duly sworn, testified (pages 197, 198) as follows:

Q. Your name, age, and residence?
A. C. L. Divine; age, 51; residence, Indianapolis.
Q. What is your occupation?
A. I am a printer.
Q. What particular position do you occupy as a printer?
A. I am superintendent of the Daily Journal.
Q. How long have you been in that position?
A. About ten years.
Q. Are you familiar with the different qualities and grades of paper?
A. Well, yes; somewhat.
Q. Take that ticket headed "Republican ticket," and marked as Exhibit A, to the deposition of Mr. Holliday, and state whether or not you ever saw that ticket, or one similar to it, before.
A. I do not know; I suppose it is the ticket that was voted last fall.
Q. In 1882?
A. Yes, sir.

* * * * * *

Q. What is the color of that ticket?
A. White.
Q. Is it plain white?
A. Plain; it is not calendered.

N. R. Ruckle, being first duly sworn, in his direct examination testified (pages 204 and 205) as follows:

Q. State you name, age, and residence?
A. N. R. Ruckle; age, 45; residence, Indianapolis, Ind.
Q. What business are you engaged in?
A. Printing.
Q. How long have you been engaged in that business?
A. I suppose, altogether, twenty-three or twenty-four years.
Q. What particular position do you hold just now?
A. I am superintendent of the Journal Company.

* * * * * * *

Q. Please examine that Republican ticket voted in this city in November, 1882, and state what material that ticket is printed on, if you know?
A. That is paper.
Q. What is it called?
A. I know what it was sold for by the man who sold it; it is supposed to be a cheap kind of plate-paper—is what it was sold for.
Q. Is it a heavy or light grade of plate-paper?
A. A light grade of plate-paper.
Q. State what that is known as in the trade.
A. That is a pretty hard question for me to answer. A plate-paper ought to be sized a little more on one side than the other. A regular plate-paper, as it comes out of the mill, is sized more on one side than the other. This appears to be sized on both sides about alike. It is about the quality of heavy white book, extra material, sized and calendered both.
Q. State whether that is not plain white paper.
A. It is white paper. I do not know what you call plain white, because every paper in the trade has some name to it, and has some way or other to distinguish it; and if you would ask a man for plain white paper he would not know what you wanted.
Q. Unless you would ask another question?
A. He would ask what you wanted to use it for—a book or something else.
Q. Is it a fact or not that you would not be able to tell what a man wanted if he should come to you and ask simply for plain white paper?
A. If he would ask for plain white paper we would ask him what quality.
Q. Is it or not a fact that print, book, flat, and plate paper is plain white paper if it is not tinted or ruled?
A. We call everything white paper that is not tinted or ruled.

L. G. Dynes, on cross-examination (pages 209 and 210):

Q. There lies before you on the table, just in the order in which Mr. Peelle called your attention to them now, the Republican ticket voted in 1882 by the Republicans, as Mr. Peelle stated, and the ticket headed "Democratic ticket," voted in 1882, as Mr. Peelle stated, and four other tickets, one a National ticket, voted at the Garfield Presidential election, and one of them a Democratic ticket with a flag at the head of it, &c. Do I understand you to say that those are all made on the same kind of material?
A. No, sir; I did not say that.
Q. Did you say that they were all known in the trade as plain white paper?
A. That is the way I know them. That is the way I understand them to be known. If they were all shown to me, as they are, in a lump, I should say they were plain white paper.
Q. Why do you say that?
A. Because they are white, and because they are paper, and because they are not ruled.
Q. Simply because they are white, and simply because they are plain and unruled, and simply because they are paper.
A. And made substantially of the same material.

Robert W. Cathcart, being first duly sworn, in his direct examination testified (pages 290 and 291) as follows:

Q. State your name, age, and residence?
A. Robert W. Cathcart; 40 years; residence, Indianapolis, Ind., for the last three years.
Q. What is your business?
A. The book business.
Q. How long have you been in that business?
A. Since 1856, except during three years in the Army.
Q. Have you been employed or engaged in this city in that time?
A. Yes, sir.
Q. What kind of books or papers do you handle?
A. Well, we handled the first two or three years—I was clerk then; part of that time I have been in business for myself.
Q. Are you familiar with the different qualities of book-paper?
A. Not with all qualities, because I usually handle—when I do handle them—only the cheaper goods. That is, when I was with Merrill, some years ago.
Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to examine it carefully and state the kind of paper that that ticket is printed on, if you know.
A. I should say it was a cheap book-paper; we have had what we call a No. 2, that has wood in it; I suppose this is about the same grade of book.
Q. Have you any paper in books in your establishment as heavy or heavier than that?
A. Yes, sir; in the finer grade of books, most all our books are heavier paper; this, I suppose, is used mostly for subscription books.
Q. Have you paper in books in your establishment heavier than that?
A. Yes; I would say most of our Christmas books are heavier than that; but they are finer books—finer stock.
Q. Have you made an examination and examined that paper in connection with books in your establishment?
A. I have examined the weight of it; we have some paper that is almost as heavy as cardboard in our Christmas books and illustrated books; the finer goods are upon heavier paper.
Q. I mean a book in which there is printed matter; not the illustrations.
A. We have both—illustrations and the poem itself; for instance, where they want to make a thick book and only put in one poem.
Q. How much thicker is the paper you have in some of those books than this?
A. It varies a good deal; some is twice as thick as this and some thicker; that is determined by the publisher.
Q. Have you writing-paper in your establishment as heavy as that?
A. Yes; I should think it was quite as heavy as this.
Q. Did you examine some writing-paper to see if it was as heavy as this?
A. Yes, sir; it is what we call 80-pound, but I am not able to say what the weight of this is; but we have what we call our 80-pound cream laid, and it is as heavy, and I should think heavier, than this; it is the finest paper we handle.

W. O. Anderson, being first duly sworn, testified, in his direct examination (pages 292, 293), as follows:

Q. State your name, age, and residence.
A. W. O. Anderson; age, 44; residence, Indianapolis, Ind.
Q. State your business.
A. Wholesale paper business.
Q. Have you any one with you?
A. Yes, sir.
Q. What is the name of the firm?
A. It is the Hubbard & Anderson Paper Company, 127 S. Meridian street.
Q. How long have you been engaged in that business in this city?
A. About five years.
Q. How long have you been engaged in the paper business?
A. Something over twenty years.
Q. How long have you been engaged in the manufacture of paper?
A. Yes, sir; over eight years.
Q. Whereabouts?
A. In Richmond, in this State, and in Columbus, Ohio; also in Clifton.
Q. What grade of paper do you manufacture?
A. We manufactured news-paper principally, what we call "news" and manilas.
Q. Did you manufacture book-paper?
A. I was connected with a mill as book-keeper that manufactured book-paper.
Q. Are you familiar with the different grades of paper?
A. Yes, sir.

* * * * * * *

Q. I now hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to take that ticket and examine it, and state the kind of paper upon which that ticket is printed.
A. I should say it was a medium grade of book-paper.
Q. As to the number?
A. It is what we call No. 2.
Q. What is the weight, probably, per ream of that paper—size 19 by 24 and 25 by 38, respectively?
A. In 19 by 24 I should take it to be about a 40-pound paper, and just about double that in the other size.
Q. You think it would be about an 80-pound paper in 25 by 38?
A. Yes, sir.

John B. Conner, being first duly sworn, testified in his direct examination (page 336) as follows:

Q. State your name, age, and residence.
A. John B. Conner; I am 53 years old; I reside at No. 360 Park avenue, in this city.
Q. How long have you resided in this city?
A. Since 1874.
Q. Did you ever occupy any official position in this city or State?
A. Yes, sir; I have been in the Legislature one session and in the department of statistics two years.
Q. Chief of the bureau of statistics in the State?
A. Yes, sir.
Q. What business are you engaged in now?
A. Newspaper business.
Q. What paper?

A. Indiana Farmer.
Q. An agricultural paper?
A. Yes, sir.
Q. How long have you been connected with that?
A. Ever since 1874, in July.
Q. In your business as chief of the bureau of statistics in this State and in the publication of the Indiana Farmer have you purchased much paper?
A. Yes, sir; considerable.
Q. Are you familiar with the different kinds of papers?
A. Tolerably.
Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Holliday. Take that and examine the paper upon which it is printed and state what kind of paper it is, if you know.
A. Well, that is a heavy and extra-sized quality of No. 2 book-paper, I should say.
Q. Have you ever seen that paper before to-day?
A. I expect I voted it.
Q. Did you attend the Congressional election in this city in 1882?
A. Yes, sir.
Q. Did you see that ticket there?
A. I think that is the ticket.
Q. Did you examine the ticket that day?
A. Yes, sir; a casual examination.
Q. What is your judgment, then, as to the quality of paper; the same as now or different?
A. I thought it was a heavy quality of book-paper.
Q. I hand you now a book entitled "Memorial address on the life and character of James A. Garfield, President of the United States, by James G. Blaine, February 27, 1882." I will ask you to examine the plate in the front part of that, upon which is engraved the picture of General Garfield, and I will ask you to examine that paper and say what kind it is.
A. That quality of paper I never had much to do with or had occasion to use it much. It is about the thickness of plate-paper, and it is not finished so much.
Q. Is not that paper used for lithographic-plate purposes?
A. Usually; although that lithographic plate is not so highly calendered.
Q. Is it or not lithographic plate; and if so, what kind?
A. Yes; lithographic plate. There is a character of paper that is used almost exclusively for that work, but I am not very familiar with that quality of paper.
Q. You are more familiar with the different qualities of book-paper than anything else?
A. Yes, sir.
Q. What is the character of the paper in that book you have in your hand upon which the printed matter appears?
A. It is what printers call book-paper.
Q. Is it a better, inferior, or medium grade, compared with the ticket you have in your hand.
A. I think it is rather better finished than the ticket I have; or, perhaps, I might say, higher calendered.

Samuel Merrill, being first duly sworn, testified in his direct examination (page 333) as follows:

Q. State your name, age, and residence.
A. Samuel Merrill; I am 52 years old, and I reside in Indianapolis, Ind.
Q. What is your business?
A. Bookseller and paper dealer.
Q. How long have you been in that business?
A. More than thirty years.
Q. In this city?
A. Yes, sir.
Q. Do you wholesale or retail, or both?
A. Both.
Q. What is the name of the firm, if you have any partners?
A. Merrill, Meigs & Co. is the name of the firm.
Q. You deal in books as well as stationery?
A. Yes, sir.
Q. Law-books?
A. Yes, sir; all kinds of books I suppose you might say.
Q. Were you in this city at the time of the Congressional election in 1882?
A. Yes, sir.
Q. Did you attend the same?
A. Yes, sir.
Q. What precinct and ward?
A. In the second precinct of the second ward.
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to take that ticket and examine it and tell me if you have seen or examined the paper upon which that ticket is printed or similar one before?
A. Well, I have examined a similar ticket to this.
Q. I will ask you to state from your experience in business what kind of paper that ticket is printed on?
A. The ticket is a very dirty ticket; have you a clean one there?
Q. I will take that ticket back and I hand you now a ticket headed "Republican ticket," and ask you to examine that ticket, and I ask you to state what kind of paper that ticket is printed on?
A. I would say that came as near a No. 2 book-paper as anything.
Q. What would you think that paper would weigh, size 22 by 28?
A. Our book-paper comes in different sizes from that.
Q. What size do they come in?
A. We use more book-paper 25 by 38 than anything else.
Q. Size 25 by 38, 480 sheets to the ream?
A. I should think that would be 70 to 75 pounds.
Q. I now hand you ticket headed "Democratic ticket," which is marked as Exhibit S, shown to Mr. Gordon, and I will ask you to state what kind of paper that is?
A. I would call it a very good quality of news.
Q. I will ask you if you have books in stock in your establishment with paper as heavy or heavier than the paper upon which the Republican ticket that I have shown you was printed?
A. Yes, we have as heavy, and we have some heavier. Let me feel that again (witness taking ticket); yes, we have some heavier.

Alfred D. Clarke testified (pages 348–349) on direct examination as follows:

Q. State your name, age, and residence.
A. Alfred D. Clarke; 45 years old; residence, 121 North Mississippi street, Indianapolis.
Q. How long have you lived in Indianapolis?
A. I came here the last time in 1871.
Q. How long have you lived in Indianapolis altogether?
A. I came here in 1857 and left in 1867, and came back in 1871.
Q. What business are you engaged in?
A. I am engaged in the book and stationery business—Bowen, Stewart & Co.
Q. What position do you occupy there?
A. I am head of the retail department.
Q. How long have you been in that business?
A. Twenty-odd years altogether.
Q. Has Mr. Bowen been one of the proprietors of that establishment all the time?
A. Yes, sir.
Q. That is S. T. Bowen?
A. Silas T. Bowen.
Q. You are a Republican, I believe?
A. I am, sir.
Q. Do you handle paper down there in your establishment?
A. We handle papers, but my department is such that I do not have anything to do with paper; at one time I did handle paper very largely, and knew more about it than I do now.
Q. Could you tell a piece of white paper if you saw it—as to what kind of paper it was?
A. I could not as an expert.
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday; and I will ask you to take that ticket and examine the paper upon which it is printed, and tell me from your knowledge and experience in the business what kind of paper that is, if you can.
A. I should consider that paper a book-paper.
Q. What grade of book?
A. An inferior grade of heavy book-paper.
Q. Have you books in stock in your establishment containing paper as heavy or heavier than that?
A. Yes, sir; we have.
Q. What class of books?
A. Two classes of books. We have a class of books made by Houghton, Mifflin & Co.—the Riverside Press—that contains some paper as heavy as this, although a better grade, and we have some books made by subscription men of a similar grade to this, lighter and heavier.
Q. Have you books in stock containing paper as heavy as that that is as fine or better finished?
A. We have a better finish.
Q. What class of books is that?
A. First-class books.
Q. Are they extraordinary books, or books that are kept in stock?
A. No, sir; they are usually kept in stock. They are made by the Riverside Press, by Houghton, Mifflin & Co., and a new edition—the subscription edition of Longfellow—is made on paper like this, but heavier and finer.

W. R. Holloway, being first duly sworn, testified in his redirect examination (pages 353, 354) as follows:

Q. State your age, name, and residence.
A. W. R. Holloway; 46 years old; residence, Indianapolis.
Q. How long have you lived in Indianapolis?
A. Since 1861.
Q. What business are you engaged in?
A. I am president of the Indianapolis Times Company.
Q. Is that a daily paper?
A. Yes.
Q. How long have you been engaged in the newspaper business?
A. Ever since I was 16 years old.
Q. As a printer and as a publisher of a paper?
A. Yes.
Q. Were you ever State printer in this State?
A. Yes.
Q. And had the buying and handling of paper?
A. Yes.
Q. What grades of paper?
A. I have bought all kinds of paper; particularly book and news paper.
* * * * * * *
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the Republican ticket voted at that precinct that day?
A. Yes. I guess that is.
* * * * * * *
Q. Is that such paper that is known in this city and State as a book-paper? (Objected to as leading.)
A. Yes.
Q. What is the color of that paper upon which the Republican ticket is printed?
A. They are both white paper.
Q. What kind of white paper; plain white?
A. Certainly, it is plain white. There are no water-marks on it, or anything of that kind on it.

J. G. Sexton, being first duly sworn, testified in his direct examination (pages 355 and 356) as follows:

Q. State your name, age, and residence.
A. J. G. Sexton; 85 West Michigan street, Indianapolis, Ind.; age, 30.
Q. What is your business?
A. Practical printer, and do a job-printing business, on the corner of Pennsylvania and Market streets.
Q. Are you engaged with any one?
A. John B. Jaques.
Q. How long have you been in the business?
A. Between four and five years.
Q. Are you familiar with the different grades of paper?
A. Yes, sir; with the different grades of paper used in the job-printing business.
Q. I hand you ticket headed "Republican ticket;" and I will ask you to take that and examine it, and state what kind of paper that ticket is printed on.
A. I would take that to be a heavy grade of No. 2 book-paper; a very good quality of No. 2 book-paper. That is, I mean very heavy weight; a very good grade of No. 2 book-paper.
Q. Is it sized and supercalendered paper?
A. Well, I think not; I should take that to be a sized and calendered paper.
Q. Are you familiar with plate numbers?
A. Well, not as familiar as I am with so-called book-papers.
Q. And from your knowledge of paper you would pronounce that a No. 2 book?
A. No. 2 book-paper, sized and calendered, as distinguished from a sized and supercalendered.

John B. Jaques, being first duly sworn, testified in his direct examination (page 360) as follows:

Q. State your name, age, and residence.
A. John B. Jaques; age 33; residence, 743 North Tennessee street, Indianapolis, Ind.
Q. What are your politics?
A. Well, until the township election of 1882 I was a Democrat. At the township election I voted the Republican ticket, with the exception of Luke Wal-

pool; I voted for him last fall. I voted the Republican ticket, and this spring I voted for all except one candidate.
Q. You were a Democrat?
A. Yes, sir, up to the last national election; including the last national election, I was a Democrat.
Q. You voted the Republican ticket in 1882?
A. Yes, sir.
Q. What is your business?
A. Printer.
Q. Are you in partnership with Mr. Seaton?
A. Yes, sir.
Q. How long have you been in the business?
A. I have been in the printing business for eighteen years.
Q. What kind of business?
A. Book and job printing. I have not been in it for myself that long, but I mean as journeymen, foreman, and proprietor.
Q. Are you familiar with the different grades of paper?
A. Well, mostly with the general run of paper.
Q. I hand you a ticket marked Exhibit No. 1 to the deposition of J. G. Sexton, and I will ask you if you will please take that and examine it and tell me what kind of paper it is?
A. It is calendered paper of some kind. The stock seems to be that which is generally used in book-paper, and it is a sized and calendered paper, or what would be called a No. 2 book.
Q. You would pronounce it a No. 2 book, from your experience in the business?
A. Yes, sir.

Frank H. Smith, being duly sworn, in his direct examination testified as follows (page 372):

Q. State your name, age, and residence.
A. Frank H. Smith; 30 years old; residence, Indianapolis, Ind.
Q. What is your business?
A. Printer.
Q. Are you carrying on business for yourself?
A. Yes, sir.
Q. What is it?
A. Jobbing establishment.
Q. How long have you been in that business?
A. About five years for myself.
Q. Are you familiar with the different grades and qualities of paper?
A. Yes, sir; in general use.
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Holliday, and I will ask you to take that ticket and examine it and state what kind of paper that ticket is printed on?
A. It looks to me like it was a heavy book-paper more than anything else; I thought it might possibly be a light card-board, and that is the reason I lit it.
Q. What kind of paper is it?
A. It is rather peculiar book-paper; different from any we use.
Q. What grade of book-paper would you call it?
A. I would call it No. 2 book-paper. It is very heavy paper, of course; sometimes paper is used a little heavier than that in books, but very seldom that heavy. It resembles plate-paper a little, but it has not got the body to it, and has not got high enough finish for that. That is about the only thing I can make out of it. It does not tear like card-board or anything like that, and it does not burn like it.
Q. Does it tear like plate-paper?
A. No, sir; it is not strong enough for that; it might be made for that; it may be an inferior quality of that, but it looks more to me like book-paper than anything else.

E. W. Halford, being first duly sworn, in his direct examination testified (page 399) as follows:

Q. State your name, age, and residence.
A. E. W. Halford; age, 40; residence, Indianapolis, Ind.
Q. State your business.
A. I am managing editor of the Indianapolis Daily Journal.
Q. That is regarded as the leading Republican paper in the city, is it not?
A. I suppose it may be so taken as one of the leaders.
Q. How long have you been in journalism?
A. About twenty years.
Q. Were you ever in a job-printing establishment?
A. Yes, sir.
Q. How long were you connected with a job-printing establishment?
A. I have been in the printing business ever since I was 13 years old.
Q. Been in the job-printing business?
A. In the job and printing business up until the time I went on the Journal, about twenty years ago.
Q. Are you familiar with and have you handled the different kinds of paper used in book printing?
A. I was at that time; I had charge of a job office for some time.
Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit No. 1 to the deposition of J. G. Sexton; and I will ask you to take that and examine it, and state if you know what kind of paper that ticket is printed upon?
A. I should say that was a heavy book-paper.
Q. What grade of book-paper would you call that?
A. I would hardly know now, because it has been a long time since I handled book-paper. I would not know just what grade.
Q. By number can you tell?
A. I can not tell that.
Q. It is a heavy grade of book-paper?
A. Yes, sir.

And now, Mr. Speaker, in addition to that, I placed the three principal expert witnesses of the contestant on the stand in my own behalf, and let us see what they have to say on this subject; and first let us examine the man who sold the paper.

Mr. C. B. Wing (page 320) on direct examination says:

Q. What kind of paper is that?
A. It is what I would call Western plate-paper.
Q. Are there any book-papers manufactured similar to that plate-paper you spoke of?
A. In my testimony the other day I gave that.
Q. (Question repeated.) Whether or not there are any book-papers made that are similar to that Western plate-paper?
A. My testimony was the other day that we made this paper, if I can recollect right, out of the same stock that we made plate-paper of.
Q. Book-paper, you mean?
A. Yes, sir, book-paper; but we take more pains in making a Western plate sheet than book. It is all made out of the same class of goods, and with the printer it would not make so much difference if the sheet was thin. It don't vary very much; but where it was used by lithographers it would, and for that reason we took the pains with it that we did. That was my testimony the other day.
Q. State if there are book-papers made by Chatfield & Woods as heavy as that or heavier?
A. Yes, sir.
Q. If book-papers are made as heavy as that, I will ask you to state what difference there would be, then, between that paper and the book-paper?
A. Only just a difference of quality; there would be no difference in the weight or make, only that we should take more pains in making the plate.

And here is what Mr. William B. Burford (page 40) says:

Q. Is it calendered on both sides alike?
A. It is intended to be.
Q. I will ask you to state what the difference is between that paper upon which that Republican ticket was printed and book-paper of like weight?
A. I do not believe I could say there was any difference; not if they were of like weight.
Q. That is what I mean, like weight paper.
A. Identically the same weight.
Q. Would there be any difference between a book-paper of the weight of the paper upon which that ticket is printed in the finish?
A. It would depend a good deal upon the class of book-paper you are comparing it with.
Q. Book paper of a weight equal to the paper upon which that Republican ticket was printed; what would be the difference, if any, in the finish?
A. There might be considerable difference and there might not be any. It might be a highly-finished book-paper, equal to that of plate-paper; also, it might be an ordinary finish, which would not be equal to that of plate.
Q. State whether, as a matter of fact, book-paper is finished as highly as the paper upon which that Republican ticket is printed.
A. It is sometimes.

And here is what W. O. DeVay (at pages 374 and 375 of the record) says:

Q. I hand you a ticket headed "Republican ticket" and marked Exhibit No. 1 to the deposition of James C. Yohn, and I will ask you to take that ticket and examine it and state if that is a same kind of paper that you pronounced plate-paper in your examination in behalf of the contestant?
A. It is.
Q. I will ask you to state what difference there is between the paper upon which that Republican ticket is printed and a book-paper of the same weight?
A. Well, there is no difference, the book-paper being made the same weight as this. A book-paper can be made this way, but it would be an extreme weight of book-paper and it has got to be a very hard finish. They could make what they call a No. 2 book that had the finish of that and they could make it the same weight—that is, a No. 2 book-paper. The fact of it being No. 2 book would make it not like this paper. It would lack the finish of this paper, although it would have the weight.
Q. My question was as to the difference between that paper upon which the Republican ticket was printed and a book-paper of like weight in the finish.
A. There would not be any, or if any, but very little. They aim to make this paper, which they call Western plate—they aim to make it finished harder on one side than it is on the other.
Q. Is it or not finished harder upon one side than the other?
A. Very often it is and very often it is not.
Q. The paper upon which that Republican ticket is printed?
A. That paper does not show but very little difference.
Q. Would not that fact be one evidence of it being book-paper?
A. The only way you could get at that would be to find out the size that paper was made. The size would have a good deal to do with whether it was book or plate of the same kind and finish.
Q. Suppose it were size 25 by 38?
A. If it was a size 25 by 38, and weighed sufficient, it might be called book-paper, because that is a book-paper size.
Q. Then I understand you to say that the size of the paper determines whether it is book or plate paper oftentimes?
A. Very often the size and weight.
Q. State whether or not a book-paper, maybe, of the same weight of the paper upon which that Republican ticket is printed is or is not finished on both sides alike?
A. Book-paper?
Q. Yes, sir.
A. Yes, sir; a book-paper, of what we call supercalendered book-paper, has the same finish on one side as it has on the other; both sides are finished alike.
Q. State, now, what difference, if any, there is between the finish on the two sides of the paper upon which that Republican ticket is printed.
A. Very little, if any.
Q. Can you discern any difference in the finish?
Mr. WILSON. You mean that is just what he has in his hand.
Mr. PEELLE. Yes, sir; that is just like all the rest of them.
A. The difference is so little, if any, I would not want to go on record as saying what it is.

By that testomony it will be seen that contestant's principal expert witnesses in the main agree that the material upon which the Republican ticket was printed did not differ materially from book-paper of like weight, and the House will notice in the testimony of Mr. De Vay, above quoted, that he fully corroborates Mr. O. H. Hasselman (who purchased the paper and printed the tickets) when he says (speaking of the difference between so-called Western plate-paper and book-paper) "the only way you could get at that would be to find out the size that paper was made." Mr. Hasselman, contestee's witness, testified that the size was 19 by 24, and that that was the only thing that designated it as plate-paper; and he further says that that size enabled him to print sixteen tickets from each sheet without waste. (Record, pages 427 and 428.)

And now, Mr. Speaker, I have given you the testimony of the expert witnesses on the subject of the paper, and from that you must agree that while the burden of proof is upon the contestant, the contestee has the preponderance of evidence on his side on this subject. But, Mr. Speaker, what does it all illustrate, but the wisdom of the Legislature in avoiding the particular quality of paper upon which the ballots should be printed. I apprehend that this House will not need the aid of expert witnesses to determine this question. The supreme court of California has passed upon this very question in the case of Kirk *vs.* Rhoades (46 Cal., 398), which I will read:

A ballot cast by an elector at an election should not be rejected simply because

it differs from the regulations prescribed in the act in matters over which the elector has no control, such as the size of the ballot, the kind of paper upon which it is printed, or the character of type or leading used in the printing.

But, Mr. Speaker, my colleague [Mr. LOWRY] has taken a novel position on this floor, if I correctly understood him, which was that if this Republican ticket had not been designed to mislead or perpetrate a fraud upon the electors, he then agreed with the gentleman from Vermont [Mr. POLAND] that the tickets would be legal, &c., but if designed for fraud, then the ticket was an illegal one, and to reach the latter conclusion my colleague assumed that the ticket was designed for fraud, and therefore illegal; but I challenge my colleague or any one else on this floor or elsewhere to point to a line of testimony to the effect that the ticket was designed and gotten up for fraudulent purposes.

One witness testified that on the day of the election he expressed the opinion that the ticket was a fraudulent ticket and gotten up for fraudulent purposes; but that was the opinion simply of one man, and he was forced to admit that he did not know of any one who had been misled or in any way deceived on account of the ticket. There is absolutely no proof whatever in the record that these tickets deceived or misled any one. No one was put upon the witness-stand who so testified. The ticket must stand or fall by the statute. It is either a legal ticket or it is an illegal ticket. It matters not what the purpose may have been in the issuance of the ticket, its legality must be measured by the statute alone.

There is no evidence in the record that this ticket was intended to perpetrate a fraud upon any elector, and I assert that there is nowhere in all this record a line of evidence that any fraud was perpetrated by its use. The tickets were voted without objection, received without objection, and counted without objection, and to disfranchise the persons who voted the ticket would be a crime against the ballot-box. But let me read you some of the testimony on this point, so that the House may know what objection was made to the use of this ticket, and as to who was misled or deceived in voting on account of it. I will first read from the testimony of the Democratic precinct election judges; and first—

David Turpie (page 3):

Q. I will ask you to state if you know any one who was misled in voting in consequence of the ticket that was voted for Mr. Peelle at that precinct?
A. No; I do not know of any one who was misled.
Q. State if you know of any one who objected to this ticket for any reason as destroying the secrecy of the ballot at that precinct.
A. No. I could not give the name of any one who did so. I have heard a good deal of comment upon the ticket by outsiders on the election day, and a great deal afterwards as to its character—comment in the way of objections.
Q. You know of no one who objected to it as destroying the secrecy of the ballot?
A. No. I do not recollect any one having objected to it on the election day. Afterwards it was objected to very much, and some of the objectors put it upon that ground.
Q. State if you know of any one who voted this ticket that would have voted differently had it been printed on the same kind of paper that the Democratic ticket was printed on.
A. No; I do not know that I do. I do not think of any one now.

Re-examination by Mr. WILSON:

Q. During the day of the election, and during the hours that the voting was going on, where were you?
A. I was in a small room at the engine-house, in which votes were received through an open window.
Q. You were acting as one of the judges?
A. Yes, sir.
Q. And in that room?
A. Yes, sir. I was a member of the election board, and staid in that room all the time. There was no adjournment from the time the polls opened until they were closed.

Recross-examination by Mr. PEELLE:

Q. State whether or not during that day any one complained to the board about the character of the ticket voted for Mr. Peelle.
A. No one complained to the board about the character of the ticket.

Franklin Landers (page 34):

Q. Did any one come to the window and complain to the board of judges about the character of the Republican ticket?
A. No, sir.
Q. How many Democrats voted there that day?
A. I do not recollect; there was about 100.
Q. And there was no complaint about the character of this ticket, in any way, to the board of judges?
A. No, sir.
Q. What is your politics?
A. I am a Democrat.

W. F. Christian (page 56):

Q. I am not asking you about anything except these Republican tickets. I am asking you if any complaint was made to the board by any one about the character of these Republican tickets?
A. No, sir. No outsider made any complaint. They were all talking about it; the challengers outside.
* * * * * * *
Q. Do you know of any one who was misled or deceived in voting at that precinct on account of the Republican ticket being printed on that kind of paper?
A. No, sir; I believe not, at present.
Q. Do you know of any one who would have voted differently if the Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?
A. I don't know that I do.
Q. Were you there when they were counted?
A. Yes, sir.
Q. Did you find Republican tickets that had been folded together and two tickets voted by any one person?
A. I don't think I did last year; I do not remember now.
Q. Then there was no double voting at that precinct?
A. I don't think there was.

John Johnson (page 58):

Q. Was there any complaint made to the board by any one upon the outside as to the character of the Republican tickets?
A. There was some comment upon it.
Q. Was there any complaint?
A. No, sir; I do not think there was.
Q. Do the Democrats have a majority in that precinct?
A. I think they have a small majority.
* * * * * * *
Q. Do you know of any man who voted that day who voted more than one ballot?
A. No, sir; I do not.
Q. You heard of no such thing?
A. I did not hear of anything like that.

James W. Harper (page 65):

Q. Now, as one of the judges of that election, I will ask you to state if any one complained to the board as to the character of the Republican ticket voted at that precinct?
A. I do not think any formal complaint was made to the board, and yet there were frequent remarks made by bystanders, as that the Republican ticket was on heavy pasteboard paper, or like that.
Q. There was no complaint made to the board by which those tickets were sought to be prevented from being voted?
A. There was not the slightest objection made by anybody to receiving those tickets, and so the board received them and counted them.

Jackson Landers (page 70):

Q. I will ask you as a matter of fact if you know of any voter at that precinct who did distinguish the Republican from the Democratic ticket?
A. As a matter of fact I could not say that I did.
Q. Do you know of any one who was misled or deceived in voting at that precinct in consequence of the Republican ticket being on the material it was?
A. My recollection is that we found in the box one ticket of this Republican ticket with the Democratic ticket pasted right over it and voted that way—pasted right over the Republican ticket on the face of it.
Q. That would make the ticket still heavier?
A. Yes, sir.
Q. Do you know who voted that ticket?
A. No, sir.
Q. Do you know of any one that would have voted differently had the Republican ticket been upon the same kind of paper that the Democratic ticket was printed on?
A. I don't.
Q. Was there any complaint made to you, or to the board, I should say, about the character of the Republican ticket on that day?
A. No, sir; not that I remember of.
Q. State if the ballots were all counted there by the board without objection from anywhere.
A. They were all counted except one ballot.
Q. Without objection?
A. Without objection. There was one Democratic ticket thrown out.

W. F. A. Bernhamer, in his cross-examination, testified (page 107) as follows:

Q. You are a Democrat and a Democratic member of the aldermanic board?
A. Yes, sir.
Q. And you were a member of the council as a Democrat?
A. Yes, sir; I have always been a Democrat.
Q. You were one of the judges at that precinct in ward No. 22?
A. I was the Democratic representative of the ward on the board.
Q. Do you know of anybody who was misled or deceived in voting in consequence of the Republican ticket being on the character of paper it was?
A. I can not say that I do.
Q. Do you know of anybody who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was?
A. I know of no particular instance.
Q. Was there any complaint made to the board by any one about the character of the Republican ticket?
A. I will not be positive on that question. I know that the matter was talked of among the Democratic workers.
Q. You remember of no complaint being made to the board?
A. No, sir.
Q. Were those Republican tickets at your precinct counted without objection or protest?
A. They were counted.

Michael Clune, in his cross-examination, testified (page 168) as follows:

Q. You were Democrat judge on the board that day?
A. Yes, sir.
Q. Was there any complaint made to the board that day by any one, and if so by whom, concerning the Republican ticket?
A. I did not hear any.
Q. Were those Republican tickets counted without objection?
A. They were counted; yes, sir.
Q. Anybody object to it?
A. There was nothing said to the inspector or judge as to their counting the tickets.
Q. That vote that day was an unusually large Democratic majority, wasn't it?
A. Yes, sir; it was unusually large that day in the ward in the whole thing.
Q. The whole Democratic majority in the twenty-fourth ward was unusually large?
A. Yes, sir.
Q. How much larger than usual?
A. That part of it I am not positive.
Q. Was there not one hundred more than it had been at any time before?
(Objected to as incompetent and immaterial.)
A. It was considerable larger, of course. That ward is growing; they will have to have some more wards down there. I believe in the twenty-fifth ward they ought to make three or four out of it the way it is growing.

John Maloney (page 49), and a most willing witness, says:

Q. Was there any complaint made by any one to the board of election there that day about the character of the Republican ticket that was voted?
A. They were all complaining about the quality of the ticket, and it was so much more remarkable than the Democratic ticket; the paper distinguished it.
Q. Was there any complaint made to the board of which you were a member about the character of that ticket?
A. They were complaining there outside.
Q. I am asking about the board. I am not asking about what occurred out-

side. Was there any one came to the board and complained about the character of this Republican ticket?
A. Yes, sir; they said it was not legal.
Q. Give the names.
A. I can not give the names. There were several parties there said that the ticket was not legal.
Q. Give the names of them.
A. I can not give you the names.

Those nine persons were the only Democratic judges examined by the contestant, notwithstanding there was one on each of the eighty precinct election boards in the county. And now here is what the Democratic clerks, who were examined by contestant, say:

Emmett L. Rose (page 42) another very willing witness and a volunteer:

Q. When you was down there as clerk at that precinct did any one come to the window and complain to the judges about the character of the Republican ticket?
A. Oh, there was no complaint, of course; they merely made the assertion.
Q. There was no complaint made to the board about this ticket being wrong in any way?
A. There was a good deal of complaint in so far as assertions.
Q. I am asking you about any complaint to the judges—to the board. Did any Democrat or Republican come to the board and make any complaint about that ticket; and, if so, who was it?
A. I am not positive as to that; I merely say that I heard them speaking about it. Different parties spoke of the ticket in a complaining manner.
Q. Give us the names of the persons you heard speak of that ticket in a complaining way.
A. I could not do it; there was so many there that I could not be positive. If I would tell you now and lay it to any certain man that made a complaint of that kind I would probably be mistaken as to the man.

Albert F. Ayers, on cross-examination (pages 52 and 53), says:

Q. What is your politics?
A. I am a Democrat.
Q. Was your attention at that time called to the difference in the tickets at all?
A. I think not; there was nobody spoke to me at that time.
Q. I will ask you to state whether or not any complaint was made to the election board by any one at the election last November, where you were clerk, as to the character of the Republican ticket?
A. I heard none.
Q. If any had been made to the board would you not have heard it?
A. I think I would; I was inside of the room all the time that the vote was going on, from the time the polls were opened in the morning until 6 o'clock in the evening, and then commenced counting.
Q. Could you distinguish that Democratic ticket from the Republican ticket?
A. You mean could I at that time from where I was?
Q. Yes, sir.
A. No, sir; I don't know that I could from where I was in the room; I could not tell it that far off.
Q. Could you distinguish the Republican ticket from the Democratic ticket two or three paces off, folded?
A. I do not know that I could; not two or three paces off.
Q. Do you know of any one who was deceived or misled in voting that day in consequence of the Republican ticket being printed on that kind of paper?
A. No, sir.
Q. Do you know of any one who would have voted differently if the Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on.
A. No, sir.

Elihu R. Payne (page 60):

Q. They were both plain white paper, were they not?
A. Yes, sir. One of them was heavier paper than the other. I saw tickets there with a kind of a glazed appearance, I thought.
Q. They were both plain white?
A. They were both plain white.
Q. The Democratic ticket would fly up very nearly as much as the Republican when it was lightly folded?
A. Well, I did not notice them particularly. They all laid out there together.
Q. You did not notice them particularly?
A. No, sir. You take that one thrown down, would fly up; that is, have the largest appearance, larger than the Democratic ticket; but they probably both looked the same.

Charles W. Gorsuch (page 122):

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?
A. Yes, sir.
Q. You acted as clerk in the interest of the Democratic party that day?
A. Yes, sir.
Q. Do you know of anybody who was deceived or misled in voting that day in consequence of the Republican ticket being on the kind of paper it was?
A. Well, I can not call to mind any one now.
Q. Do you know of any one who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was?
A. I can not say that I do.
Q. Was there any complaint made to the board that day about the character of the Republican ticket?
A. It was talked over there; that is, people would come to the window to vote, and there was one or two made remarks. I can not call them to mind now.
Q. Was there any complaint made to the board?
A. I would not know whether they were making complaints directly to the board or not, but when they were voting there was no less than two said that anybody could tell how they were voting. That was not a complaint direct to the board.
Q. Were those Republican tickets counted at that precinct without objection to the board?
A. Yes, sir.
Q. You have no knowledge about the different qualities of paper?
A. I do not know what you would call that Democratic paper or the Republican paper. I know it is white paper; I don't know the composition of it.
Q. It is plain white?
A. Yes, sir.

Florence Casey (page 149):

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?
A. Yes, sir.
Q. You were the Democratic clerk there?
A. Yes, sir.
Q. You don't know who put those pasters you spoke of in the box?
A. No, sir.
Q. You don't know how they got there?
A. No, sir.
Q. Were those Republican tickets counted without objection?
A. The Republican tickets were all counted; yes, sir.
Q. Without objection?
A. Yes, sir.

Charles Johnson (page 163):

Q. As I understood, you were the Democratic clerk there?
A. Yes, sir.
Q. In the interest of the Democratic party?
A. Always.
Q. Was there any objection made to the board that day about the character of the Republican ticket?
A. I do not know.
Q. Were you there all the time?
A. Yes, sir.
Q. You did not hear any?
A. No, sir.
Q. Was any objection made to the counting of the Republican tickets?
A. No, sir.

Dorman N. Davidson (page 166):

Questions by Mr. PEELLE:

Q. Any complaint made there to the election board that day of which you were a member about the Republican tickets?
A. To the board?
Q. Yes, sir.
A. I do not know of any made to the board.
Q. That is all I am asking you about. Were the tickets counted by the board without objection?
A. All the tickets were counted except two tickets.
Q. Was there any objection to the counting of the Republican tickets because of their being on the kind of paper they were?
A. No, sir.
Q. Two tickets you spoke of not being counted; were they found folded together?
A. They were two tickets folded one inside of the other.
Q. And they were not counted?
A. They were thrown out.
Q. You are a Democrat?
A. Yes, sir.

Questions by Mr. WILSON:

Q. You say those tickets were thrown out?
A. They were not counted there.
Q. Were they Democratic tickets or Republican tickets?
A. Republican tickets.
Q. After throwing out those tickets, how did it leave the poll-book as compared with the number of votes?
A. The tickets corresponded then with the number of names on the poll-book.
Q. In other words, the actual number of tickets counted at the poll and the book corresponded?
A. Yes, sir.
Q. Mr. Peelle asked you whether any complaint was made to the board; were you on that board?
A. Yes, sir; I was one of the clerks.
Q. Where was the board—inside?
A. Yes, sir—inside.
Q. You mean to say when you answered that question that there was no formal complaint tendered to the board?
(Objected to as leading.)
A. I would answer this way: that I heard of no complaint to the board. I do not know that there was none, but I heard none.

Now let us see what the Democratic challengers have to say about this ticket, and how objectionable it was on the day of election.

Ross Clark (page 67):

Q. State if you know of any one who was deceived or misled in voting at that precinct in consequence of the Republican ticket being on the character of paper it was?
A. I do not know that anybody was misled or deceived into voting that ticket.
Q. I will ask you if you know of any one who would have voted differently if the Republican ticket had been printed upon the same character of paper as the Democratic ticket was printed on?
A. No, sir. In answer to that I will say that I do not know any particular person, but I saw the effect of it; that men were afraid to show their tickets, and afraid to let their hands be seen with them—certain men.
Q. How many of that kind were there there?
A. A good many of that kind.
Q. Can you name any one of them?
A. I do not know that I could now. If I had been called on the next day after I might. It has passed out of my mind.

Thomas B. Messick (pages 76 and 77):

Q. Do you know of any man who was misled or deceived in voting that day in consequence of the Republican ticket being on the kind of paper it was?
A. No, sir. I did not hear of any.
Q. Do you know of any man that would have voted differently if the Republican ticket had been printed on the same kind of paper that the Democratic ticket was?
A. Nothing, except as I said a while ago, several colored men had expressed a desire to vote the Democratic ticket.
Q. When did they express that desire?
A. Prior to the election.
Q. To whom?
A. A number of Democrats in the ward.
Q. That was before the day of the election?
A. Yes, sir.
Q. What are the names of those colored men?
A. I can not say now.

Q. Can you give the name of one of them?
A. No, sir.
Q. The only thing is that some days prior to the election some of those men expressed a desire to vote the Democratic ticket?
A. Yes, sir.
Q. And when the time came they voted the Republican ticket?
A. Yes, sir.

Harry O. Thudium (page 82):

Q. You stood at the polls all day?
A. I do not think I left them five minutes all day.
Q. You were challenger there?
A. Part of the time.
Q. Do you know of any one who was deceived or misled in voting in consequence of the Republican ticket being on that kind of paper?
A. I cannot say as to that, because I was right at the chute there, and such exclamations, if there were any made, were made outside.
Q. Do you know of any one who would have voted different if the Republican ticket had been printed on the same kind of paper as the Democratic ticket was printed on?
A. No, sir.

George A. Hardesty, on cross-examination (page 104):

Q. What is your politics?
A. I am a Democrat.
Q. You were challenging in the interest of the Democratic party that day, were you not?
A. Yes, sir.
Q. Do you know of any one who was misled or deceived in voting in consequence of the Republican ticket being on the kind of paper it was?
A. No; I could not give any names of any one; it has been so long that I have almost forgotten about it.
Q. Do you know of any one who would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was on?
A. I do not know that I could mention any one.
Q. You have been challenger before at precincts at elections?
A. Yes, sir.
Q. And frequently stood around the polls?
A. Yes, sir.

Charles M. Cooper, on cross-examination (pages 120 and 121):

Q. You are a Democrat, I believe?
A. Yes, sir.
Q. Did you have any bet on the result of the Congressional election last November?
Mr. WILSON. I do not know that that is necessarily a fair question to ask. The witness is not bound to answer.
Mr. PEELLE. He may use his own judgment about answering that.
The WITNESS. I will refuse to answer that.
Q. I will ask you to state if you know of any one that was misled or deceived in voting at that precinct in consequence of the Republican ticket being printed on the kind of paper it was?
A. I can not give the names of any persons that were deceived on account of this ticket.
Q. Do you know of any one that would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was printed on?
A. Well, there were persons that were deceived by this ticket that would have voted differently if the ticket had been on common paper, but as for giving their names I can not just state now who they were.
Q. Do you know the names of any such?
A. No, sir.

William B. Lewis, on cross-examination (page 124):

Q. You are a Democrat, I believe?
A. Yes, sir.
Q. And you was the challenger there that day, in the interest of the Democratic party?
A. Yes, sir.
Q. And after the polls closed you became a watcher in the interest of the Democratic party?
A Yes, sir.
* * * * * * *
Q. Do you know of anybody who was misled or deceived in voting there on account of the Republican ticket being on the kind of paper it was?
A. No, sir.
Q. Do you know of anybody who would have voted differently if the Republican ticket had been printed upon the same kind of paper that the Democratic ticket was?
A. I can not say that I do.

John Schley, in his cross-examination, testified (page 137) as follows:

Q. What is your politics?
A. A Democrat.
Q. Do you know of any one who was misled or deceived in voting at your precinct in consequence of the Republican ticket being on the kind of paper it was?
A. No, sir; not of my personal knowledge.
Q. Do you know of any one who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?
A. No, sir.

John Edwards, in his cross-examination, testified (pages 138, 139) as follows:

Q. What are your politics?
A. I am a Democrat.
Q. What is your occupation?
A. Bill-poster.
Q. You are employed by Mr. English in posting bills for his theater, are you?
A. No, sir; I have not posted a bill for Mr. English since he had his theater.
Q. Do you know of anybody that would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?
A. No; I do not.

Heram W. Miller, in his cross-examination, testified (page 144) as follows:

Q. What is your politics?
A. Democrat.
Q. Was there any complaint made there on the day of the election to the board in reference to these Republican tickets by any one? And, if so, state who they were.
A. No, sir; I do not think there was.
Q. Were they counted without objection, so far as you know?
A. Yes, sir; they were counted.
Q. Do you know of anybody who would have voted differently if the Republican ticket had been printed on the same kind of paper the Democratic ticket was printed on? And, if so, state who they were.
A. I do not know exactly. I do not believe I do.
Q. You have been standing at the precinct there before, have you not, at election times?
A. No, sir.
Q. Never stood there before?
A. No, sir. The precinct never was there before.
Q. You have been standing there in that township at its precincts before that on election days?
A. Not very much. For four years I was trustee, and, of course, I was on the election board.

I have now given you the testimony of nine Democratic judges, seven Democratic clerks, and nine Democratic challengers, twenty-five witnesses in all, who were examined on behalf of the contestant; and now let us see what some of their other witnesses have to say about the effect of this ticket and how many voters were deceived or misled or did not get to vote as they desired.

The National or Greenback candidate for Congress at the same election, Robert W. Medkirk (page 11), was examined by contestant; and, on cross-examination, here is what he said:

Q. Do you know of any of those tickets having been voted that had another one folded within it?
A. No, sir.
Q. Do you know of any one that was misled in consequence of the quality of this ticket, or the distinguishing mark you refer to—that was misled in voting?
A. I can not say about that. Do I know of any one that was misled about voting?
Q. Yes, sir.
A. I do not know any one.
Q. Do you know of any one who would have voted differently had the ticket been printed upon the same character of paper as the Democratic and National ticket had been printed on?
A. No, sir.
Q. Do you know of any one that complained to the board at your precinct about the character of this ticket?
A. Not to the board; I do not.
Q. State your politics now.
A. I am a National.
Q. Properly known as the Greenback candidate for Congress?
A. Yes, sir.

William P. Fishback, on cross-examination (page 103), says:

Q. Do you know of anybody that was deceived or misled in voting at that election in consequence of the Republican ticket being on the material it was?
A. No, sir.
Q. Do you know of anybody that would have voted differently if that Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?
A. No, sir.
Q. Did you know anybody personally or by hearsay that voted two tickets of that Republican ticket?
A. No, sir.

Victor M. Backus, in his cross-examination (page 80), says:

Q. What is your politics?
A. Democrat.
Q. I understood you to say if those tickets were folded closely, as they usually are when voted, it would be difficult to tell one from the other.
A. As you come up to the polls?
Q. Yes, sir.
A. I think it would.
Q. I will ask you, when tickets are folded when voted, if they do not usually fold them pretty close and hold them in their hand pretty close when they vote?
A. Yes, sir; some of them do.
Q. Is it not a general thing that they fold them pretty close?
A. Yes, sir; as a general thing. I have seen some hold them right up open and others pretty close.
* * * * * * *
Q. Do you know of anybody who would have voted differently at that poll on that day if the Republican ticket had been printed on the same kind of paper the Democratic was on?
A. No, sir; I do not.
Q. What is your business?
A. I used to be a carriage-maker.
Q. You were the Democratic watcher there that night?
A. I was appointed that night. I worked at the polls all day, and some one brought an appointment there, and I did not want to go in.
Q. Were you appointed there as the Democratic watcher that night?
A. Yes, sir; I was.
Q. By the Democratic central committee?
A. Yes, sir.
Q. The tickets are plain white, are they not, both of them?
A. Yes, sir; I should think they were.

F. M. Wright (page 134) says:

Q. Do you know of anybody who would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was printed on?
A. I can not say as to that, one way or the other.
Q. Do you know of anybody who was misled or deceived in voting in consequence of the Republican ticket being on the kind of paper it was?
A. No, sir.
Q. You were candidate for prosecuting attorney on the Democratic ticket?
A. Yes, sir.
Q. And when you spoke about going to fifty precincts, you drove around in a buggy, did you?
A. Yes, sir.
Q. Who was with you that day?
A. I don't recollect. I think there must have been several parties at different times. I don't just recollect the names of any one.
Q. And you went to fifty of the fifty-six precincts in the city that day?
A. I think I went to all of them but two or three. I started early in the day.

Moritz Pasner (page 148) who was a watcher, on his cross-examination says:

Q. You are a Democrat?
A. Yes, sir.
Q. You were a Democratic watcher all that night?
A. Yes, sir. That is what they called me up for. I did not want to go; they coaxed me.
Q. Were those tickets counted without objection?
A. I don't know. I believe Mr. Bunts objected to one or two tickets. I can not tell exactly. There was some objection to it.
Q. Tickets that were folded together?
A. No, no. I can not say that.
Q. Were the Republican tickets objected to?
A. There was some objection about it of some kind, or some claim. There was none called.
Q. Was the counting of the Republican tickets there objected to by anybody?
A. No. I believe not.
Q. Did the votes correspond with the tally?
A. I do not know; I can not tell. It is a matter that I never took any attention to, but I am too green in that business; I did not pay any attention and I do not know anything about it.

Now, Mr. Speaker, in addition to that, the contestant examined some thirty or forty witnesses to the effect that the Republican ticket could readily be distinguished in the hands of the voters from the Democratic ticket. Now, admitting that to be true, why then it follows that the Democratic ticket could as readily be distinguished in the hands of the voter from the Republican ticket. There is no advantage, therefore, to one that is not equally advantageous to the other. But, forsooth, says the contestant, the Republicans were in the control of the election boards—that is, in the great majority of election boards in the county the Republicans were in a majority. But suppose the Democrats had been in control, with the tickets as they were, would that have rendered the Democratic ticket a fraudulent one? There is no evidence in the record that either party knew what kind of tickets the other was going to issue. This requires no argument; a mere statement of the case is all that this House will require.

There was no double voting in the county. The Republicans used but the one ticket. The number of names on the poll-list did not materially differ from the number of ballots cast. On this point Mr. Brown, in his examination-in-chief, testified in answer to the question, "Were there more names than tickets on the poll-list," answered, "There were in some instances; not many." Nothing outside of the usual differences in that particular occurred. The contestee in this case unnecessarily examined some fifty or more witnesses on the point that the Republican ticket could not be distinguished from the Democratic ticket when folded and in the hands of the voter. But suppose it could be; no one has complained that he was prevented from voting what the gentleman from Ohio [Mr. CONVERSE] and the gentleman from Indiana [Mr. LOWRY] are pleased to term a secret ballot. The secrecy of the ballot was not intended to protect the candidates for office, but was designed to protect the voter, and if he makes no complaint who else can? The voter has the perfect right to vote an open ticket if he desires to do so, or he may write his ticket entire on any kind of plain white paper he pleases, and no election board would be justified in rejecting a ballot so cast.

Mr. Speaker, I was convinced from the beginning that there was nothing in this ground of contest, and from the various expressions I have heard from members of this House I doubt if I have not unnecessarily occupied the time of the House on this question. And now, Mr. Speaker, unlike the report of the gentleman from Ohio, I have honestly, fairly, and correctly presented this case without malice or intentional unkindness to any one. I find it unnecessary, sir, to indulge in severe criticism, much less abuse. I have no complaint to make of any member on this floor, though I might perhaps justly complain of some outside of this House, who have, under the privileges of the floor, been conspicuous in urging this case to speedy consideration; and in this connection I desire to say that but two members of the subcommittee of five were against me, while but five on the general committee reported this case to the House. In other words, a bare quorum of both the general and the subcommittee only ever acted on this case, and before the final vote is taken in this case I trust I shall have not only a majority of the Committee on Elections with me, but a majority of the House.

And now, Mr. Speaker, in conclusion, permit me to express the hope that at no distant day the election contests that come into this House may be passed upon, at least first, by some tribunal unfettered by partisan bias and prejudice. Of course, under our Constitution, "each House shall be the judge of the elections, returns, and qualifications of its own members," but, sir, this House may under the Constitution provide some inferior tribunal to hear and report upon this class of cases. The House can then confirm or reject such report. Bad precedents have been established by both sides of this House, and each party in turn takes advantage of them. The seats of members on this floor ought to be regarded with more judicial temper and less partisanship. If I should be in the next Congress, which I now expect to be, I shall consider this class of cases as a lawyer and as a man, independent of my party affiliations, let the chips fall where they may.

Mr. Speaker, this House has the power to turn me out and deny to my constituents their expressed choice as to who shall represent them; but, sir, if I am turned out I shall return to my constituents with clean hands and a conscience void of public wrong either to my country or to my constituents; and, sir, that will make me stronger than a seat on this floor can possibly make the contestant in this case. And now, sir, to the impartial, considerate, and wise judgment of this House I submit this case, hoping that the people who have honored me with a seat on this floor may not suffer at your hands. But be your judgment what it may, this contest on my part has been a fair and honest one, and whether I go or stay the burden will be light. True, if I go I shall miss the smiling faces and the genial countenances of the many pleasant acquaintances here formed, but that will be a loss personal to myself, and while my place can readily be supplied by the members of this House, I confess it will be more difficult for me, but I shall enjoy myself somewhat thinking of you.

Contested Election—Wallace vs. McKinley.

SPEECH

OF

HON. AMBROSE A. RANNEY,

OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 27, 1884.

The House having under consideration the contested-election case of Wallace vs. McKinley—

Mr. RANNEY said:

Mr. SPEAKER: I would fain be relieved from the task of addressing the House in this case, but I have a duty imposed upon me as the author of the minority report which I must discharge. This minority report was necessarily quite voluminous, owing to the numerous issues of law and fact involved and the great detail of evidence.

Having listened attentively to the discussion on the other side, I do not see that any of its essential findings upon issues of law or fact have been successfully assailed. The gentleman from Iowa [Mr. COOK] has, to be sure, discovered two typographical errors, and then boldly asserts on the strength thereof that the report is unfounded in law and fact. The index would have helped him to the right pages, as the names of witnesses were correctly given.

The general aspect of this case, as stated in the report and as revealed in the discussion thus far, appears to be this: Contestee, by the official count, had a plurality of 8. The correction of a manifest error of 10 votes in the footing of one column of figures in the returns from Carroll County (page 46 of the record), and which the State board by oversight omitted to make, would have given him 18 plurality. We add 15 more for votes proved and not counted for contestee. Contestant's counsel at the argument conceded 4; the chairman finds 5; the gentleman from New York [Mr. ADAMS] seems to allow 8. The minority deduct 1 illegal vote, which contestee conceded at the hearing. The other side, not designating them, think more should be deducted. I have besought them in vain to name the votes, so that we might save time in the discussion. Contestee charges that 55 and more illegal votes were cast and counted for contestant. The minority report finds the charge substantiated clearly as to 47 of them, and doubtfully as to 5 more. The chairman has refused to give us the names of those which he finds to be illegal votes. They were promised at this time. But I can not stop for them now, as it will encroach upon my allotted hour.

Contestant claims 23 returned but not counted from Columbiana County, they being returned as cast for other persons. Sixteen are conceded by contestee, not upon the returns, but upon the proofs before the House. Seven of the 23 are not allowed by the minority report because the ballots on their face designate without any ambiguity some other person, and there is no sufficient evidence to control them by showing that they were intended for contestant.

The other side allow them from mere conjecture or surmise. We adopt what seems to us to be the only wise and safe rule, on the approved authorities given in the report, and which I will not stop to read. The law requires the voting to be by ballot. That ballot must disclose the intention of the voter, and when clearly done without ambiguity the designation of the ballot must prevail, certainly if not controlled by extraneous evidence. Contestant claims, and the other side allow him, 4 votes from as many different townships as having been cast for him but not counted, and 11 more votes from Fairfield Township, upon an alleged recount made four months after the election. We do not allow these, for reasons stated in the report in detail, and which I shall consider anon more at length. We find, on stating the account, with all proper debit and credit, as in a ledger account, that contestee was chosen by a majority of 67.

If we allow all the additional votes claimed by contestant and found by the majority, and deduct the illegal votes found by us to have been cast for contestant, contestee has even then a clear and undoubted plurality of 20 and more.

Q. Can you give the name of one of them?
A. No, sir.
Q. The only thing is that some days prior to the election some of those men expressed a desire to vote the Democratic ticket?
A. Yes, sir.
Q. And when the time came they voted the Republican ticket?
A. Yes, sir.

Harry O. Thudium (page 82):

Q. You stood at the polls all day?
A. I do not think I left them five minutes all day.
Q. You were challenger there?
A. Part of the time.
Q. Do you know of any one who was deceived or misled in voting in consequence of the Republican ticket being on that kind of paper?
A. I cannot say as to that, because I was right at the chute there, and such exclamations, if there were any made, were made outside.
Q. Do you know of any one who would have voted different if the Republican ticket had been printed on the same kind of paper as the Democratic ticket was printed on?
A. No, sir.

George A. Hardesty, on cross-examination (page 104):

Q. What is your politics?
A. I am a Democrat.
Q. You were challenging in the interest of the Democratic party that day, were you not?
A. Yes, sir.
Q. Do you know of any one who was misled or deceived in voting in consequence of the Republican ticket being on the kind of paper it was?
A. No; I could not give any names of any one; it has been so long that I have almost forgotten about it.
Q. Do you know of any one who would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was on?
A. I do not know that I could mention any one.
Q. You have been challenger before at precincts at elections?
A. Yes, sir.
Q. And frequently stood around the polls?
A. Yes, sir.

Charles M. Cooper, on cross-examination (pages 120 and 121):

Q. You are a Democrat, I believe?
A. Yes, sir.
Q. Did you have any bet on the result of the Congressional election last November?
Mr. WILSON. I do not know that that is necessarily a fair question to ask. The witness is not bound to answer.
Mr. PEELLE. He may use his own judgment about answering that.
The WITNESS. I will refuse to answer that.
Q. I will ask you to state if you know of any one that was misled or deceived in voting at that precinct in consequence of the Republican ticket being printed on the kind of paper it was?
A. I can not give the names of any persons that were deceived on account of this ticket.
Q. Do you know of any one that would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was printed on?
A. Well, there were persons that were deceived by this ticket that would have voted differently if the ticket had been on common paper, but as for giving their names I can not just state now who they were.
Q. Do you know the names of any such?
A. No, sir.

William B. Lewis, on cross-examination (page 124):

Q. You are a Democrat, I believe?
A. Yes, sir.
Q. And you was the challenger there that day, in the interest of the Democratic party?
A. Yes, sir.
Q. And after the polls closed you became a watcher in the interest of the Democratic party?
A. Yes, sir.

* * * * * * *

Q. Do you know of anybody who was misled or deceived in voting there on account of the Republican ticket being on the kind of paper it was?
A. No, sir.
Q. Do you know of anybody who would have voted differently if the Republican ticket had been printed upon the same kind of paper that the Democratic ticket was?
A. I can not say that I do.

John Schley, in his cross-examination, testified (page 137) as follows:

Q. What is your politics?
A. A Democrat.
Q. Do you know of any one who was misled or deceived in voting at your precinct in consequence of the Republican ticket being on the kind of paper it was?
A. No, sir; not of my personal knowledge.
Q. Do you know of any one who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?
A. No, sir.

John Edwards, in his cross-examination, testified (pages 138, 139) as follows:

Q. What are your politics?
A. I am a Democrat.
Q. What is your occupation?
A. Bill-poster.
Q. You are employed by Mr. English in posting bills for his theater, are you?
A. No, sir; I have not posted a bill for Mr. English since he had his theater.
Q. Do you know of anybody that would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?
A. No; I do not.

Heram W. Miller, in his cross-examination, testified (page 144) as follows:

Q. What is your politics?
A. Democrat.
Q. Was there any complaint made there on the day of the election to the board in reference to these Republican tickets by any one? And, if so, state who they were.
A. No, sir; I do not think there was.
Q. Were they counted without objection, so far as you know?
A. Yes, sir; they were counted.
Q. Do you know of anybody who would have voted differently if the Republican ticket had been printed on the same kind of paper the Democratic ticket was printed on? And, if so, state who they were.
A. I do not know exactly. I do not believe I do.
Q. You have been standing at the precinct there before, have you not, at election times?
A. No, sir.
Q. Never stood there before?
A. No, sir. The precinct never was there before.
Q. You have been standing there in that township at its precincts before that on election days?
A. Not very much. For four years I was trustee, and, of course, I was on the election board.

I have now given you the testimony of nine Democratic judges, seven Democratic clerks, and nine Democratic challengers, twenty-five witnesses in all, who were examined on behalf of the contestant; and now let us see what some of their other witnesses have to say about the effect of this ticket and how many voters were deceived or misled or did not get to vote as they desired.

The National or Greenback candidate for Congress at the same election, Robert W. Medkirk (page 11), was examined by contestant; and, on cross-examination, here is what he said:

Q. Do you know of any of those tickets having been voted that had another one folded within it?
A. No, sir.
Q. Do you know of any one that was misled in consequence of the quality of this ticket, or the distinguishing mark you refer to—that was misled in voting?
A. I can not say about that. Do I know of any one that was misled about voting?
Q. Yes, sir.
A. I do not know any one.
Q. Do you know of any one who would have voted differently had the ticket been printed upon the same character of paper as the Democratic and National ticket had been printed on?
A. No, sir.
Q. Do you know of any one that complained to the board at your precinct about the character of this ticket?
A. Not to the board; I do not.
Q. State your politics now.
A. I am a National.
Q. Properly known as the Greenback candidate for Congress?
A. Yes, sir.

William P. Fishback, on cross-examination (page 103), says:

Q. Do you know of anybody that was deceived or misled in voting at that election in consequence of the Republican ticket being on the material it was?
A. No, sir.
Q. Do you know of anybody that would have voted differently if that Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?
A. No, sir.
Q. Did you know anybody personally or by hearsay that voted two tickets of that Republican ticket?
A. No, sir.

Victor M. Backus, in his cross-examination (page 80), says:

Q. What is your politics?
A. Democrat.
Q. I understood you to say if those tickets were folded closely, as they usually are when voted, it would be difficult to tell one from the other.
A. As you come up to the polls?
Q. Yes, sir.
A. I think it would.
Q. I will ask you, when tickets are folded when voted, if they do not usually fold them pretty close and hold them in their hand pretty close when they vote?
A. Yes, sir; some of them do.
Q. Is it not a general thing that they fold them pretty close?
A. Yes, sir; as a general thing. I have seen some hold them right up open and others pretty close.

* * * * * * * *

Q. Do you know of anybody who would have voted differently at that poll on that day if the Republican ticket had been printed on the same kind of paper the Democratic was on?
A. No, sir; I do not.
Q. What is your business?
A. I used to be a carriage-maker.
Q. You were the Democratic watcher there that night?
A. I was appointed that night. I worked at the polls all day, and some one brought an appointment there, and I did not want to go in.
Q. Were you appointed there as the Democratic watcher that night?
A. Yes, sir; I was.
Q. By the Democratic central committee?
A. Yes, sir.
Q. The tickets are plain white, are they not, both of them?
A. Yes, sir; I should think they were.

F. M. Wright (page 134) says:

Q. Do you know of anybody who would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was printed on?
A. I can not say as to that, one way or the other.
Q. Do you know of anybody who was misled or deceived in voting in consequence of the Republican ticket being on the kind of paper it was?
A. No, sir.
Q. You were candidate for prosecuting attorney on the Democratic ticket?
A. Yes, sir.
Q. And when you spoke about going to fifty precincts, you drove around in a buggy, did you?
A. Yes, sir.
Q. Who was with you that day?
A. I don't recollect. I think there must have been several parties at different times. I don't just recollect the names of any one.
Q. And you went to fifty of the fifty-six precincts in the city that day?
A. I think I went to all of them but two or three. I started early in the day.

Moritz Pasner (page 148) who was a watcher, on his cross-examination says:

Q. You are a Democrat?
A. Yes, sir.
Q. You were a Democratic watcher all that night?
A. Yes, sir. That is what they called me up for. I did not want to go; they coaxed me.
Q. Were those tickets counted without objection?
A. I don't know. I believe Mr. Bunts objected to one or two tickets. I can not tell exactly. There was some objection to it.
Q. Tickets that were folded together?
A. No, no. I can not say that.
Q. Were the Republican tickets objected to?
A. There was some objection about it of some kind, or some claim. There was none called.
Q. Was the counting of the Republican tickets there objected to by anybody?
A. No. I believe not.
Q. Did the votes correspond with the tally?
A. I do not know; I can not tell. It is a matter that I never took any attention to, but I am too green in that business; I did not pay any attention and I do not know anything about it.

Now, Mr. Speaker, in addition to that, the contestant examined some thirty or forty witnesses to the effect that the Republican ticket could readily be distinguished in the hands of the voters from the Democratic ticket. Now, admitting that to be true, why then it follows that the Democratic ticket could as readily be distinguished in the hands of the voter from the Republican ticket. There is no advantage, therefore, to one that is not equally advantageous to the other. But, forsooth, says the contestant, the Republicans were in the control of the election boards—that is, in the great majority of election boards in the county the Republicans were in a majority. But suppose the Democrats had been in control, with the tickets as they were, would that have rendered the Democratic ticket a fraudulent one? There is no evidence in the record that either party knew what kind of tickets the other was going to issue. This requires no argument; a mere statement of the case is all that this House will require.

There was no double voting in the county. The Republicans used but the one ticket. The number of names on the poll-list did not materially differ from the number of ballots cast. On this point Mr. Brown, in his examination-in-chief, testified in answer to the question, "Were there more names than tickets on the poll-list," answered, "There were in some instances; not many." Nothing outside of the usual differences in that particular occurred. The contestee in this case unnecessarily examined some fifty or more witnesses on the point that the Republican ticket could not be distinguished from the Democratic ticket when folded and in the hands of the voter. But suppose it could be; no one has complained that he was prevented from voting what the gentleman from Ohio [Mr. CONVERSE] and the gentleman from Indiana [Mr. LOWRY] are pleased to term a secret ballot. The secrecy of the ballot was not intended to protect the candidates for office, but was designed to protect the voter, and if he makes no complaint who else can? The voter has the perfect right to vote an open ticket if he desires to do so, or he may write his ticket entire on any kind of plain white paper he pleases, and no election board would be justified in rejecting a ballot so cast.

Mr. Speaker, I was convinced from the beginning that there was nothing in this ground of contest, and from the various expressions I have heard from members of this House I doubt if I have not unnecessarily occupied the time of the House on this question. And now, Mr. Speaker, unlike the report of the gentleman from Ohio, I have honestly, fairly, and correctly presented this case without malice or intentional unkindness to any one. I find it unnecessary, sir, to indulge in severe criticism, much less abuse. I have no complaint to make of any member on this floor, though I might perhaps justly complain of some outside of this House, who have, under the privileges of the floor, been conspicuous in urging this case to speedy consideration; and in this connection I desire to say that but two members of the subcommittee of five were against me, while but five on the general committee reported this case to the House. In other words, a bare quorum of both the general and the subcommittee only ever acted on this case, and before the final vote is taken in this case I trust I shall have not only a majority of the Committee on Elections with me, but a majority of the House.

And now, Mr. Speaker, in conclusion, permit me to express the hope that at no distant day the election contests that come into this House may be passed upon, at least first, by some tribunal unfettered by partisan bias and prejudice. Of course, under our Constitution, "each House shall be the judge of the elections, returns, and qualifications of its own members," but, sir, this House may under the Constitution provide some inferior tribunal to hear and report upon this class of cases. The House can then confirm or reject such report. Bad precedents have been established by both sides of this House, and each party in turn takes advantage of them. The seats of members on this floor ought to be regarded with more judicial temper and less partisanship. If I should be in the next Congress, which I now expect to be, I shall consider this class of cases as a lawyer and as a man, independent of my party affiliations, let the chips fall where they may.

Mr. Speaker, this House has the power to turn me out and deny to my constituents their expressed choice as to who shall represent them; but, sir, if I am turned out I shall return to my constituents with clean hands and a conscience void of public wrong either to my country or to my constituents; and, sir, that will make me stronger than a seat on this floor can possibly make the contestant in this case. And now, sir, to the impartial, considerate, and wise judgment of this House I submit this case, hoping that the people who have honored me with a seat on this floor may not suffer at your hands. But be your judgment what it may, this contest on my part has been a fair and honest one, and whether I go or stay the burden will be light. True, if I go I shall miss the smiling faces and the genial countenances of the many pleasant acquaintances here formed, but that will be a loss personal to myself, and while my place can readily be supplied by the members of this House, I confess it will be more difficult for me, but I shall enjoy myself somewhat thinking of you.

Contested Election—Wallace vs. McKinley.

SPEECH

OF

HON. AMBROSE A. RANNEY,

OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 27, 1884.

The House having under consideration the contested-election case of Wallace vs. McKinley—

Mr. RANNEY said:

Mr. SPEAKER: I would fain be relieved from the task of addressing the House in this case, but I have a duty imposed upon me as the author of the minority report which I must discharge. This minority report was necessarily quite voluminous, owing to the numerous issues of law and fact involved and the great detail of evidence.

Having listened attentively to the discussion on the other side, I do not see that any of its essential findings upon issues of law or fact have been successfully assailed. The gentleman from Iowa [Mr. COOK] has, to be sure, discovered two typographical errors, and then boldly asserts on the strength thereof that the report is unfounded in law and fact. The index would have helped him to the right pages, as the names of witnesses were correctly given.

The general aspect of this case, as stated in the report and as revealed in the discussion thus far, appears to be this: Contestee, by the official count, had a plurality of 8. The correction of a manifest error of 10 votes in the footing of one column of figures in the returns from Carroll County (page 46 of the record), and which the State board by oversight omitted to make, would have given him 18 plurality. We add 15 more for votes proved and not counted for contestee. Contestant's counsel at the argument conceded 4; the chairman finds 5; the gentleman from New York [Mr. ADAMS] seems to allow 8. The minority deduct 1 illegal vote, which contestee conceded at the hearing. The other side, not designating them, think more should be deducted. I have besought them in vain to name the votes, so that we might save time in the discussion. Contestee charges that 55 and more illegal votes were cast and counted for contestant. The minority report finds the charge substantiated clearly as to 47 of them, and doubtfully as to 5 more. The chairman has refused to give us the names of those which he finds to be illegal votes. They were promised at this time. But I can not stop for them now, as it will encroach upon my allotted hour.

Contestant claims 23 returned but not counted from Columbiana County, they being returned as cast for other persons. Sixteen are conceded by contestee, not upon the returns, but upon the proofs before the House. Seven of the 23 are not allowed by the minority report because the ballots on their face designate without any ambiguity some other person, and there is no sufficient evidence to control them by showing that they were intended for contestant.

The other side allow them from mere conjecture or surmise. We adopt what seems to us to be the only wise and safe rule, on the approved authorities given in the report, and which I will not stop to read. The law requires the voting to be by ballot. That ballot must disclose the intention of the voter, and when clearly done without ambiguity the designation of the ballot must prevail, certainly if not controlled by extraneous evidence. Contestant claims, and the other side allow him, 4 votes from as many different townships as having been cast for him but not counted, and 11 more votes from Fairfield Township, upon an alleged recount made four months after the election. We do not allow these, for reasons stated in the report in detail, and which I shall consider anon more at length. We find, on stating the account, with all proper debit and credit, as in a ledger account, that contestee was chosen by a majority of 67.

If we allow all the additional votes claimed by contestant and found by the majority, and deduct the illegal votes found by us to have been cast for contestant, contestee has even then a clear and undoubted plurality of 20 and more.

In considering the evidence upon controverted issues of fact, the honorable chairman seems to adopt the rule that he will believe Democrats in all cases in preference to Republicans, if in conflict, and that he will believe no Republican at all unless his evidence favors contestant.

The learned chairman has taken a most extraordinary course in his mode of treating this case. He starts with a false assumption, adopts a rule of evidence applicable only to criminal proceedings, requiring proof beyond a reasonable doubt on the part of contestee. It is no wonder that he comes out wrong in the end. I quote from his report:

> Indeed, there can be no doubt that the certificate of election should have been issued to the contestant, and he should have been the occupant of the seat, with its honors and emoluments. Logically, we assign him *nunc pro tunc* his true position in the controversy, and the onus is shifted to his adversary.

He does this on the strength of contestee's concession as to the said 16 votes returned from Columbiana County and not counted by the State canvassers. He fails to notice, or declines to regard, the fact that the concession is made, not on the returns, but by reason of the evidence adduced here, for the purpose of showing what was the intention of the voter, and makes the false assumption that the State canvassers were legally possessed of the same facts. He takes only one concession, disregarding all the others made by both parties at the same time.

Contestant in his brief conceded to contestee 4 votes as proved and not counted for him, 2 illegal votes cast for himself, and 7 more named in the said list of 55 (if found to have been cast for him). The chairman fails to notice and give due weight to the fact that in the abstracts returned in conformity to law from Carroll County there was a manifest error of 10 votes in favor of contestant found in the footing of one column of figures, and which the State board would have been bound to correct if they had discovered it. The explanation of the same before the House, and which the chairman adjudges sufficient, the State board did not have.

If the State board had discovered and corrected this error and allowed 16 out of the said 23 votes in Columbiana County, returned as if cast for some other person, this would have left contestee still with a plurality of 2 votes.

Mr. ADAMS, of New York. How could they have corrected the error, as they were only ministerial officers?

Mr. RANNEY. Easily, and with a perfect right so to do. It was simply an error in addition, which was manifest on the face of the returns. It required the exercise of no judicial functions to do this.

The proper course to pursue was to begin the account of votes with a plurality of 8 in favor of contestee, as the starting-point in the investigation, giving contestee the presumptions which the law entitles him to, and then go through the whole case and get a final balance, instead of striking the balance after the first item of proof and stopping there to seat contestant. This attempt to shift the burden of proof from contestant to contestee is simply absurd. There is neither reason, justice, law, nor logic in it.

When the learned gentleman proceeds so swiftly to condemn the action of the State board, I beg leave to remind him that their action was deliberate and well considered; that it was taken after a full hearing given to the parties interested, with the aid of the attorney-general, now a member of the supreme court commission of Ohio, and with an earnest endeavor to ascertain the extent of their legal authority and what was their duty in the premises. Chalmers's case, as reported to, and decided by, this House has no analogy whatever. In that case the tally-sheet indorsed on the regular return was not required or authorized by law. The body of what did constitute the legal return gave the 1,492 votes in question to James R. Chalmers, and that controlled the unauthorized tally-sheet indorsed thereon which gave the name as J. R. Chambliss. It was manifestly only a clerical error. Here the abstract constituted the return required by law, and by that the State board were bound. In that case the secretary of state acted in defiance of a mandate from the court, and his action was adjudged illegal and held to be void by the courts of his own State. There was clear and manifest fraud. In the present case there is nothing of the kind.

The 23 votes in question now had been counted by the judges of election, and had been returned as votes cast for other persons than the contestant. The names used and as stated in the return did not necessarily, or fairly, designate the contestant as the party intended to be voted for. What was the intention of the voter could only be shown by evidence *aliunde*.

Now, sir, I maintain that the State board of Ohio were only ministerial officers, and could exercise no judicial functions whatever. They did perfectly right. They had no authority to take and hear evidence on this subject. It required judicial functions to determine whether these votes were or were not intended to be cast for contestant. This House has the power to do that. That board had no such power.

The case of Campbell *vs.* Morey, decided by the supreme court of Ohio after the certificate was issued to contestee, does not change or deny the rule contended for, but recognizes and confirms the same. In that case there were returns for Henry L. Morey and for H. L. Morey. Campbell petitioned for a mandamus to prevent the State board from counting them all for Henry L. Morey. He did not allege in his petition that they were different persons, but conceded at the hearing that they were one and the same. The opinion of the court so states expressly, and the mandamus was rightfully refused.

Let there be no mistake about the law in question. It is not a case where the statutes confer upon the State board judicial powers, as is done in some other States. I will refer the House to the authorities cited in the minority report as decisive of the question under consideration:

> The board followed the rule uniformly laid down in the decided cases. (McCrary on Elections, §§ 211, 81, 82, 83; 27 Barb., 77; 25 Ill., 328; 4 Wis., 779: 10 Iowa, 212; 22 Mo., 224. Clark *v.* Board, &c., 126 Mass., 282; 64 Maine, 596; 71 Maine, 371; 59 Ind., 152.)

I will quote at some length from the decision in Clark *vs.* Beard, 126 Mass., 282, although the other cases cited are equally clear and strong on this point:

> Nothing can be clearer than that the counting and ascertaining the majorities and giving certificates of the result are mere ministerial acts. They (the canvassing boards) have no discretion in determining which of the candidates shall be elected. It must be the result of pure, inflexible, mathematical calculation. (Strong, petr, 20 Pick., 484, 492, 498.) They are not made a judicial tribunal, nor authorized to decide upon the validity or the fact of election in any other mode than by an examination of the returns made to them according to law. They are not authorized to hear witnesses or weigh evidence. They have no power to send for persons and papers. Upon the face of the returns the votes cast for L. Clark may possibly indicate a person whose Christian name consists of the letter L., and which may be either Luther, Lewis, or Leonard, or any other name beginning with this initial letter. This is the utmost which can be known from the returns taken by themselves. The inference, however plausible, that the votes cast for L. Clark were intended to be cast for Leonard Clark is left by the returns a matter of conjecture only.

Numerous cases are cited in the opinion in support of the same: 64 Me., 596; 8 Cowen, 102, 106, 107; 5 Denio, 409; 4 Selden, 67; 27 N. Y., 45; 45 N. Y., 772; 1 Doug. (Mich.), 59; 3 Mich., 233; 16 Mich., 283; 23 Mich., 342.

What is said in Campbell *vs.* Morey, about the State board taking cognizance of what is notorious, is a dangerous doctrine, as things which are notorious and in the newspapers are not always true.

Not an authority, not a precedent, has been cited upon the other side adverse to this view.

The precedent of Abbott *vs.* Frost, referred to by the honorable chairman, was one where the irregular or ambiguous ballots were not counted by the judges of election nor by the canvassing board. They were allowed upon the extraneous proofs adduced before this House, the same as the committee have done in the present case as to some of the votes in question.

I do not propose, passing from these general considerations, to deal with the case much in detail. It is deemed to be unnecessary after the full and able discussion which has already occurred, especially on the part of my associate on the committee, the learned member from Iowa [Mr. HEPBURN], the two distinguished gentlemen from Ohio [Mr. E. B. TAYLOR and Mr. HURD], and not forgetting the experienced and fair-minded gentleman from Texas [Mr. MILLS], who, in conjunction with Mr. HURD and the gentleman from Kentucky [Mr. ROBERTSON], is willing to forget party considerations and go only for truth and justice.

I must not fail to notice, however, the fact that the chairman, in his opening speech, dealt mainly with the additional votes claimed by the contestant, as if they were the only issues deserving of any serious treatment at his hands. When he had concluded that examination, in his confident and emphatic way, most of the members on the other side left the House apparently satisfied, and I have not seen many of them here since.

Now, I ask gentlemen to say in all candor whether they would like to have their right to a seat, if seriously contested, determined in this House by the opinion of any one member; that this should go unquestioned and unchallenged, and without personal examination on the part of other members.

In the present case the House has the report of the chairman, with the result of a particular examination by only two of the committee.

An intelligent judgment can not be formed and rendered without attention to the discussion or a personal examination of the case in some way.

If gentlemen will examine they will see that the chairman has dealt with this case, in both his report and in his speech, in a very partial manner.

In striking contrast with this, the minority report states in detail the facts found as to each voter in question, and the requisite authorities of law on which the determination rests, together with the names of each witness on either side, with pages of record where his evidence can be found and examined by each member for himself. I challenge the closest scrutiny of all this, and ask no man to take for granted any mere assertion found in the report or made in the discussion. I would like to sit down with any member upon the other side and calmly and dispassionately verify everything reported. At least I would like to have gentlemen do it themselves, picking out some of the instances and using them as samples, if they will do no more.

In the discussion gentlemen on the other side have singled out a few individual instances and criticised the finding as to them. In each of these instances they have selected votes out of the five which the minority report pronounces doubtful and finally consents to lay aside and leave out of the computation. They have not attacked any of the others, because the position taken as to them is impregnable and does not admit of an open adverse discussion.

The chairman, after dealing in generalities, turned the case over to

the gentleman from New York [Mr. ADAMS] for the details and a more particular treatment, bespeaking for him the attention of the House, and thus apparently indorsing in advance what he had to say, as though they had conferred together and concurred. Now Mr. ADAMS comes to the conclusion and states that he finds that contestant has only a plurality of 13. In making up this he includes for contestant the 11 additional votes claimed in the recount of the poll at Fairfield Township. If we take these out of his account it will leave but 2 plurality. He has not given us the names of the voters in the list of 55 whom he finds to have voted illegally for the contestant. He has, however, stated some which he does not so find and some of the claims of contestee for additional votes which he disallows. In so far as he has found in favor of contestee we may safely assume that he has done so because he could not help it. We need to treat only of what he does not so find.

As to the 4 voters from the infirmary, he allows their votes to contestant. The evidence, without conflict and of an undisputed character, shows that they lived and had their home—their only home—at the infirmary, with an intention to reside there for the rest of their lives. The fact concurs with the intention, as sworn to distinctly and expressly by each of them. They resided in Plain Township, where the infirmary was located, and that was the only place where they had a right to vote. A decision of the supreme court of Ohio in the case of Sturgeon *vs.* Korte (34 Ohio Statutes, 525), is directly in point and conclusive. They went elsewhere and voted because told to do so.

Mr. ADAMS, of New York. They had gone and voted there several times before.

Mr. RANNEY. Yes; so they swear. But any number of prior illegal votes does not make the last vote legal. This is a specimen of the gentleman's logic.

Again there are 5 voters who voted for contestant in the wrong wards of Canton, or in the wrong precinct, and which Mr. ADAMS counts as legal. He does it on the technical ground that the ordinances were not put in evidence, claiming that they were the only competent evidence to show the boundaries. This is an unsound objection. The voters themselves each swear as to their precise location at the time, although they did not then know, as they testify, where the boundaries were. They have learned since, and now swear to the fact that they resided in one ward and voted in another.

Besides this, the surveyor of the city, a Democrat in politics, swears to the exact boundaries, and an official map is put in evidence, which establishes them beyond cavil. They were established about one year before the election in question, in season for the spring election of the same year, and the voters were bound to know them. Whether they did or did not have actual knowledge is of no consequence as a matter of law. It has been so decided in three cases cited and referred to in the report.

As to the competency of oral evidence offered there can be no doubt whatever. Such evidence is competent in homicide cases involving life. The learned gentlemen allow the votes for J. Wales and Jonathan H. Walser, although the evidence discloses persons bearing those surnames. The chairman says these tickets were "fresh from the hands of the voter" when the judges of election counted and allowed them, and that he "will not reverse their judgment." There is not a particle of extraneous evidence to explain these ballots or show the intention of the voter.

When the chairman comes to the ballot with the name of contestee erased, and some unintelligible characters written in pencil under it, looking most like W-a-l. (printed in the record "Walce") and which said ballot the judges of election rejected from the count; and also to the ballot with "H—W. J. McCausland" and the letters R and D, respectively, with figures under the same, indorsed plainly in ink, and which the judges rejected from the count as a marked ballot cast in violation of the statute of Ohio, he seems to have forgotten the principle and rule which he applied in the other cases.

So, too, of the 23 votes returned from Columbiana County. These were also "fresh from the hands of the voters" when the judges of election rejected them

Several MEMBERS. This was quite too fresh.

Mr. RANNEY. The difficulty with the chairman seems to be that the allowance of the votes in one instance made for the contestant, and the rejection of them in the other instances made against him. So he reverses the action of the judges of election in one case and confirms the same in the other, favoring the contestant's claim in each instance. Presumptions are strong when contestee seeks to overcome them, but weak when in the way of contestant! In the case of the ballot with a dubious name on it, he takes the evidence of the Democrat that it was rejected for the want of initials, or a Christian name, as against the evidence of two reputable Republican co-judges, each of whom swears that it was rejected by the concurrence of all three, because they could make nothing out of the characters written in pencil under the erased name of contestee.

If there was ever a marked ballot in violation of the statute of Ohio this McCausland ballot was one of them. The marks which served to distinguish it were plainly written in ink upon the back thereof, and could not fail to be seen by the voter if he intended to comply with the law, using due diligence. It was under his control, for he could easily have gotten another, a clean one. The indorsement was written by one Guess, one of the clerks of the election, as he swears. There was a voter in the precinct who bore the name indorsed, and for aught that appears he cast it.

Now, sir, some statutes not only prohibit the use of such ballots, but go further and declare them void if cast. Others, like the statute of Massachusetts, provide that they shall be counted notwithstanding, if cast. The statute of Ohio simply inhibits them without penalty or further provision. In Lynch *vs.* Chalmers, at the last Congress, I heard distinguished gentlemen argue and vote that a printer's dash on the face of the ballot, used to separate two names, was a distinguishing mark voiding the ballot. At the present session I have read a report of the gentleman from Ohio [Mr. CONVERSE], and seen the House adopt it, in the case of English *vs.* Peelle, holding that an unusual thickness of paper used for the ballot, alone considered, and although it was a regular number of book-paper, and although the statute did not undertake to regulate the matter of weight or thickness, was a distinguishing mark which vitiated the ballot. What will the House who adopted that report say of this ballot? The same majority of the committee, save the chairman, sanctioned the report rejecting the ballots in the Peelle case and adopt this one sanctioning the ballot used here.

As to the 6 votes claimed by the contestee on the strength of the recount of the poll at Butler Township, and which Mr. ADAMS rejects, the recount discloses 2 votes for contestee not counted and 4 other ballots not counted. When the votes were taken from the box on the night of the election day these votes were rejected. They are in evidence here. It appears manifestly that some one had attempted by rubber to obliterate the pencil-mark drawn through the name of contestee, and also the name of contestant which had once been written in pencil under it. It was partly done but the obliteration was not complete, and the paper is left thereby blurred or blackened.

The attempt to do it is apparent from inspection of the ballots, which I hold in my hand, and which any gentleman can see for himself. Each voter who cast such a ballot is called, and he swears that at the time he could find no other ballots, and that he attempted and supposed he had succeeded in rubbing off the pencil marks and the name of contestant, and cast the ballot for contestee, whose name was left standing as printed. It appears that some opponent had thus scratched the regular Republican tickets, and had them ready at the polls in the morning. The regular Republican ticket was exhausted, or had not arrived at the time. Voters who came could not wait, and finding no other tickets, they took the scratched tickets, made the changes stated, and voted them, intending them for contestee. The persons who did this are all called, and the evidence of their intention to vote for contestee is clear and positive. It is not controverted. They identify the ballots satisfactorily in all cases.

That the ballots were kept inviolate until the recount is clearly proved, and the integrity of the recount before the magistrate is without question. How, then, any serious question can be made as to the right of contestee to have the benefit of this recount, and the allowance of 6 more votes on account thereof I fail to see? It is observable and significant of a want of fairness, that in the recounts the gentlemen on the other side avail themselves of them when they favor contestant and reject them when they do not.

This brings me to the recount in the case of the poll of Fairfield Township. Contestant claims, and the other side allow him, 11 additional votes from this township on a recount made before the magistrate four months after the election occurred. The conduct of the majority of the committee in this respect serves to reveal the partisan character of their decision more than anything else perhaps. By the statute of Ohio the ballots were required, after being called off and counted, to be strung on a string, put back into the box, which was to be locked and given to the clerk, the key to be put into the hands of the minority judge of election, and both thus kept for the purposes of any contest which might arise.

At the close of the election at Fairfield the box containing all the ballots cast was locked and delivered into the hands of one Augustine, the township clerk, and the key was delivered to the minority judge, Mr. Carpenter, a Democrat. Instead of taking the box home and putting it in a secure place, Mr. Augustine left the same during the night of the day of election in the room where the election was held. Next morning he took it to his office, a public place, and left it on the desk. During the same day he sent Mr. Carpenter (the custodian of the key) for it, and he brought it to him. It was then put in a clothes-press in the house where they both lived, leading from a spare room, neither being kept locked, and to which any one in the room or house could obtain easy access. The election was on Tuesday. On Friday Mr. Carpenter was seen on the street with the ballot-box, going in a direction not leading to his home.

A witness who saw Carpenter with the box on Friday swears that he had a conversation with him on that day in the presence of one Patterson, in which he asked him what he was doing with the box, and was told in reply that he was going to take it to New Lisbon to have the ballots recounted. Mr. Patterson is not called to contradict this, and it stands unimpeached. Whether the box was so taken to New

Lisbon in fact does not appear save by inference from the facts already stated. Mr. Carpenter and Augustine stood in the relation to each other of father-in-law and son-in-law, and lived in the same house together. Augustine was a Republican in politics, but is shown to have been hostile to contestee, and to have endeavored to get another man, his friend, nominated in his stead. While he swears that he voted for the contestee, it appears uncontradicted, sworn to by three witnesses, that he was hostile to him after his nomination and used his influence against him. Whether he did vote for contestee may well be doubted. When the box was opened before the magistrate 633 ballots only were found in it. The poll-book showed that 638 persons voted, and that is not denied. Five of the original ballots were missing, and the loss of same was unexplained. Contestant concedes this in his brief.

One ballot, with the names of both candidates on it for Congress and shown to have been cast, was also not to be found. Mr. Foster, the Greenback candidate, had 53 votes counted and returned for him, but the recount showed 57 for him. The straight tickets for contestee were, as found, one more than were returned. It appears that within a few days after the election contestant was in company with Mr. Carpenter, in conference about the ballots cast at that poll, and a statement was given in writing which is not produced. It appears that one Halloway, a reputable and competent lawyer, was present during the day, watching the balloting, and at the time of the final count and when the result was announced. He took down a statement of the vote according to the result as found, which is produced and put in evidence in the cross-examination by contestant. By his evidence and the memorandum there were 19 ballots on which no person was voted for as candidate for Congress. When the box is opened at the recount only 7 such are found.

It is apparent that the box had not been kept according to law, but had been exposed, so as to give an ample opportunity to tamper with its contents before the recount. There was a strong temptation to get a few more votes for contestant. Although Carpenter and Augustine swear to having no knowledge that any one had tampered with the box, yet it is perfectly apparent that the contents had in fact been tampered with in the interests of contestant. No explanations whatever of the discrepancies between the original ballots as counted and as found in the box at the recount are given. The 11 additional ballots claimed under the recount for contestant are those where the name of contestee is erased in pencil, and the name Wolac, Ma. Wllc, Mag Wolac, Mage Wolac, is written underneath the same. None of the election officers describe any such ballots from their recollection of the same or what occurred at the election.

The other witnesses describe the ballots not counted as being for Wallace, or Major Wallace, the number of which is stated by a half dozen of witnesses present as being from 2 to 5, not to exceed 4 or 5, including two Greenback tickets folded together and not counted. Carpenter says now 7 to 15, although he swears that in his written statement to Wallace, made directly after election, he said several, and did not then recollect the number and could not now tell what number he did then name in the paper. It appearing that the box had been exposed against the law, and the evidence being direct and clear that the ballots recounted were not the same as the original ballots counted; in fine, the evidence being perfectly satisfactory that there had been an actual tampering with the box subsequent to the election and before the recount, we exclude the same altogether, as insufficient to control the official count and original returns.

In addition to what I have said it ought to be stated that the irregular and imperfect names specified are written by a tolerably good penman, and not, apparently, by an ignoramus who could not spell. In some instances it is written with a black-lead pencil, while the erasure in pencil of contestee's name is of a different color. After the box was opened and the recount made the original ballots and the depositions were sent off at once and all opportunity to examine them further and call witnesses, experts or otherwise, as to them, was absolutely denied contestee and his counsel, although he requested to be allowed such an opportunity by a respectful letter, which is in the record.

There is no evidence independent of the recount sufficient to establish any legal ballots as having been cast for contestant at this township and not counted. The evidence is too indefinite and uncertain as to the facts and the description of the ballot to be allowed to control the official count.

Mr. Carpenter himself, when asked how many votes there were not counted, says: "To the best of my knowledge I think—well, from 7 to 15; I wouldn't be positive." (Ques. 24.) Mr. Hum, another judge of the election, says that the number not counted, according to his impression and his recollection before the opening of the box and the recount, was "from 2 to 7 or 8—along there some place;" that they did not exceed 4. When he saw the box opened and 11 were found he was apparently staggered at the discovery, and not suspecting then that the box had been tampered with, he infers from this that there must have been more than 4. His recollection and uniform statements before the box was opened was that there were not over 4 votes in all not counted.

On the other hand, Holloway, who was watching and heard and saw all that was said and done at the time, swears to 3 or 4. Two other witnesses, Shied and Crook, one a clerk and the other a judge of the election, put them at from 3 to 4 or 5. Among them were 2 Greenback tickets put in by one voter and not counted.

As a specimen of the fairness and care of the honorable chairman, I want to call the attention of the House to what he says in his report about what Augustine swears as to the number of these ballots. He was one of the clerks and Crook another. He says, page 2 of his report: "Augustine, Republican clerk of the election, states that there were 13 or 14 of these uncounted ballots." This is wholly an error and absolutely untrue. The chairman is an honorable man and would not intentionally misstate the facts. Let us turn to the evidence of the witness on this point. Question 5 asks him if he has the means of knowing whether all the votes cast were counted and returned. He says in answer: "I have not the means of knowing, except by information."

Mr. TURNER, of Georgia. What page do you refer to?

Mr. RANNEY. Page 14, question 5.

It appears that he was one of the clerks and kept the tally-sheet. The votes not counted were not called off or put upon the tally, and he did not see or handle them. All he says about them is that he heard some one say in the room that there were 13 or 14 not counted. Being asked to give the name, he says that it was a Mr. Isaiah Fleckinger, and that it was said in the presence and hearing of the officers of the election. He (Fleckinger) is not called and does not appear as a witness. Who he was does not appear, nor what he had to do there.

Mr. ADAMS, of New York. He was one of the clerks.

Mr. RANNEY. No; he was not. Augustine and Mr. Crook were the clerks; Shields, Carpenter, and Hum were the judges. The record so shows.

Now, all the judges and the other clerk swear that they heard no such remark by any one. Neither did some half dozen others of those present, and so situated as to be likely to hear all that was said and see all that was done, hear anything of the kind said, or know of Fleckinger being present. The bystanders who testify on this point included Halloway, Bushong, and Weaver, who could not have failed to hear it if said. The chairman, who has so great a repugnance to hearsay evidence as to how a voter voted, is ready to take, adopt, and follow this hearsay of Augustine, and give it as true, overwhelmingly contradicted and overthrown as it is by a half-dozen other witnesses. The evidence of Augustine on this point is neither competent nor reliable.

What I have said will be seen to overthrow what is relied upon by the other side to make up the alleged 13 plurality for contestant, as found by the gentlemen of the committee on the other side. It is unnecessary to attempt to swell the majority of contestee by going further.

The SPEAKER. The gentleman's time has expired.

Mr. RANNEY. I should like more time, say five minutes.

Mr. LONG. I move my colleague be allowed five minutes more.

There was no objection, and it was ordered accordingly.

I wanted to say something about three voters from the infirmary, whose votes, as is claimed, should be deducted from contestee's poll. Passing by the question as to the legality of their votes, I need only to say that the evidence as to how they voted is that the superintendent was a Republican. He does not appear to have had anything to do with getting these voters to the polls or in voting them. Both parties run wagons and got the voters from the infirmary, but which party got these three, or what the politics of the voters were, does not appear. There is absolutely no evidence on the subject as to how they voted beyond the mere fact that the superintendent of the institution was a Republican. And yet the contestant claims that their votes should be deducted from the poll of contestee, and for aught I know these are among those which the chairman and Mr. ADAMS deduct. The only evidence as to the residence of Mr. Medley, another of the alleged illegal voters for contestee, is that some one had told him that the hotel where his wife lived was in another county. Whether his vote is deducted I do not know.

Both parties in taking their evidence introduced declarations of the voter, not under oath, in several instances at least, as to how he voted.

The gentleman from Iowa [Mr. COOK] contends, as does the majority report, that the declarations of a voter, not under oath, as to the candidate for whom he voted, are not competent evidence. I had intended to deal with this question at some length, but I have now little time left me. It is a question of no special importance in this case, for only 7 votes depend upon that kind of evidence. The chairman claims that there are 10. Lawyers familiar with the common-law rule against hearsay testimony would be likely at first blush to be against the admissibility of such evidence. But an examination of the authorities and precedents shows that such evidence is admissible in election cases. The rule in England has been such for hundreds of years, and obtains in full force to-day, as has been shown conclusively by the distinguished gentleman from Ohio [Mr. HURD]. The current of authorities in America is the same way, although there is some conflict in them. It has become by the most approved authorities the established rule in legislative bodies. In Cessna vs. Myers the report of the committee deals with the subject and makes some criticisms and valuable suggestions, but ends with only a qualification of the English rule.

The committee could not agree, but they did adopt this rule, namely:

That evidence of hearsay declarations of the voter can only be acted upon when the fact that he voted has been shown by evidence *aliunde*, and when the declarations have been clearly proved and are themselves clear and satisfactory.

They proceeded then to follow the rule as thus qualified, and decided the case thereon.

The case of Vallandigham *vs.* Campbell involved the same question, and the rule received a most elaborate treatment at the hands of Mr. LAMAR (now Senator from Mississippi), the same being sustained. The doctrine of this case was examined and approved by the courts of New York in the case of People *vs.* Pease (27 N. Y.), and also in Wisconsin, in case of State *vs.* Olin (23 Wis.) This House followed the same rule in Wigginton *vs.* Pacheco. It remains to be seen whether the other side of the House, which in former days seated Vallandigham and Wigginton under an adoption of this rule, will now reverse the same for the purpose of unseating Mr. McKinley.

A statement found in the majority report in Cook *vs.* Cutts is of no weight. It expresses only the views of the author of that report upon a question which was of no importance in the case, as the same turned on another issue. It is not noticed in the minority report, probably because of no consequence. At best the author of the majority report based his views entirely upon a misconception of the doctrine of Cessna *vs.* Myers, and his mind does not seem to have taken a wider range.

What was said in Lowe *vs.* Wheeler does not militate against the rule. Parties may call a voter, but compelling him to testify if he declines is quite another question. That depends upon the laws of different States. The gentleman from Iowa [Mr. COOK] misunderstands or misstates what is said in the minority report in Cook *vs.* Cutts. Any gentleman who will read that report will find good reasons stated why the witnesses were not believed in that case.

The gentleman from New York [Mr. ADAMS] has alluded to a report drawn by the gentleman from Pennsylvania [Mr. MILLER], but not adopted or made to the House. Before he did that he would have done well to read the report prepared and made at the same time by the gentleman from Indiana [Mr. LOWRY], in which the following occurs, as I see by the report which I hold in my hand. I read from it:

This evidence was much more than mere matter of opinion; it was such as to leave no doubt in our minds; but if matter of opinion, in the language of the committee in the case of Smith *vs.* Shelley (Digest 1880-'82, page 19), "the same comes from men apparently well able to judge, and is not controverted by other evidence." Reference is also made to the following authorities: Wigginton *vs.* Pacheco (Digest 1876-'80, page 15), Cook *vs.* Cutts (Digest 1880-'82, page 249, citing New Jersey cases, in which it was held that "general reputation as to the political character of the voter, and as to the party to which he belonged at the time of the election, has been considered sufficiently demonstrative of the complexion of his vote"), Delano *vs.* Morgan (1868, page 168):

"For whom a vote is given by ballot is a secret known only to the voter himself, and he is never required to disclose it. This fact must, therefore, be often determined upon circumstantial evidence alone. To which political party a voter belonged, whose partisan he had been, whose friends claimed for him the right to vote at the time, what he said of his intention before and his act after voting, are circumstances which each claimant has endeavored to prove, and which the committee have considered in making up their verdict. In this action they are governed by precedent as well as principle. The same rule obtained in the celebrated case of New Jersey, decided in 1840, and known as 'the broad seal' case; and also in Vallandigham *vs.* Campbell, decided in 1858. (See Bartlett's Contested Elections, pages 28 and 233.) If it is not to be inferred from this kind of evidence for whom an illegal vote was cast, it can not, except in a few instances, be ascertained at all. (Smalls *vs.* Tillman, Digest 1880-'82, pages 435, 462; Sloan *vs.* Rawls, Digest 1874, page 150; Lowe *vs.* Wheeler, Digest 1880-'82, page 75.) Where a witness can not be compelled to answer he need not be called." (6 Peters, 352, 367.)

Authorities could be multiplied to sustain the position taken.

There can be no doubt that the rule alluded to is the established rule in legislative bodies, either as one of the exceptions to the general common-law rule, and of which there are many, or as a rule adopted from necessity, to answer the ends of justice. The weight to be given such evidence is another question, and that will depend upon the witnesses and the circumstances under which the declaration or admission is made. This question has received elaborate treatment at the hands of eminent counsel in this case. Although the question is not vital to the pending case, it is of importance as a rule of evidence. Gentlemen after having used the rule to sustain their action in two notable cases are now endeavoring to break it down when it stands in the way of their party interests. There are said to be thirty-three men on that side who voted to unseat Pacheco in Wiggington's case, four of them signing the majority report, and two who voted to seat Vallandigham. The brief of Mr. Ambler and others from Ohio states one of the principles on which the admission of such evidence depends, and I insert an extract from the same:

Upon principle, notwithstanding some expressions of text-writers and judges criticising the admission of that class of testimony, it would seem from necessity receivable as affording substantially the only means of investigating the legality of votes in contested-election cases. As the voter can not be compelled to testify, there is generally no other means of determining the manner of his vote than by proof of his political affiliations and declarations. Should he be willing to testify, the party assailing his vote as illegal should not be required to call him or rely upon his testimony. The party attacking the voter should not be compelled to go to the party whom he has thus made his adversary, and the alleged source of an illegal or corrupt vote, to ascertain the truth in regard to the same.

The brief of Messrs. Shellabarger & Wilson and of Messrs. Hunton & Chandler I will insert in full so far as it pertains to the question in hand, because it covers and exhausts the whole subject and can not be improved upon. It is convincing and conclusive.

It is not contended by contestant's counsel that the declarations of voters are incompetent evidence to show for whom the voter voted. The extent of the objection of contestant to such evidence is that such declarations are not admissible until the voter himself has been called as a witness and has declined to disclose how he voted. The contestant's counsel cited in the argument before the committee numerous cases which held that such declarations are admissible in evidence in a contested-election case, where the party whose vote is questioned has first been subpœnaed and asked how he voted and has declined to answer. The single inquiry, then, in this case is, does the law require a witness to be summoned when the same law which so requires declares that he need not answer when called? All the provisions of the law relating to the subject must be construed together. It would give a look of absurdity to the law if it required a witness to be called, when the same law took away the legal effect of his being called by saying he need not answer.

The very essence of the matter, which the witnesses in this particular case would have been required to disclose had they been summoned, was their own illegal conduct at the polls. It is shown by other evidence that they voted, and that they were not entitled to vote; the only remaining inquiry was for whom they voted. To show this fact other evidence in law fails. This fact is in law deposited in the sole keeping of the voter. The law affirmatively authorizes this secret to be kept by him. It is true he may voluntarily give it up; but a subpœna will not have the legal effect to make him give it up, so that the summons even is barren of consequence. When the law says that a witness need not answer certain matters, does it not in effect and by implication also say that he need not be subpœnaed to answer? When the law shelters a witness from answering certain inquiries it shelters him from the usual methods used to compel him to answer. Are not the declarations of a witness showing for whom he voted just as valuable in law, in a case where no subpœna has been issued for the witness himself, as the same declarations would be if the witness had been required to step on and then off the witness-stand and while there refuse to answer? If you first call the witness, say contestant's counsel, and he refuses to answer, then his declarations are competent. The declarations are of the same character, made at the same time and place, whether the witness who made them be called or not. The calling of the voter does not add to or take from the legal strength of his declarations as to how he voted.

But it is said that the party must produce the best evidence the nature of the case permits. This rule invokes the best evidence the party can legally command. But he can not legally command the testimony of the voter himself, for the law furnishes him no process to exact it, but, on the contrary, says the voter need not testify. The best evidence that the nature of the case permits are the circumstances, among them the declarations of the voter showing how he voted. When this testimony is produced it is the best which the nature of the case permits. The identical ballot cast by the voter is the best evidence to show how he voted. His statements on the stand, if called as a witness, and he chooses to answer, do not import as high legal certainty as the ballot itself. But the law says that no record shall be kept to trace the ballot itself, and therefore the ballot is not available. Contestant says that the next best evidence is the voter. But the law goes further, and not only secludes the ballot from inspection, but says the voter himself need not answer how he voted if called. The first and primary evidence which the law appropriates and which the law will lend its processes to coerce is the circumstances surrounding the ballot questioned, including the declarations of the voter as to how he voted. There are no degrees of competency in this evidence. It is all admissible alike. If there be primary evidence of how the party whose vote is questioned voted, it is the ballot itself. If the ballot is not or can not in law be produced, then other evidence becomes substituted for the ballot. In this substitutionary evidence there are no degrees. (Best's Principles of Evidence, p. 79, note l; Renner *vs.* Bank, 9 Wheaton, 597.)

The ballot is by law required to be in writing or to be printed, and is therefore the best evidence to show for whom the person casting it voted. If the person who cast the vote is called and answers, he gives parol evidence of the contents of the ballot. If his declarations as to how he voted are received, they are no more or less than parol evidence of the contents of his ballot, and there being no degrees in such evidence, the one kind is as admissible as the other. It becomes a matter of weight and not of competency of evidence. The act of subpœnaing the voter would have been of no force, and was therefore not required to be done. This is certainly decided in the case of the United States *vs.* Reyburn (6 Peters, 367). There no foundation whatever was laid for secondary evidence. No notice was given to produce nor subpœna issued for the paper itself, the contents of which was proved, and the court say (speaking of the witness himself) a subpœna to compel his attendance as a witness would have availed nothing, and the law does not require the performance of an act perfectly nugatory. But suppose Chase had been within the reach of a subpœna and had actually attended the court, he could not have been compelled to produce the commission and thereby furnish evidence against himself.

But these declarations in this case are primary evidence. The use made of the declarations of votes is to affect only the ballot of the person whose declarations are received. These declarations disclose the contents of a written or printed ballot. Where one is a party to a contest his admissions or declarations may be proved by the other party to show the contents of a written instrument. (Best's Principles of Evidence, p. 79, note l.)

The confession of the party precisely identified is admissible as primary evidence of the facts recited in the writings, though it is less satisfactory than the writing itself. (1 Greenl. Ev., sec. 96.)

And this evidence is admissible as primary evidence without any notice to produce the writing itself. (1 Greenl. Ev. sec. 96.)

It has been always held that in an election contest the primary right involved is the right of the legal voters to be represented. The candidate has no right to the office for which he is named which does not spring out of the right of the voters to be represented. The first and primary inquiry, then, in such a case, concerns the right of each person to vote who actually did vote. In this case the fact that the parties voted, the contents of whose ballots is sought to be ascertained, is shown by the poll-book. The declarations of the voter are introduced to take his vote off the poll, if from other evidence it is found to be illegal. His declarations affect his own interest in the election adverse to him. The poll becomes diminished one vote by the declarations of the voter, taken with the other testimony in the case. Such evidence has been received and acted upon in contested-election cases in legislative bodies for two hundred years. The following cases support the competency of such testimony:

"The declarations of a voter may be given in evidence to set aside the election; as to diminish the poll, by taking an incompetent vote off, or to prove bribery, &c.; but they are not admissible on a charge against the candidate for bribery. They are admitted to annul votes but not to set aside the election by disqualifying the member on account of his bribery." (Case of Milburne Port, 1 Douglass Election Cases, 67; Case of Ivelchester, 3 Douglass Election Cases, 76; Petersfield case, 3 Douglass Election Cases, 6; Worcester case, 3 Douglass, 129; Shaftsbury case 159.)

In this last case money to the amount of several thousand pounds had been given among the voters in sums of twenty guineas a man. The persons who were intrusted with the disbursement of this money, and who were chiefly the magistrates of the town, fell upon a very singular and very absurd contrivance in hopes of being able to thereby hide through what channel it was conveyed to the electors. A person concealed under a ludicrous and fantastical disguise

and called by the name of Punch was placed in a small apartment, and through a hole in the door delivered out to the voters parcels containing the twenty guineas, upon which they were conducted to another apartment in the same house, where they found a person called Punch's secretary, and signed notes for the value, but which were made payable to an imaginary character to whom they had given the name of Glenbucket. Two of the witnesses called by the counsel for the petitioner swore that they had seen Punch through the hole in the door and they knew him to be one Matthews, an alderman of Shaftsbury, and, as the counsel for the petitioner had endeavored to prove, an agent of the sitting member. On the part of the petitioner's witnesses were called to prove declarations of the voters who at the poll had taken the bribery oath that they had received Punch's money. This was objected to by the counsel on the other side, but the evidence was admitted. (3 McCord, South Carolina Reps., page 223.)

In the case of the State *ex rel.* Hopkins *vs.* Olin (23 Wisconsin, 319) the court in passing upon the admissibility of the declarations of voters, say "the testimony of the witness Du Quin was properly received." He testified that ten witnesses who had been severally sworn, and each of whom declined to answer whether he had voted at the election in question and how he voted, on the ground that the answer might criminate himself; each of them had told him before the trial that he had voted at the election for the removal of the county seat, and that he was a foreigner and had not declared his intention to become a citizen. The objection to this evidence is that it was hearsay. To a certain extent this may be so, but the well-settled and uniform practice is to allow it in contests of this nature.

The People against Pease (27 New York, 45) and authorities there cited. The reason of the rule, or rather of the exception, is that a person who has voted at an election is always considered as a party when the result of the election is in controversy, and on that ground his declarations voluntarily made are admissible. It is considered to be a question between the voter and the party questioning his vote and not merely between the party holding the office and him who claims it.

In perfect accord with the Wisconsin decision is that of the supreme court of California, reported in volume 43, page 237, the case of Miner *vs.* Kidder, in which the court declared that the investigation proposed is one in which the public at large are deeply concerned. It necessarily involves a question of broader import than the mere individual claim of a designated person to enjoy the honors and emoluments of a particular office brought directly in contest. The inquiry must be as to whether or not the popular will in the selection of officers to administer the public affairs has been in a given instance, or is about to be, defeated or thwarted by mistakes happened or frauds concocted. It is therefore not an ordinary adversary proceeding, for, as against this high public interest concerned, there can be no recognized adversary.'

In the Worcester case (3 Douglass Election Cases, 276) it is said the counsel for the sitting members objected in the beginning of the case to the admission of evidence to prove the declarations of voters that they had been bribed. The committee, however, admitted such evidence as against the voters themselves so as to annul their votes, but not as against the sitting members so as to disqualify them.

In Shaftsbury's case (2 Douglass Election Cases, page 308) it appears that on the part of the petitioner witnesses were called to prove declarations of voters who at the poll had taken the bribery oath that they had received Punch's money. This was objected to by the counsel on the other side. They said that this was not legal evidence, for that, if such declarations were proved, still they could not be considered as proving the receipt of money. This would be unjust to suffer what a man had said in conversation and without oath to invalidate what he had sworn. To this it was answered that those cases cited proved too much, for that if the doctrine they contained were to be adopted it would be in the elector's power by committing perjury to preclude all inquiry into the legality of his vote. The evidence was admitted.

Both of the cases above quoted were decided more than one hundred years ago and have established a rule which has been observed by the British Parliament in contested-election cases ever since.

The rule of evidence permitting the declarations of voters to be received to show how they voted has not only prevailed in England for more than one hundred years, but was adopted in Maryland in 1816, and has been followed by the Legislature of that State ever since, and by New Jersey in the year 1840, and is declared by the supreme court of New York in the twenty-seventh volume of the reports of that State, page 51, to be, so far as that court is able to discover, of universal application in all legislative bodies, upon inquiries as to the election of members thereof to affect the qualifications of voters, and to deduct or disallow all votes cast for any candidate by non-qualified voters.

The Vallandigham case, which was fully argued before the House, ought to be held to settle this proposition.

We quote from the report:

"Objection was also taken to the admission in evidence of declarations or admissions by voters, here disputed as illegal, touching their qualifications and the candidate for whom they voted. Some of the declarations objected to, the undersigned are of opinion, were such as are daily received in courts of common law, relating to residence or being part of the *res gestæ;* others they believe to be competent, upon a reasonable application to the usual rules and principles of evidence by analogy and according to their spirit. Neither the committee nor the House is bound by these rules in their letters and strictness, but should proceed upon more liberal principles in the investigation of truth. They regard a contested election not as a mere private litigation, but a great public inquiry, where the real parties are not so much the returned member and the contestant as the voters of the district, and they are content to rest their opinion on this question upon the reasoning and upon the usages and solemn decisions of Parliament and Congress for years past, inasmuch as the distinction claimed to exist between an ordinary forensic court and a legislative assembly is recognized not only in Parliament and Congress, but by the courts themselves, and from a very early period. The admissibility of evidence consisting of the declarations of voters as to any matters concerning their own voting has been settled in the British Parliament repeatedly and uniformly for one hundred and fifty years, and is no longer to be questioned. These decisions are to be found in the numerous volumes of reported election cases and of treatises on the subject. The rule has been recognized also in approved books of law (3 McCord's Reports, 233, note; Phillips's Evidence, with law, and Hill's Notes, 322). It is sometimes treated as an exception to the rule, excluding the hearsay declarations of third persons, but generally it is put upon the ground that in elections contested because of illegal votes being received each voter challenged is a party to the proceeding, and, therefore, whatever he says about his own voting is an admission or confession. In Congress also, while the undersigned find several precedents distinctly adopting or recognizing the rule, they find none where it has been decided the other way, except in Newland *vs.* Graham, 1835–'36. Against this they refer to the following: Contested Elections, 80, 258, 260, 272, 282, 367, 750; the Broad-seal case, 1840, 3 House Reports, No. 541, pages 699 and 749; Farley *vs.* Runk, 1845–'46, and Monroe *vs.* Jackson, 1847–'48.

"The American cases have, indeed, been mainly directed to the question of receiving the declarations of voters. As to the latter, and besides several prior cases, the point was expressly and deliberately decided in the great New Jersey case, in 1840, usually known as the "Broad-seal case," and the evidence was unanimously received, and a large number of votes determined upon it. This precedent has been generally approved ever since, and the undersigned attach more importance to it than usual, because it was unanimous in a highly partisan case, and because of the great ability and distinction of the gentlemen who composed the committee. The same rule of evidence as to declarations of voters, both as to qualification and vote, was deliberately adopted by the Legislature of Maryland in 1816, as also in the Legislatures of other States and courts having a special jurisdiction to try contested elections. As to a number of voters whose declarations are given in evidence, it appears upon the papers and testimony that their attendance as witnesses could not be procured; but it is not necessary in such cases to first call the voter and see if he will claim his privilege of refusing to answer. It was not done in any of the cases decided in the British Parliament. It is not necessary in settlement of cases when the declarations of the parishioner may be given in evidence (1 Greenleaf on Evidence, sec. 175); and the Supreme Court of the United States has expressly decided that where a witness can not be compelled to answer he need not be called." (6 Peters's Reports, 352, 367.)

In the case of the People *vs.* Pease (27 N. Y. at page 51), the doctrine of Vallandigham and Campbell is fully approved, and it is there decided that the voter is a party, and that his declarations are admissible even to prove that he was disqualified. We quote from that case as follows:

"So far as I have been able to discover, the rule is universal in all legislative bodies, upon inquiries as to the election of members thereof, to scrutinize the qualifications of the voters and to deduct or disallow all votes cast for any candidate by non-qualified voters. This rule seems to be well established in such cases, and it is not perceived that any substantial reason can be suggested why a different rule should obtain in a civil suit or proceeding to determine the right of an individual to a particular office. This rule was distinctly recognized and affirmed by the House of Representatives in the election case of Vallandigham and Campbell. (Cong. Globe, vol. 41, p. 2317, and following.) In the extended debate had upon that case all the members conceded that the votes of illegal or non-qualified electors must be deducted or disallowed; and the main point of difference in the discussion was as to the manner of establishing such disqualification. It was contended by some members that it could only be shown by the oath of the voter himself, while others maintained that hearsay evidence of such disqualification was admissible. Numerous precedents are cited at page 2320, fully sanctioning the doctrine that hearsay evidence can be received. At page 2319 a case was cited where, before the election committee of the house of commons, in England, Mr. Maule objected that the declarations of one John Nowlan were not evidence against the sitting member. Mr. Thesiger, since lord chancellor, now Lord Chelmsford, in reply said: 'In the Southampton case it was held evidence may be given of the declaration of a person even after voting, though it may tend to affect him with penal consequences. In the Ripon case the voter had stated to two persons in the months of June and July, 1832, that he had no vote, and that his aunt was tenant of the house; the election took place in the beginning of 1833, and the declarations were held admissible. A voter who has voted for the sitting member is always considered as a party, and it is on that ground that his declarations are admissible. The question is always considered to be between the voter and the party questioning his vote, and not merely between the sitting member and the petitioner.' The committee resolved that the evidence should be received."

It can not be denied that the legislative rule of evidence in cases of this character favors the admission of the declaration of the voter to show how he voted. It will be constantly kept in mind that in this particular case no effort on the part of the contestee is made to commend this evidence to the House for any other purpose than to show how the respective voters, whose declarations are given, voted. It is not introduced to reflect upon the candidate, or to prove that the voter himself was an illegal voter, or that he voted. The fact that he was an illegal voter is established by other evidence; the fact that he voted is also established by other evidence; and the declarations which are here insisted upon as competent disclose how the voter voted, and for this purpose we say they are competent.

As was said in the first part of this last brief, the competency of this evidence is admitted. The only question that divides counsel in this case is not whether this evidence is competent or not, but whether the witness must not first be called whose declarations are given in evidence and asked how he voted.

The Supreme Court has held that where a witness can not be made to answer when called, he need not be called.

There can be no controversy about the fact that the Supreme Court has so decided; for it is said in the case of Vallandigham *vs.* Campbell "that it is not necessary in such case to first call the voter and see if he will claim his privilege of refusing to answer. It was not done in any of the cases decided in the British Parliament. It is not necessary in settlement of cases, when the declarations of the parishioner may be given in evidence. And the Supreme Court has expressly decided that where a witness can not be compelled to answer he need not be called." (6 Pet., 352.)

In the case of Wigginton *vs.* Pacheco (Election Cases, 1876, p. 10), it is said, the Supreme Court of the United States has expressly decided that where a witness can not be compelled to answer he need not be called.

The House of Representatives, in two cases of extensive debate, have interpreted the decision of the Supreme Court in 6 Peters to mean precisely what we claim it means, so that there is no room for any misunderstanding about that rule of evidence. It is determined, not only by the highest judicial authority of the Federal Government, that where a witness can not be compelled to answer when called that he need not be called, but that rule of evidence has been accepted and adopted by this House on several distinct occasions, two of which are cited in this brief.

Now, the committee will observe that the counsel for the contestant in this identical case admits that the declarations of voters as to how they voted are competent, provided the witnesses themselves be first called and refuse to answer. If, then, the Supreme Court of the United States is right, and this House is right in its former decisions upon that subject, that it is not necessary to call a witness whom you can not compel to answer after being called, then the competency of these declarations stand admitted, and there is no further contest between us.

In the Pacheco case, already cited, a vote was taken off the poll by the House of Representatives on the declaration of the voter himself. We submit that the declaration of the voter as to how he voted is the highest evidence which the law makes available to the person questioning his vote, for the following reason: The ballot itself is not accessible; by the processes of law it can not be brought before the committee; there is no method of identifying the ballot of any particular person, so that that ballot when produced will, upon its face, tell for whom it was cast. The law furnishes no means of producing the ballot. The law furnishes no means of producing the voter against his own will. So that the first evidence that is open to the coercive processes of the law in this case is the declaration of the voter himself.

That is the first legal evidence available to the person seeking to learn for whom the voter voted. It does not stand upon the same ground with the proof of the illegality of the vote, nor upon the same ground with the fact that the voter actually did vote, for both these facts may be proved, and in this case have been proved, by other evidence than the declarations of the person who cast the vote. But the fact of how the person casting the ballot voted can not be established by any other means than the voluntary statement of the voter himself. If he were called upon the stand he would be testifying to what the ballot contained, the contents of a written or printed instrument. If his declarations are received they establish the contents of the ballot—nothing more nor less. If it can be argued that this is secondary evidence, then the calling of the voter on the stand is the first degree of secondary evidence; his declarations as to

how he voted are the second degree of secondary evidence. But, as has been shown in this brief, there are no degrees of secondary evidence, and when you get to secondary evidence, if this be held to be such, any degree is competent, and whether you resort to one degree or the other is a matter of indifference so far as the competency of the evidence is concerned, the only difference being in the weight of the evidence. There is no legal escape from these declarations. The committee may arbitrarily say they do not believe them; that in their opinion they are not sufficient in law to establish the fact; but that is the only way to relieve themselves from the effect of the declarations. They are, beyond all doubt, competent.

The case cited by the contestant, from 55 New York, does not hold that the voter may be compelled to testify, though such is intimated in the syllabus of the case. There is nothing of the kind in the decision itself. The only thing there decided was that the voter might be called as a witness. It does not hold that he may be compelled to answer when called, and, indeed, it is not necessary to argue, in the face of the constitutional provisions against compelling a witness to criminate himself, that a witness may be compelled to criminate himself.

It is a waste of time to consider such proposition, and of course it was not so decided.

It is said in the case of Cook *vs.* Cutts (dated February 19, 1883): "As to some of these voters there is no proof whatever that they voted, except hearsay. As to others, there is no proof for whom they voted, except the voters' admissions, which, according to McCrary and the recent case of Cessna *vs.* Myers, is insufficient."

If the committee will consult the case of Cessna *vs.* Myers, it will be found that it bears no such interpretation as is here given to it.

The case of Cook *vs.* Cutts proceeds, however, with the following language:

"In nearly all of them the proof relied on by the contestee consists of some statements of the voter, made in casual conversation to a witness under circumstances making them neither competent nor reliable. But even if the evidence be acceptable as competent and sufficient to prove the facts claimed, in no case would the facts thus established be sufficient to show the vote illegal."

And the committee in that case further say:

"In short, under any rule that may be adopted, applied fairly to both sides, this class of votes will be equal."

So that it appears in the Cook case that the question was of no consequence in determining the result of the contest. If the declarations of voters were receivable, they affected each candidate alike, and made no appreciable difference in the result, and the committee itself claim no higher character for the report in that case than the case of Cessna *vs.* Myers. The authority upon which it rests does not support the result here contended for. In that case the declarations were insisted upon to show other facts than how the voter votes.

In the Pacheco case and the Vallandigham case the question of the competency of the declarations of voters as to how they voted was sharply presented, and the House determined in favor of the competency of such evidence.

It will not be forgotten that it was quite as easy for contestant to call the voters as witnesses, whose declarations against their own ballots have been proved, as it was for contestee to call them. It was held in the Wigginton *vs.* Pacheco case, already cited, that when the party complaining of similar declarations failed to call the voter as a witness whose declarations were in evidence, there arose a presumption that if called such vote would corroborate the declarations. If contestant's theory is correct that these voters were innocent of illegal voting, then the witnesses if called by him would have been glad to answer in his favor. But their illegality is already proved by other evidence than their declarations, and therefore the record shows that they are in a predicament where they need not and probably would not answer if called. The same principle of changing the burdens of proof upon the voter was declared in an English case, as follows:

"In Boston election, M. R. Malcom *vs.* Ingaam, 43; L. J. C. P., 331; 9 L. R. C. P., 601, 31; L. T. N. S., 331 (English case), it is said P. having been accepted by the liberal party in a borough as a candidate at the next election, he afterward distributed among the inhabitants coals. Many of the inhabitants who accepted the coals were voters in the borough and were not objects of charity. The coals were given corruptly. Parliament being soon after dissolved, P. was declared to be returned as member by a majority of votes over M., another candidate. A petition being presented against the return of P., claiming the seat for M., P. was adjudged to be unseated on the ground of bribery. A scrutiny having been held, M. claimed to strike off the poll for P. one vote for every elector who had accepted the coals and had voted at the election, without ascertaining for whom he had in fact voted. The voters were not called to deny that they had received the coals corruptly. Held, that the bribery contemplated in the ballot act was a corrupt bargain made with an elector by or on behalf of the candidate, and under that enactment it was necessary to prove a guilty intent in the vote. Held, also, that a *prima facie* case of corruption had been made out against the voters, which they were bound to displace, and as they were not called to rebut the inference of corruption, one vote for every elector who received the coals and voted at the election must be struck off the poll of P."

McCrary does not declare against the position here taken, although it is admitted that the tendency of his argument is against it. The question which he discusses is whether such declarations are admissible to show that the person voting was not qualified, whether he was an illegal voter. He admits that the English authorities favor admitting such declarations, and says, "perhaps the weight of authorities in this country is the same way." (Section 270, first edition of McCrary.) "Though it can not be denied," he says, "that the tendency in the more recent and, we think, also the better-considered cases is to exclude the evidence as hearsay." He expresses his individual opinion against what he admits to be the weight of authority. In support of his last statement, that "we think the better-considered cases is to exclude this evidence as hearsay," he cites the cases of the State *vs.* Olin (23 Wisconsin, 319), and the Vallandigham case. These cases support the competency of such declarations instead of denying it.

The case of Lowe *vs.* Wheeler (Election Cases Forty-seventh Congress) is cited by the contestant. In that case it was distinctly held that the voters were competent to declare how they voted, if called. The report, says contestee's evidence, does not show for whom many, if any, of the persons claimed to be nonregistered, voted. He has not called the persons themselves, but attempted with little success to prove it by other parties. Contestee, for aught that appears, could have taken the evidence of the witnesses themselves to establish their identity as the persons whose names appeared on the poll-list and to prove for whom they voted. "Of course I do not hold, as a matter of law, that such is the only mode of proof allowable, while generally it is quite satisfactory, as the voter usually best knows and his evidence is direct."

It will be seen that the brief of contestant does not quote correctly what he in that case held, which was that the voter himself was a competent witness, if he choose to answer? This nobody is found to deny. But suppose he does not choose to answer? May his declarations not be received? The case cited does not say that his declarations may not be received. It says, on the contrary, "of course I do not hold, as a matter of law, that such is the only mode by the voter himself of proof allowable." It is not held in that case that the declaration of the voter as to how he voted is incompetent.

The case cited from Illinois by contestant holds that it is the legislative rule to receive such declarations, although that court does not choose to follow the rule for itself. If the cases bear the interpretation which we claim, there is no break in the current of legislative authority in favor of receiving such evidence; and, to repeat, the contestant himself admits that it is competent. A large majority of the decision which he quotes holds that such declarations are competent to show how the voter voted. Mr. McCrary, who is relied upon in the section above quoted, says:

"The English authorities, though not entirely uniform, are generally in favor of admitting such declarations, and perhaps the weight of authority in this country are the same way, though it can not be denied that the tendency in the more recent and, we think, also the better-considered cases is to exclude the evidence as hearsay."

Mr. McCrary admits that the weight of American authority is in favor of receiving these declarations. All that he does claim is that in his opinion there is a tendency, in what he chooses to call better-considered cases, to reject it. So that when the comments of Mr. McCrary are sifted to their ultimate conclusion they concede that the weight of American authority is in favor of the competency of this testimony, and there is only a tendency in some cases not to accept that doctrine. We say that the declarations rest upon the most unchanging foundation of legal certainty; that there can be discovered no legal principle upon which these declarations may be rejected. If the voter himself need not be called, then the declarations of the voter become the next highest evidence of the fact that is under inquiry, and all that the rules of law require is that the best evidence which the nature of the case permits shall be introduced.

Can there be found any better evidence of how the voter voted, if the ballot itself is not accessible, if the witness himself can not be compelled to answer? If a person were being tried in court under the charge of illegal voting, and it had been shown that he had voted, as has been shown in this case, and that he was an illegal voter, as has been shown in this case, would any lawyer have the effrontery to claim that his declaration as to how he voted could be received against himself? If he were to suffer a criminal liability for doing precisely the same act which is here complained of, and he were before a court of criminal jurisdiction to answer for that act, his declarations would be perfectly competent against him. Does he occupy any different place in a contested-election proceeding pending before a court? His ballot is a constituent fact in either case, no matter in what court the proceeding is in progress.

While it is true that the voter himself is neither contestant nor contestee, the rights of contestant and contestee in this case are purely derivative. They are derived from valid votes. The contestant has no individual, or personal, or property rights in the office. His right, if any he has, is purely representative in its nature. The primary right involved in the case is that of the voter. He is, in the essence of the inquiry, a party. The law does not reach the settlement of the rights of the candidates until it has first settled the primary rights of the voters. Each voter asserts his right in casting his ballot. Whether that ballot be valid or not, affects the voter before it can affect the candidate, and as the law presumes, under all methods of its administration, in all kinds of tribunals, that a man will not make an untruthful statement against his own interest, it receives his statement to affect his own interest in all inquiries when that interest becomes at stake. It is a mere sentiment to exalt the candidate above the voter. The law dignifies the voter above the candidate. When the declaration of the voter is received to expose the character of his own vote, and is allowed to have no legal effect beyond that, there can be discovered no legal principle which rejects such evidence, and any attempt to exclude such evidence will operate as a denial in many cases of the only evidence available to prove an essential fact in an election contest. We say, therefore, that when it stands admitted by McCrary that perhaps the weight of authority in this country is, as it is in England, in favor of holding the declarations of voters competent to show how they voted and even to show their qualifications to vote, and when it appears that this is the universal rule, as the New York and Wisconsin supreme courts say, of all legislative bodies, it is difficult to see how the public good, which is the chief legal element in this controversy, will be promoted by relaying the foundations of this subject and opening anew the agitation of the question.

I trust the House will not be led away and induced to believe that the result of the case depends upon the competency of that class of evidence, which has been discussed at length. It is not so. The proof otherwise is plenary as to how all the illegal voters voted, except only 7 or 8 out of the list of 52 found. The conclusion that McKinley was duly elected and is entitled to retain his seat is irresistible, and can not be avoided by men who have examined the case and are disposed to act as judges instead of as partisans. Gentlemen on the other hand who care nothing for principles of law or for evidence when the same stand in the way of their party or personal desires can, and probably will, vote to unseat him. I hope, however, that there are few, if any, of this latter class.

The Tariff.

SPEECH

OF

HON. WILLIAM D. HILL,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. HILL said:

Mr. CHAIRMAN: Before this debate closes I desire to state in as few words as possible my reasons for voting against striking out the enacting clause of this bill. On a former occasion I voted for the motion of my colleague [Mr. CONVERSE] to restore the duty on wool. I did it because I believed that the Forty-seventh Congress had committed a great wrong on the wool-growers of my State by reducing the duty on wool from 50 to 32 per cent. and at the same time increasing the duty on the manufactured article. From the day that I took my seat in this Hall in December I have labored and worked for the passage of the bill restoring the duty on wool.

But, sir, this House refused to pass that bill, and now, having failed

to aid the wool-growers of my district upon the only protected article which they have to sell, I consider it my plain duty to relieve them all I can on more than 2,000 other articles which their necessities compel them to buy. The Morrison bill is not exactly what I would like; but it has one great merit, it reduces taxation, and that alone is sufficient to command my vote. This debate has developed the fact that there is a surplus in the national Treasury of $150,000,000 and the estimates of the Secretary of the Treasury make it $100,000,000 more at the end of each fiscal year. The platform of the Democracy of my State declares that the revenues of the Government should be limited to the necessities thereof economically administered.

With the facts before us it is universally conceded that the revenues are not so limited, nor will this bill so limit the revenues of the Government; but it reduces the revenues $30,000,000 a year, which is a step in the right direction. I shall vote for this bill, sir, because I know that the interest of every stave and hoop factory in my district demands that I should so vote. They are manufacturing their wares now at less than cost price, and their employés and employers alike are suffering from low prices and a limited demand. This bill reduces the duty on sugar 50 per cent., not 20 per cent. The sugar-refiner of the United States when he purchases the raw material is required by the laws of this country to pay a duty on it of 50 per cent.

The sugar-refiner of England, when he purchases the raw material, pays no duty at all in his own country, and is thus enabled to undersell the American manufacturer 50 per cent. The result is that the American is confined to his own country for a market and can not manufacture a pound beyond the necessities of his own country, while the Englishman has the whole world for a market, because, having no duty to pay on his raw material, he can undersell his American competitor. I am in favor of free sugar and free salt. I am opposed to making American laboring men pay tax on the salt they eat in their bread, and nearly 40 per cent. on sugar, which is an article of food and universal consumption.

Now, Mr. Chairman, while this bill does not put sugar on the free-list, it does take off one-half the tax and helps the consumer to that extent. I also desire to relieve my constituents of a little of the taxes they pay on their agricultural implements, the mechanic on his tools, the manufacturer on his machinery, and everybody on their clothing and their blankets. I hear a great deal about protecting the laborer on his wages. Will anybody tell me where and how labor is protected? Is there any duty on labor? Are not our ports open to every laborer in Europe and the whole civilized world who desires to come here and go to work? And are they not coming at the rate of 500,000 a year? Is it not a fact that white men have been driven from the railroads on the Pacific coast and the shoe-shops of Massachusetts, and Chinese laborers employed in their places at greatly reduced wages?

The fact is, Mr, Chairman, the price of labor is regulated by the law of supply and demand, like everything else, and the manufacturers and monopolists of this country always employ a laborer as cheap as they can get him. The present tariff laws of this country were passed in 1861 to maintain the most extensive war the world has ever witnessed. The tariff on every article, all the necessities of life, were raised as high as Congress dared to do it, in some instances so high as to be prohibitory. And yet during these twenty-five years, without any decrease of duty, the wages of laboring men have been reduced time and again to starvation prices. If high duties make high wages, why is it this country has been so frequently afflicted with labor strikes? Why is it that laboring men are nearly all poor? It is because these high duties on sugar, salt, hats, shoes, blankets, clothing, and everything which the laboring man buys to support himself and family rob him every pay-day of the wages which he has earned. Now, sir, if a Republican Congress has reduced the price of wool which grows in my district, I want the Democratic Congress to reduce the price of every article which those wool-growers and all others in my district are compelled to buy.

That is not all, Mr. Chairman. It is a notorious fact, known to me and to many other members of this House, that the gentleman from Illinois [Mr. MORRISON] has privately and publicly stated that if we would not strike out the enacting clause of this bill he would exempt wool from the operations of the bill, and thus give the wool-growers of the whole country an advantage which the Republican Congress had deprived them of. For these reasons, Mr. Chairman, and a thousand others which I have not time to explain, I shall vote against striking out the enacting clause of this bill. After the general debate shall have closed I want the bill to go out of the Committee of the Whole into the House, where every member can offer an amendment. That is the best mode to perfect legislation here. I desire to offer some amendments to this bill myself. Many other members have expressed the same desire, and I do not want to be deprived of that privilege. I make this statement now because it is whispered here that a motion is to be made to strike out the enacting clause of this bill. If the Democratic party has any mission at all, it should be to relieve the people of war taxation, which every public man in this country concedes is not now needed to support the Government. And if no attempt is to be made in that direction, it seems to me it makes but little difference which political party is in power in this country.

The Tariff.

SPEECH

OF

HON. J. HART BREWER.

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. BREWER, of New Jersey, said:

Mr. CHAIRMAN: I said all that I wish to say on the tariff in my speech in the Forty-seventh Congress, and I could only reiterate the same. But since that time an article have been written upon the tariff which in my judgment surpasses all others for clearness of statement and conclusiveness of argument that have ever been written on that subject. It comes from the pen of the magnetic statesman James G. Blaine, who I hope may be chosen as the standard bearer of the principles he so ably represents.

In his Twenty Years of Congress, volume 1, pages 178–214, he says:

"The slavery question was not the only one which developed into a chronic controversy between certain elements of Northern opinion and certain elements of Southern opinion. A review of the sectional struggle would be incomplete if it did not embrace a narrative of those differences on the tariff which at times led to serious disturbance, and, on one memorable occasion, to an actual threat of resistance to the authority of the Government. The division upon the tariff was never so accurately defined by geographical lines as was the division upon slavery; but the aggressive elements on each side of both questions finally coalesced in the same States, North and South. Massachusetts and South Carolina marched in the vanguard of both controversies; and the States which respectively followed on the tariff issue were, in large part, the same which followed on the slavery question, on both sides of Mason and Dixon's line. Anti-slavery zeal and a tariff for protection went hand in hand in New England, while pro-slavery principles became nearly identical with free trade in the cotton States. If the rule had its exception it was in localities where the strong pressure of special interest was operating, as in the case of the sugar-planter of Louisiana, who was willing to concede generous protection to the cotton-spinner of Lowell if he could thereby secure an equally strong protection, in his own field of enterprise, against the pressing competition of the island of Cuba.

"The general rule, after years of experimental legislation, resolved itself into protection in the one section and free trade in the other. And this was not an unnatural division. Zeal against slavery was necessarily accompanied by an appreciation of the dignity of free labor; and free labor was more generously remunerated under the stimulus of protective laws. The same considerations produced a directly opposite conclusion in the South, where those interested in slave labor could not afford to build up a class of free laborers with high wages and independent opinions. The question was indeed one of the kind not infrequently occurring in the adjustment of public policies where the same cause is continually producing different and apparently contradictory effects when the field of its operation is changed.

"The issues growing out of the subject of the tariff were, however, in many respects entirely distinct from the slavery question. The one involved the highest moral considerations, the other was governed solely by expediency. Whether one man could hold property in another was a question which took deep hold of the consciences of men, and was either right or wrong in itself. But whether the rate of duty upon a foreign import should be increased or lowered was a question to be settled solely by business and financial considerations. Slavery in the United States, as long experience had proved, could be most profitably employed in the cultivation of cotton. The cost of its production, in the judgment of those engaged in it, was increased by the operation of a tariff, whereas its price, being determined by the markets of the world, derived no benefit from protective duties. The clothing of the slave, the harness for the horses and mules, the plows, the rope, the bagging, the iron ties, were all, they contended, increased in price to the planter without any corresponding advance in the market value of the product. In the beginning of the controversy it was expected that the manufacture of cotton would grow up side by side with its production, and that thus the community which produced the fiber would share in the profit of the fabric. During this period the Representatives from the cotton States favored high duties; but as time wore on, and it became evident that slave-labor was not adapted to the factory, and that it was undesirable if not impossible to introduce free white labor with remunerative wages side by side with unpaid slave-labor, the leading minds of the South were turned against the manufacturing interest, and desired to legislate solely in aid of the agricultural interest.

"It was this change in the South that produced the irritating dis-

cussions in Congress—discussions always resulting in sectional bitterness and sometimes threatening the public safety. The tariff question has in fact been more frequently and more elaborately debated than any other issue since the foundation of the Federal Government. The present generation is more familiar with questions relating to slavery, to war, to reconstruction; but as these disappear by permanent adjustment the tariff returns, and is eagerly seized upon by both sides to the controversy. More than any other issue, it represents the enduring and persistent line of division between the two parties which in a generic sense have always existed in the United States—the party of strict construction and the party of liberal construction, the party of State rights and the party of national supremacy, the party of stinted revenue and restricted expenditure, and the party of generous income with its wise application to public improvement; the party, in short, of Jefferson as against the party of Hamilton, the party of Jackson as against that of Clay, the party of Buchanan and Douglas as against that of Lincoln and Seward. Taxes, whether direct or indirect, always interest the mass of mankind, and the differences of the systems by which they shall be levied and collected will always present an absorbing political issue. Public attention may be temporarily engrossed by some exigent subject of controversy, but the tariff alone steadily and persistently recurs for agitation, and for what is termed settlement. Thus far in our history settlement has only been the basis of new agitation, and each successive agitation leads again to new settlement.

"After the experience of nearly a century on the absorbing question of the best mode of levying duties on imports, the divergence of opinion is as wide and as pronounced as when the subject first engaged the attention of the Federal Government. Theories on the side of high duties and theories on the side of low duties are maintained with just as great vigor as in 1789. In no question of a material or financial character has there been so much interest displayed as in this. On a question of sentiment and of sympathy, like that of slavery, feeling is inevitable; but it has been matter of surprise that the adjustment of a scale of duties on importations of foreign merchandise should be accompanied, as it often has been, by displays of excitement often amounting to passion.

"The cause is readily apprehended when it is remembered that the tariff question is always presented as one not merely affecting the general prosperity, but as specifically involving the question of bread to the millions who are intrusted with the suffrage. The industrial classes study the question closely, and in many of the manufacturing establishments of the country the man who is working for day wages will be found as keenly alive to the effect of a change in the protective duty as the stockholder whose dividends are to be affected. Thus capital and labor coalesce in favor of high duties to protect the manufacturer, and, united, they form a political force which has been engaged in an economic battle from the foundation of the Government. Sometimes they have suffered signal defeat, and sometimes they have gained signal victories.

"The landmarks which have been left in a century of discussion and of legislative experiment deserve a brief reference for a better understanding of the subject to-day. Our financial experience has been practically as extended as that of the older nations of Europe. When the Republic was organized political economy as understood in the modern sense was in its elementary stage, and indeed could hardly be called a science. Systems of taxation were everywhere crude and ruthless, and were in large degree fashioned after the Oriental practice of mulcting the man who will pay the most and resist the least. Adam Smith had published his 'Enquiry into the Nature and Causes of the Wealth of Nations' in the year of the Declaration of Independence. Between that time and the formation of the Federal Government his views had exerted no perceptible influence on the financial system of England. British industries were protected by the most stringent enactments of Parliament, and England was the determined enemy not only of free trade but of fair trade. The emancipated Colonies found therefore in the mother country the most resolute foe to their manufacturing and commercial progress. American statesmen exhibited wisdom, moderation, and foresight in overcoming the obstacles to the material prosperity of the new Republic.

"When the administration of Washington was organized in 1789 the Government which he represented did not command a single dollar of revenue. They inherited a mountain of debt from the Revolutionary struggle, they had no credit, and the only representative of value which they controlled was the vast body of public land in the Northwest Territory. But this was unavailable as a resource for present needs, and called for expenditure in the extensive surveys which were a prerequisite to sale and settlement. In addition therefore to every other form of poverty, the new government was burdened in the manner so expressively described as land-poor, which implies the ownership of a large extent of real estate constantly calling for heavy outlay and yielding no revenue. The Federal Government had one crying need, one imperative demand—money!

"An immediate system of taxation was therefore required, and the newly organized Congress lost no time in proceeding to the consideration of ways and means As soon as a quorum of each branch of Congress was found to be present, the House gave its attention to the pressing demand for money. They did not even wait for the inauguration of President Washington, but began nearly a month before that important event to prepare a revenue bill which might at the earliest moment be ready for the executive approval. Duties on imports obviously afforded the readiest resource, and Congress devoted itself with assiduous industry to the consideration of that form of revenue. With the exception of an essential law directing the form of oath to be taken by the Federal officers, the tariff act was the first passed by the new government. It was enacted indeed two months in advance of the law creating a Treasury Department, and providing for a Secretary thereof. The need of money was indeed so urgent that provision was made for raising it by duties on imports before the appointment of a single officer of the Cabinet was authorized. Even a Secretary of State, whose first duty it was to announce the organization of the Government to foreign nations, was not nominated for a full month after the act imposing duties had been passed.

"All the issues involved in the new act were elaborately and intelligently debated. The first Congress contained a large proportion of the men who had just before been engaged in framing the Federal Constitution, and who were therefore fresh from the councils which had carefully considered and accurately measured the force of every provision of that great charter of government. It is therefore a fact of lasting importance that the first tariff law enacted under the Federal Government set forth its object in the most succinct and explicit language. It opened, after the excellent fashion of that day, with a stately preamble, beginning with the emphatic 'whereas,' and declaring that 'it is necessary for the support of Government, for the discharge of the debts of the United States, *and for the encouragement and protection of manufactures*, that duties be laid on imported goods, wares, and merchandise.' Among the men who agreed to that declaration were some of the most eminent in our history. James Madison, then young enough to add junior to his name, was the most conspicuous; and associated with him were Richard Henry Lee, Theodorick Bland, Charles Carroll of Carrollton, Rufus King, George Clymer, Oliver Ellsworth, Elias Boudinot, Fisher Ames, Elbridge Gerry, Roger Sherman, Jonathan Trumbull, Lambert Cadwalader, Thomas Fitzsimmons, the two Muhlenbergs, Thomas Tudor Tucker, Hugh Williamson, Abraham Baldwin, Jeremiah Van Rensselaer, and many other leading men, both from the North and the South.

"It is a circumstance of curious interest that nearly, if not quite, all the arguments used by the supporters and opponents of a protective system were presented at that time and with a directness and ability which have not been surpassed in any subsequent discussion. The 'ad valorem' system of levying duties was maintained against 'specific' rates in almost the same language employed in the discussions of recent years. The 'infant manufactures,' the need of the 'fostering care of the Government' for the promotion of 'home industry,' the advantages derived from 'diversified pursuits,' the competition of 'cheap labor in Europe,' were all rehearsed with a familiarity and ease which implied their previous and constant use in the legislative halls of the different States before the power to levy imposts was remitted to the jurisdiction of Congress. A picture of the industrial condition of the country at that day can be inferred from the tariff bill first passed; and the manufactures that were deemed worthy of encouragement are clearly outlined in the debate. Mr. Clymer, of Pennsylvania, asked for a protective duty on steel, stating that a furnace in Philadelphia 'had produced three hundred tons in two years, and with a little encouragement would supply enough for the consumption of the whole Union.' The Pennsylvania members at the same time strenuously opposed a duty on coal, which they wished to import as cheaply as possible, to aid in the development of their iron ores. The manufacture of glass had been started in Maryland, and the members from that State secured a duty on the foreign article after considerable discussion, and with the significant reservation, in deference to popular habits, that 'black quart-bottles' should be admitted free.

"Mr. Madison opposed a tax on cordage, and 'questioned the propriety of raising the price of any article that entered materially into the structure of vessels,' making in effect the same argument on that subject which has been repeated without improvement so frequently in later years. Indigo and tobacco, two special products of the South, were protected by prohibitory duties, while the raising of cotton was encouraged by a duty of three cents per pound on the imported article. Mr. Burke, of South Carolina, said the culture of cotton was contemplated on a large scale in the South, 'if good seed could be procured.' The manufacture of iron, wool, leather, paper, already in some degree developed, was stimulated by the bill. The fisheries were aided by a bounty on every barrel caught; and the navigation interest received a remarkable encouragement by providing that 'a discount of 10 per cent. on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels built in the United States, and wholly the property of a citizen or citizens thereof.' The bill throughout was an American measure, designed to promote American interests; and as a first step in a wide field of legislation, it was characterized in an eminent degree by wisdom, by moderation, and by a keen insight into the immediate and the distant future of the country. The ability which framed the Constitution was not greater

than that displayed by the first generation of American statesmen who were called to legislate under its generous provisions and its wise restrictions.

"These great statesmen proceeded in the light of facts, which taught them that, though politically separated from the mother country, we were still in many ways dependent upon her in as large a degree as when we were colonies, subject to her will and governed for her advantage. The younger Pitt boasted that he had reconquered the colonies as commercial dependencies, contributing more absolutely and in larger degree to England's prosperity than before the political connection was severed. He treated the States, after the close of the peace of 1783, with a haughty assumption of superiority, if not indeed with contempt—not even condescending to accredit a diplomatic representative to the country, though John Adams was in London as minister plenipotentiary and envoy extraordinary from the United States. English laws of protection under the Pitt administration were steadily framed against the development of manufactures and navigation in America, and the tendency when the Federal Constitution was adopted had been, in the planting States especially, toward a species of commercial dependence which was enabling England to absorb our trade.

"The first tariff act was therefore in a certain sense a second Declaration of Independence; and by a coincidence which could not have been more striking or more significant, it was approved by President Washington on the 4th day of July, 1789. Slow as were the modes of communicating intelligence in those days, this act of Congress did, in a suggestive way, arouse the attention of both continents. The words of the preamble were ominous. The duties levied were exceedingly moderate, scarcely any of them above 15 per cent., the majority not higher than 10. But the beginning was made; and the English manufacturers and carriers saw that the power to levy 10 per cent. could at any time levy a hundred per cent. if the interest of the new government should demand it. The separate States had indeed possessed the power to levy imposts, but they had never exercised it in any comprehensive manner, and had usually adapted the rate of duty to English trade rather than to the protection of manufacturing interests at home. The action of the Federal Government was a new departure, of portentous magnitude, and was so recognized at home and abroad.

"It was not the percentage which aroused and disturbed England. It was the power to levy the duty at all. In his famous speech on American taxation in the House of Commons fifteen years before, Mr. Burke asserted that it was 'not the weight of the duty, but the weight of the preamble which the Americans were unable and unwilling to bear.' The tax actually imposed was not oppressive, but the preamble implied the power to levy upon the Colonies whatever tax the British Government might deem expedient, and this led to resistance and to revolution. The force of the preamble was now turned against Great Britain. She saw that the extent to which the principle of protective duties might be carried was entirely a matter of discretion with the young republic whose people had lately been her subjects and might now become her rivals. The principle of protecting the manufactures and encouraging the navigation of America had been distinctly proclaimed in the first law enacted by the new government, and was thus made in a suggestive and emphatic sense the very corner-stone of the republican edifice which the patriots of the Revolution were aiming to construct.

"The opinions of Mr. Madison as thus shown in the first legislation by Congress are the more significant from the fact that he belonged to the Jeffersonian school, believed in the strictest construction of granted power, was a zealous Republican in the partisan divisions of the day, and was always opposed to the more liberal, or, as he would regard them, the more latitudinarian views of the Federal party. In regard to the protection and encouragement of manufactures there seemed to be no radical difference between parties in the early period of the Government. On that issue, to quote a phrase used on another occasion, 'they were all Federalists and all Republicans.' Mr. Hamilton's celebrated report on manufactures, submitted in answer to a request from the House of Representatives of December, 1790, sustained and elaborated the views on which Congress had already acted, and brought the whole influence of the executive department to the support of a protective tariff. Up to that period no minister of finance among the oldest and most advanced countries of Europe had so ably discussed the principles on which national prosperity was based. The report has long been familiar to students of political economy, and has had, like all Mr. Hamilton's work, a remarkable value and a singular application in the developments of subsequent years.

"Mr. Hamilton sustained the plan of encouraging home manufactures by protective duties, even to the point in some instances of making those 'duties equivalent to prohibition.' He did not contemplate a prohibitive duty as the means of encouraging a manufacture not already domesticated, but declared it 'only fit to be employed when a manufacture has made such a progress, and is in so many hands, as to insure a due competition and an adequate supply on reasonable terms.' This argument did not seem to follow the beaten path which leads to the protection of 'infant manufactures,' but rather aimed to secure the home market for the strong and well-developed enterprises. Mr. Hamilton did not turn back from the consequences which his argument involved. He perceived its logical conclusions and frankly accepted them. He considered 'the monopoly of the domestic market to its own manufacturers as the reigning policy of manufacturing nations,' and declared that 'a similar policy on the part of the United States in every proper instance was dictated by the principles of distributive justice, certainly by the duty of endeavoring to secure to their own citizens a reciprocity of advantages.' He avowed his belief that 'the internal competition which takes place soon does away with everything like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing and with experience.' He contended that 'a reduction has in several instances immediately succeeded the establishment of domestic manufacture.' But even if this result should not follow, he maintained that 'in a national view a temporary enhancement of price must always be well compensated by a permanent reduction of it.' The doctrine of protection, even with the enlarged experience of subsequent years, has never been more succinctly or more felicitously stated.

"Objections to the enforcement of the 'protective' principle founded on a lack of constitutional power were summarily dismissed by Mr. Hamilton as 'having no good foundation.' He had been a member of the convention that formed the Constitution, and had given attention beyond any other member to the clauses relating to the collection and appropriation of revenue. He said the 'power to raise money' as embodied in the Constitution 'is plenary and indefinite,' and 'the objects for which it may be appropriated are no less comprehensive than the payment of the public debts, the providing for the common defense and the general welfare.' He gives the widest scope to the phrase 'general welfare,' and declares that 'it is of necessity left to the discretion of the national Legislature to pronounce upon the objects which concern the general welfare, and for which under that description an appropriation of money is requisite and proper.' Mr. Hamilton elaborates his argument on this head with consummate power, and declares that 'the only qualification' to the power of appropriation under the phrase 'general welfare' is that the purpose for which the money is applied shall 'be general, and not local, its operation extending in fact throughout the Union, and not being confined to a particular spot.' The limitations and hypercritical objections to the powers conferred by the Constitution, both in the raising and appropriating of money, originated in large part after the authors of that great charter had passed away, and have been uniformly stimulated by class interests which were not developed when the organic law was enacted.

"Some details of Mr. Hamilton's report are especially interesting in view of the subsequent development of manufacturing enterprises. 'Iron works' he represents as 'greatly increasing in the United States,' and so great is the demand that 'iron furnished before the Revolution at an average of sixty-four dollars per ton' was then sold at 'eighty.' Nails and spikes, made in large part by boys, needed further protection,' as 1,800,000 pounds had been imported the previous year. Iron was wholly made by 'charcoal,' but there were several mines of 'fossil coal' already 'worked in Virginia,' and 'a copious supply of it would be of great value to the iron industry.' Respecting 'cotton' Mr. Hamilton attached far more consideration to its manufacture than to its culture. He distrusted the quality of that grown at home because so far from the equator, and he wished the new factories in Rhode Island and Massachusetts to have the best article at the cheapest possible rate. To this end the repeal of the 3-cent duty on cotton levied the preceding year was 'indispensable.' He argued that 'not being, like hemp, a universal production of the country, cotton affords less assurance of an adequate internal supply.' If the duty levied on glass should not prove sufficient inducement to its manufacture, he would stimulate it 'by a direct bounty.'

"Mr. Hamilton's conceptions of an enlarged plan of 'protection' included not only 'prohibitive duties,' but, when necessary, a system of 'bounties and premiums' in addition. He was earnestly opposed to 'a capitation tax,' and declared such levies as an income tax to be 'unavoidably hurtful to industry.' Indirect taxes were obviously preferred by him wherever they were practicable. Indeed upon any other system of taxation he believed it would prove impossible for the Republic of 1790 to endure the burden imposed upon the public Treasury by the funding of the debt of the Revolution. More promptly than any other financier of that century he saw that ten dollars could be more easily collected by indirect tax than one dollar by direct levy, and that he could thus avoid those burdensome exactions from the people which had proved so onerous in Europe, and which had just aided in precipitating France into bloody revolution.

"Important and radical additions to the revenue system promptly followed Mr. Hamilton's recommendations. From that time onward, for a period of more than twenty years, additional tariff laws were passed by each succeeding Congress modifying and generally increasing the rate of duties first imposed and adding many new articles to the dutiable list. When the war of 1812 was reached a great but temporary change was made in the tariff laws by increasing the entire list of duties 100 per cent., simply doubling the rate in every case. Not content with this sweeping and wholesale increase of duty, the law provided an additional 10 per cent. upon all goods imported in foreign vessels, besides collecting an additional tonnage tax of one dollar and

a half per ton on the vessel. Of course this was war legislation, and the act was to expire within one year after a treaty of peace should be concluded with Great Britain. With the experience of recent days before him, the reader does not need to be reminded that under the stimulus of this extraordinary rate of duties manufactures rapidly developed throughout the country. Importations from England being absolutely stopped by reason of the war and in large part excluded from other countries by high duties, the American market was for the first time left substantially or in large degree to American manufacturers.

"With all the disadvantages which so sudden and so extreme a policy imposed on the people, the progress for the four years of these extravagant and exceptional duties was very rapid and undoubtedly exerted a lasting influence on the industrial interests of the United States. But the policy was not one which commanded general support. Other interests came forward in opposition. New England was radically hostile to high duties, for the reason that they seriously interfered with the shipping and commercial interest in which her people were largely engaged. The natural result, moreover, was a sharp reaction, in which the protective principle suffered. Soon after the treaty of Ghent was signed movements were made for a reduction of duties, and the famous tariff of 1816 was the result.

"In examining the debates on that important act it is worthy of notice that Mr. Clay, from an extreme Western State, was urging a high rate of duties on cotton fabrics, while his chief opponent was Daniel Webster, then a Representative from Massachusetts. An additional and still stranger feature of the debate is found when Mr. Calhoun, co-operating with Mr. Clay, replied to Mr. Webster's free-trade speech in an elaborate defense of the doctrine of protection to our manufactures.

"Mr. Calhoun spoke with enthusiasm and gave an interesting résumé of the condition of the country as affected by the war with Great Britain. He believed that the vital deficiency in our financial condition was the lack of manufactures, and to supply that deficiency he was willing to extend the protecting arm of the Government. 'When our manufactures are grown to a certain perfection, as they soon will be under the fostering care of the Government, we shall no longer experience these evils. The farmer will find a ready market for his surplus products and, what is almost of equal consequence, a certain and cheap supply for all his wants. His prosperity will diffuse itself through every class in the community.' Not satisfied with this unqualified support of the protective system, Mr. Calhoun supplemented it by declaring that 'to give perfection to this state of things it will be necessary to add as soon as possible a system of internal improvements.' Mr. Webster's opposition to protection was based on the fact that it tended to depress commerce and curtail the profits of the carrying trade.

"The tariff of 1816 was termed 'moderately protective,' but even in that form it encountered the opposition of the commercial interests. It was followed in the country by severe depression in all departments of trade, not because the duties were not in themselves sufficiently high, but from the fact that it followed the war tariff, and the change was so great as to produce not only a reaction but a revolution in the financial condition of the country. All forms of industry languished. Bankruptcy was widespread, and the distress between 1817 and 1824 was perhaps deeper and more general than at any other period of our history. There was no immigration of foreigners, and consequently no wealth from that source. There was no market for agricultural products, and the people were therefore unable to indulge in liberal expenditure. Their small savings could be more profitably invested in foreign than in domestic goods, and hence American manufactures received little patronage. The traditions of that period, as given by the generation that lived through it, are sorrowful and depressing. The sacrifice of great landed estates, worth many millions could they have been preserved for the heirs of the next generation, was a common feature in the general distress and desolation. The continuance of this condition of affairs had no small influence on the subsequent division of parties. It naturally led to a change in the financial system, and in 1824 a tariff act was passed materially enlarging the scope of the act of 1816.

"The act of 1824 was avowedly protective in its character, and was adopted through the influence of Mr. Clay, then Speaker of the House of Representatives. His most efficient ally on the floor was Mr. Buchanan, of Pennsylvania, who exerted himself vigorously in aid of the measure. Mr. Webster again appeared in the debate, arguing against the 'obsolete and exploded notion of protection,' and carrying with him nearly the whole vote of Massachusetts in opposition. Mr. Clay was enabled to carry the entire Kentucky delegation for the high protective tariff, and Mr. Calhoun's views having meanwhile undergone a radical change, South Carolina was found to be unanimous in opposition, and cordially co-operating with Massachusetts in support of free trade. The effect of that tariff was undoubtedly favorable to the general prosperity, and during the administration of John Quincy Adams every material interest of the country improved. The result was that the supporters of the protective system, congratulating themselves upon the effect of the work of 1824, proceeded in 1828 to levy still higher duties. They applied the doctrine of protection to the raw materials of the country, the wool, the hemp, and all unmanufactured articles which by any possibility could meet with damaging competition from abroad.

"It was indeed an era of high duties, of which, strange as it may seem to the modern reader, Silas Wright, of New York, and James Buchanan, of Pennsylvania, appeared as the most strenuous defenders, and were personally opposed in debate by John Davis, of Massachusetts, and Peleg Sprague, of Maine. To add to the entanglement of public opinion, Mr. Webster passed over to the side of ultra-protection and voted for the bill, finding himself in company with Martin Van Buren, of New York, and Thomas H. Benton, of Missouri. It was an extraordinary commingling of political elements, in which it is difficult to find a line of partition logically consistent either with geographical or political divisions. Mr. Webster carried with him not more than two or three votes of the Massachusetts delegation. His colleague in the Senate, Nathaniel Silsbee, voted against him, and in the House such personal adherents as Edward Everett and Isaac C. Bates recorded themselves in the negative. There was a great deal of what in modern phrase would be called 'fencing for position' in the votes on this test question of the day. The names of no less than five gentlemen who were afterward Presidents of the United States were recorded in the yeas and nays on the passage of the bill in the two Houses—Mr. Van Buren, General Harrison, John Tyler, in the Senate, and Mr. Polk, and Mr. Buchanan in the House.

"There was a general feeling that the act of 1828 marked a crisis in the history of tariff discussion, and that it would in some way lead to important results in the fate of political parties and political leaders. Mr. Calhoun was this year elected Vice-President of the United States, with General Jackson as President, and Mr. Van Buren was transferrred from the Senate to the State Department as the head of Jackson's Cabinet. When by his address and tact he had turned the mind of the President against Calhoun as his successor, and fully ingratiated himself in executive favor, the quarrel began which is elsewhere detailed at sufficient length. In this controversy, purely personal at the outset, springing from the clashing ambitions of two aspiring men, the tariff of 1828, especially with the vote of Mr. Van Buren in favor of it, was made to play an important part. The quarrel rapidly culminated in Mr. Calhoun's resignation of the Vice-Presidency, his leadership of the nullification contest in South Carolina, and his re-election to the Senate of the United States some time before the expiration of the Vice-Presidential term for which he had been chosen. The result was a reduction of duties, first by the act of July, 1832, and secondly by Mr. Clay's famous compromise act of March 2, 1833, in which it was provided that by a sliding scale all the duties in excess of 20 per cent. should be abolished within a period of ten years. It was this act which for the time calmed excitement in the South, brought Mr. Calhoun and Mr. Clay into kindly relations, and somewhat separated Mr. Webster and Mr. Clay—at least producing one of those periods of estrangement which, throughout their public career, alternated with the cordial friendship they really entertained for each other.

During the operation of this act—which was really an abandonment of the protective principle—the financial crisis of 1837 came upon the country, and a period of distress ensued almost equal to that which preceded the enactment of the tariff of 1824. Many persons, still in active business, recall with something of horror the hardships and privations which were endured throughout the country from 1837 to 1842. The long-continued depression produced the revolution against the Democratic party which ended in the overthrow of Mr. Van Buren and the election of General Harrison as the President of the United States in 1840. The Whig Congress that came into power at the same time proceeded to enact the law popularly known as the tariff of 1842, which was strongly protective in its character, though not so extreme as the act of 1828. The vote in favor of the bill was not exclusively Whig, as some of the Northern Democrats voted for it and some of the Southern Whigs against it. Conspicuous among the former were Mr. Buchanan, of Pennsylvania, and Mr. Wright, of New York, who maintained a consistency with their vote for the tariff of 1828. Conspicuous among Southern Whigs against it were Berrien of Georgia, Clayton of Delaware, Mangum of North Carolina, Merrick of Maryland, and Rives of Virginia The two men who above all others deserve honor for successful management of the bill were George Evans, the brilliant and accomplished Senator from Maine, and Thomas M. T. McKennan, for many years an able, upright, and popular Representative from Pennsylvania. John Quincy Adams, in a public speech delivered in 1843 in the town of Mr. McKennan's residence, ascribed to that gentleman the chief credit of carrying the protective tariff bill through the House of Representatives. The vote showed, as all tariff bills before had, and as all since have shown, that the local interest of the constituency determines in large measure the vote of the Representative; that planting sections grow more and more toward free trade and manufacturing sections more and more toward protection.

"The friends of home industry have always referred with satisfaction to the effect of the tariff of 1842 as an explicit and undeniable proof of the value of protection. It raised the country from a slough of despond to happiness, cheerfulness, confidence. It imparted to all sections a degree of prosperity which they had not known since the repeal of the tariff of 1828. The most suggestive proof of its strength and popularity was found in the contest of 1844 between Mr. Polk and Mr. Clay, when the Democrats in the critical Northern States assumed the advocacy of the tariff of 1842 as loudly as the supporters of Mr. Clay. Other

issues overshadowed the tariff, which was really considered to be settled, and a President and Congress were chosen without any distinct knowledge on the part of their constituents as to what their action might be upon this question. The popular mind had been engrossed with the annexation of Texas and with the dawn of the free-soil excitement; hence protection and free trade were in many States scarcely debated from lack of interest, and in the States where interest prevailed both parties took substantially the same side.

"A deception had, however, been practiced in the manufacturing States of the North, and when the administration of Mr. Polk was installed the friends of protection were startled by the appointment of a determined opponent of the tariff of 1842 as Secretary of the Treasury. Robert J. Walker was a Senator from Mississippi when the act was passed, and was bitterly opposed to it. He was a man of great originality, somewhat speculative in his views, and willing to experiment on questions of revenue to the point of rashness. He was not a believer in the doctrine of protection, was persuaded that protective duties bore unjustly and severely upon the planting section with which he was identified; and he came to his office determined to overthrow the tariff act, which he had been unable to defeat in the Senate. Mr. Walker was excessively ambitious to make his term in the Treasury an era in the history of the country. He had a difficult task before him, one from which a conservative man would have shrunk. The tariff was undoubtedly producing a valuable revenue, and as the administration of Mr. Polk was about to engage in war, revenue was what they most needed. Being about to enter upon a war, every dictate of prudence suggested that aggressive issues should not be multiplied in the country. But Mr. Walker was not Secretary of War or Secretary of State, and he was unwilling to sit quietly down and collect the revenue under a tariff imposed by a Whig Congress against which he had voted, while Buchanan, in directing our foreign relations, and Marcy, in conducting a successful war, would far outstrip him in public observation and in acquiring the elements of popularity adapted to the ambition which all three alike shared.

"Mr. Walker made an elaborate report on the question of revenue, and attacked the tariff of 1842 in a manner which might well be termed savage. He arraigned the manufacturers as enjoying unfair advantages—advantages held, as he endeavored to demonstrate, at the expense and to the detriment of the agriculturist, the mechanic, the merchant, the ship-owner, the sailor, and indeed of almost every industrial class. In reading Mr. Walker's report a third of a century after it was made one might imagine that the supporters of the tariff of 1842 were engaged in a conspiracy to commit fraud, and that the manufacturers who profited by its duties were guilty of some crime against the people. But extreme as were his declarations and difficult as were the obstructions in his path, he was able to carry his point. Mr. Buchanan, the head of the Cabinet, had voted for the tariff of 1842, and Mr. Dallas, the Vice-President, had steadily and ably upheld the doctrine of protection when a member of the Senate. It was the position of Buchanan and Dallas on the tariff that won the October election of 1844 for Francis R. Shunk for governor of Pennsylvania, and thus assured the election of Mr. Polk. The administration of which Buchanan and Dallas were such conspicuous and influential members could not forswear protection and inflict a free-trade tariff on Pennsylvania without apparent dishonor and the abandonment of that State to the Whigs. It was therefore regarded not only as impracticable but as politically impossible.

"It was soon ascertained, however, that Mr. Polk sympathized with Mr. Walker, and Mr. Buchanan was silenced and overridden. The free-trade tariff of 1846 was passed; and Mr. Dallas, who had been nominated because of his record as a protectionist, was subjected to the humiliation of giving his casting vote as Vice-President in favor of a tariff which was execrated in Pennsylvania, and which was honestly believed to be inimical in the highest degree to the interest of the American manufacturer and the American mechanic. The act had no small influence in the overthrow of the Polk administration at the elections for the next ensuing Congress and in the defeat of General Cass for the Presidency in 1848. As Senator from Michigan, General Cass had voted for the bill, influenced thereto by his Southern associates, for whom he always did so much and from whom he always received so little. Pennsylvania was at that time really a Democratic State, but she punished General Cass for his free-trade course by giving her electoral vote to Taylor. If she had given it to Cass he would have been chosen President.

"It was in connection with the tariff agitation of 1846 that Simon Cameron originally obtained his strong hold upon the popular sympathy and support of Pennsylvania. He was a Democrat; had long been confidential adviser to Mr. Buchanan, and had supported Mr. Polk. But he was a believer in the doctrine of protection; and as he had aided in carrying Pennsylvania by declaring himself a friend to the tariff of 1842, he maintained his faith. When the Polk administration was organized, a vacancy was created in the Senate by Mr. Buchanan's appointment as Secretary of State. George W. Woodward was the regular nominee of the Democratic party for the place. But Cameron bolted, and with the aid of Whig votes was chosen Senator. He resisted the passage of the tariff of 1846, stood firmly and consistently for the industrial interests of his State, cultivated an alliance with the Whigs in the Senate, and by their aid thwarted all the attempts of the Polk administration to interfere with his plans and purposes in Pennsylvania. The President endeavored to heal Judge Woodward's wounds by placing him on the bench of the Supreme Court as the successor of the eminent Henry Baldwin. Cameron induced the Whigs to reject him, and then forced the administration to nominate Robert C. Grier, whose appointment was personally acceptable and agreeable to him. In the successful tactics then employed by Cameron may be found the secret of his remarkable career as a party manager in the field in which, for a full half century, he was an active and indefatigable worker.

"The Whig victory of 1848 was not sufficiently decisive to warrant any attempt, even had there been desire, to change the tariff. General Taylor had been elected without subscribing to a platform or pledging himself to a specific measure, and he was therefore in a position to resist and reject appeals of the ordinary partisan character. Moreover the tariff of 1846 was yielding abundant revenue, and the business of the country was in a flourishing condition at the time his administration was organized. Money became very abundant after the year 1849; large enterprises were undertaken, speculation was prevalent, and for a considerable period the prosperity of the country was general and apparently genuine. After 1852 the Democrats had almost undisputed control of the Government, and had gradually become a free-trade party. The principles embodied in the tariff of 1846 seemed for the time to be so entirely vindicated and approved that resistance to it ceased, not only among the people but among the protective economists, and even among the manufacturers to a large extent. So general was this acquiescence that in 1856 a protective tariff was not suggested or even hinted by any one of the three parties which presented Presidential candidates.

"It was not surprising, therefore, that with a plethoric condition of the national Treasury for two or three consecutive years, the Democratic Congress, in the closing session of Pierce's administration, enacted what has since been known as the tariff of 1857. By this law the duties were placed lower than they had been at any time since the war of 1812. The act was well received by the people, and was indeed concurred in by a considerable proportion of the Republican party. The Senate had a large Democratic majority, but in the House three parties divided the responsibility—no one of them having an absolute majority. The Republicans had a plurality and had chosen Mr. Banks Speaker, but the American party held the balance of power in the House and on several of the leading committees. Some prominent Republicans, however, remaining true to their old Whig traditions, opposed the reduction of duties. Mr. Seward voted against it, but his colleague, Mr. Hamilton Fish, voted for it. Mr. Seward represented the protective tendencies of the country districts of New York, and Mr. Fish the free-trade tendencies of the city. Mr. Sumner and Mr. Wilson both voted for it, as did also Senator Allen, of Rhode Island, the direct representative of the manufacturers of that State. Mr. Bell, of New Hampshire, voted for it, while Senators Collamer and Foot, of Vermont, voted against it. Mr. Fessenden did not oppose it, but his colleague, Mr. Nourse, voted against it. The Connecticut Senators, Foster and Toucey, one of each party, supported the measure.

"In the House, the New England Representatives generally voted for the bill, but Mr. Morrill, of Vermont, opposed it. The Pennsylvania delegation, led by James H. Campbell and John Covode, did all in their power to defeat it. The two Washburns, Colfax, and McKee Dunn headed a formidable opposition from the West. Humphrey Marshall and Samuel F. Swope, of Kentucky, were the only Representatives from slave States who voted in the negative; though in the Senate three old and honored Whigs, John Bell of Tennessee, John B. Thompson of Kentucky, and Henry S. Geyer of Missouri, maintained their ancient faith and voted against lowering the duties. It was an extraordinary political combination that brought the Senators from Massachusetts and the Senators from South Carolina, the Representatives from New England and the Representatives from the cotton States, to support the same tariff bill—a combination which had not before occurred since the administration of Monroe. This singular coalition portended one of two results: either an entire and permanent acquiescence in the rule of free trade, or an entire abrogation of that system, and the revival, with renewed strength, of the doctrine of protection. Which it should be was determined by the unfolding of events not then foreseen, and the force of which it required years to measure.

"The one excuse given for urging the passage of the act of 1857 was that under the tariff of 1846 the revenues had become excessive, and the income of the Government must be reduced. But it was soon found to be a most expensive mode of reaching that end. The first and most important result flowing from the new act was a large increase in importations and a very heavy drain in consequence upon the reserved specie of the country to pay the balance, which the reduced shipments of agricultural products failed to meet. In the autumn of 1857, half a year after the passage of the tariff act, a disastrous financial panic swept over the country, prostrating for the time all departments of business in about the same degree. The agricultural, commercial, and manufacturing interests were alike and equally involved. The distress for a time was severe and widespread. The stagnation which ensued

was discouraging and long continued, making the years from 1857 to 1860 extremely dull and dispiriting in business circles throughout the Union. The country was not exhausted and depleted as it was after the panic of 1837, but the business community had no courage; energy was paralyzed, and new enterprises were at a stand-still.

"It soon became evident that this condition of affairs would carry the tariff question once more into the political arena as an active issue between parties. Thus far, the new Republican organization had passively acquiesced in existing laws on this subject; but the general distress caused great bodies of men, as is always the case, to look to the action of the Government for relief. The Republicans found therefore a new ground for attacking the Democracy—holding them responsible for the financial depression, initiating a movement for returning to the principle and practice of protection, and artfully identifying the struggle against slavery with the efforts of the workingmen throughout the North to be freed from injurious competition with the cheapened labor of Europe. This phase of the question was presented with great force in certain States, and the industrial classes, by a sort of instinct of self-preservation as it seemed to them, began to consolidate their votes in favor of the Republican party. They were made to see, by clever and persuasive speakers, that the slave labor of the South and the ill-paid labor of Europe were both hostile to the prosperity of the workingman in the free States of America, and that the Republican party was of necessity his friend, by its opposition to all the forms of labor which stood in the way of his better remuneration and advancement.

"The convention which nominated Mr. Lincoln met when the feeling against free trade was growing and in many States already deep-rooted. A majority of those who composed that convention had inherited their political creed from the Whig party, and were profound believers in the protective teachings of Mr. Clay. But a strong minority came from the radical school of Democrats, and, in joining the Republican party on the anti-slavery issue, had retained their ancient creed on financial and industrial questions. Care was for that reason necessary in the introduction of new issues and the imposition of new tests of party fellowship. The convention therefore avoided the use of the word "protection," and was contented with the moderate declaration that "sound policy requires such an adjustment of imposts as will encourage the development of the industrial interests of the whole country." A more emphatic declaration might have provoked resistance from a minority of the convention, and the friends of protection acted wisely in accepting what was offered with unanimity, rather than continue the struggle for a stronger creed which would have been morally weakened by party division. They saw also that the mere form of expression was not important, so long as the convention was unanimous on what theologians term the "substance of doctrine." It was noted that the vast crowd which attended the convention cheered the tariff resolution as lustily as that which opposed the spread of slavery into free territory. From that hour the Republican party gravitated steadily and rapidly into the position of avowed advocacy of the doctrine of protection. The national ticket which they presented was composed indeed of an original Whig protectionist and an original Democratic free-trader; but the drift of events, as will be seen, carried both alike into the new movement for a protective system.

"A review of the tariff legislation in the period between the war of 1812 and the political revolution of 1860 exhibits some sudden and extraordinary changes on the part of prominent political leaders in their relation to the question. The inconsistency involved is, however, more apparent than real. Perhaps it would be correct to say that the inconsistency was justifiable in the eyes of those who found it necessary to be inconsistent. Mr. Webster was a persistent advocate of free trade so long as Massachusetts was a commercial State. But when, by the operation of laws against the enactment of which he had in vain protested, Massachusetts became a manufacturing State, Mr. Webster naturally and inevitably became a protectionist. Mr. Calhoun began as a protectionist when he hoped for the diffusion and growth of manufactures throughout all sections alike. He became a free-trader when he realized that the destiny of the South was to be purely agricultural, devoted to products whose market was not, in his judgment, to be enlarged by the tariff and whose production was enhanced in cost by its operation. Colonel Benton's change was similar to Mr. Calhoun's, though at a later period, and not so abrupt or so radical. Mr. Van Buren's shifting of position was that of a man eagerly seeking the current of popular opinion, and ready to go with the majority of his party. Of all the great lights but one burned steadily and clearly. Mr. Clay was always a protectionist, and, unlike Mr. Van Buren, he forced his party to go with him. But as a whole the record of tariff legislation, from the very origin of the Government, is the record of enlightened selfishness; and enlightened selfishness is the basis of much that is wisest in legislation.

"It is natural that both sides to the tariff controversy should endeavor to derive support for their principles from the experience of the country. Nor can it be denied that each side can furnish many arguments which apparently sustain its own views and theories. The difficulty in reaching a satisfactory and impartial conclusion arises from the inability or unwillingness of the disputants to agree upon a common basis of fact. If the premises could be candidly stated, there would be no trouble in finding a true conclusion. In the absence of an agreement as to the points established, it is the part of fairness to give a succinct statement of the grounds maintained by the two parties to the prolonged controversy—grounds which have not essentially changed in a century of legislative and popular contention.

"It is maintained by free-traders that under the moderate tariff prevailing from the origin of the Government to the war of 1812 the country was prosperous, and manufactures were developing as rapidly as was desirable or healthful. Protectionists on the other hand aver that the duty levied in 1789 was the first of uniform application throughout all the States, and that, regardless of its percentage, its influence and effect were demonstrably protective; that it was the first barrier erected against the absolute commercial supremacy of England, and that it effectually did its work in establishing the foundation of the American system. In the absence of that tariff, they maintain that England, under the influence of actual free trade, had monopolized our market and controlled our industries. Finally they declare that the free-traders yield the whole case in acknowledging that the first tariff imparted an impetus to manufactures and to commercial independence wholly unknown while the States were under the Articles of Confederation and unable to levy uniform duties on imports.

"The free-traders point to the destructive effect of the war tariff of 1812, which unduly stimulated and then inevitably depressed the country. They assume this to be a pregnant illustration of the truth, otherwise logically deduced by them, as to the reaction sure to follow an artificial stimulus given to any department of trade. The protectionists, declining to defend the war duties as applicable to a normal condition, find in the too sudden dropping of war rates the mistake which precipitated the country into financial trouble. Depression, they say, would naturally have come; but it was hastened and increased by the inconsiderate manner in which the duties were lowered in 1816. From that time onward the protectionists claim that the experience of the country has favored their theories of revenue and financial administration. The country did not revive or prosperity reappear until the protective tariff of 1824 was enacted. The awakening of all branches of industry by that act was further promoted by the tariff of 1828, to which the protectionists point as the perfected wisdom of their school. Mr. Clay publicly asserted that the severest depression he had witnessed in the country was during the seven years preceding the tariff of 1824, and that the highest prosperity was during the seven years following that act.

"The free-traders affirm that the excitement in the South and the sectional resistance to the tariff of 1828 show the impossibility of maintaining high duties. The protectionists reply that such an argument is begging the question, and is simply tantamount to admitting that protection is valuable if it can be upheld. The protectionists point to the fact that their system was not abandoned in 1832 upon a fair consideration of its intrinsic merits, but as a peace-offering to those who were threatening the destruction of the Government if the duties were not lowered. Many protectionists believe that if Mr. Clay had been willing to give to General Jackson the glory of an absolute victory over the Nullifiers of South Carolina the revenue system of the country would have been very different. They think, however, that the temptation to settle the question by compromise instead of permitting Jackson to settle it by force was perhaps too strong to be resisted by one who had so many reasons for opposing and hating the President.

"A more reasonable view held by another school of protectionists is that Mr. Clay did the wisest possible thing in withdrawing the tariff question from a controversy where it was complicated with so many other issues—some of them bitter and personal. He justly feared that the protective principle might be irretrievably injured in the collision thought to be impending. He believed, moreover, that the best protective lesson would be taught by permitting the free-traders to enforce their theories for a season, trusting for permanent triumph to the popular reaction certain to follow. There was nothing in the legislation to show that Mr. Clay or his followers had in any degree abandoned or changed their faith in protective duties or their confidence in the ultimate decision of the public judgment. The protectionists aver that the evils which flowed from the free-trade tariff of 1833, thus forced on the country by extraneous considerations, were incalculably great, and negatively established the value of the tariff of 1828 which had been so unfairly destroyed. They maintain that it broke down the manufacturing interest, led to excessive importations, threw the balance of trade heavily against us, drained us of our specie, and directly led to the financial disasters of 1837 and the years ensuing. They further declare that this distressing situation was not relieved until the protective tariff of 1842 was passed, and that thenceforward, for the four years in which that act was allowed to remain in force, the country enjoyed general prosperity—a prosperity so marked and widespread that the opposing party had not dared to make an issue against the tariff in States where there was large investment in manufacturing.

"The free-traders consider the tariff of 1846 to be a conclusive proof of the beneficial effect of low duties. They challenge a comparison of the years of its operation, between 1846 and 1857, with any other equal period in the history of the country. Manufacturing, they say, was not forced by a hot-house process to produce high-priced goods for popular consumption, but was gradually encouraged and developed on a

healthful and self-sustaining basis, not to be shaken as a reed in the wind by every change in the financial world. Commerce, as they point out, made great advances, and our carrying trade grew so rapidly that in ten years from the day the tariff of 1846 was passed our tonnage exceeded the tonnage of England. The free-traders refer with especial emphasis to what they term the symmetrical development of all the great interests of the country under this liberal tariff. Manufactures were not stimulated at the expense of the commercial interest. Both were developed in harmony, while agriculture, the indispensable basis of all, was never more flourishing. The farmers and planters at no other period of our history were in receipt of such good prices, steadily paid to them in gold coin, for their surplus product, which they could send to the domestic market over our own railways and to the foreign market in our own ships.

"Assertions as to the progress of manufactures in the period under discussion are denied by the protectionists. While admitting the general correctness of the free-traders' statements as to the prosperous condition of the country, they call attention to the fact that directly after the enactment of the tariff of 1846 the great famine occurred in Ireland, followed in the ensuing years by short crops in Europe. The prosperity which came to the American agriculturist was therefore from causes beyond the sea and not at home—causes which were transient, indeed almost accidental. Moreover an exceptional condition of affairs existed in the United States in consequence of our large acquisition of territory from Mexico at the close of the war and the subsequent and almost immediate discovery of gold in California. A new and extended field of trade was thus opened in which we had the monopoly, and an enormous surplus of money was speedily created from the products of the rich mines on the Pacific coast. At the same time Europe was in convulsion from the revolutions of 1848, and production was materially hindered over a large part of the continent. This disturbance had scarcely subsided when three leading nations of Europe, England, France, and Russia, engaged in the wasteful and expensive war of the Crimea. This struggle began in 1853 and ended in 1856, and during those years it increased consumption and decreased production abroad, and totally closed the grain-fields of Russia from any competition with the United States.

"The protectionists therefore hold that the boasted prosperity of the country under the tariff of 1846 was abnormal in origin and in character. It depended upon a series of events exceptional at home and even more exceptional abroad, events which by the doctrine of probabilities would not be repeated for centuries. When peace was restored in Europe, when foreign looms and forges were set going with renewed strength, when Russia resumed her export of wheat, and when at home the output of the gold mines suddenly decreased, the country was thrown into distress, followed by a panic and by long years of depression. The protectionists maintain that from 1846 to 1857 the United States would have enjoyed prosperity under any form of tariff, but that the moment the exceptional conditions in Europe and in America came to an end the country was plunged headlong into a disaster from which the conservative force of a protective tariff would in large part have saved it. The protectionists claim moreover that in these averments they are not wise after the fact. They show a constant series of arguments and warnings from leading teachers of their economic school, especially from Horace Greeley and Henry C. Carey, accurately foretelling the disastrous results which occurred at the height of what was assumed to be our solid and enduring prosperity as a nation. These able writers were prophets of adversity, and the inheritors of their faith claim that their predictions were startlingly verified.

"The free-traders, as an answer to this arraignment of their tariff policy, seek to charge responsibility for the financial disasters to the hasty and inconsiderate changes made in the tariff in 1857, for which both parties were in large degree if not indeed equally answerable. The protectionists will not admit the plea, and insist that the cause was totally inadequate to the effect, considering the few months the new tariff had been in operation. They admit that the low scale of duties in the new tariff perhaps may have added to the distress by the very rapid increase of importations which it invited; but they declare that its period of operation was entirely too brief to create a result so decided, if all the elements of disaster had not been in existence and in rapid development at the time the act was passed. The tariff of 1846, therefore, under which there had been a very high degree of prosperity, was in the judgment of the protectionists successfully impeached, and a profound impression in consequence made on the public mind in favor of higher duties.

"The question of the tariff was of especial significance and influence in Pennsylvania. Important in that State, it became important everywhere. Pennsylvania had been continuously and tenaciously held by the Democratic party. In the old political divisions she had followed Jefferson and opposed Adams. In the new divisions she had followed Jackson and opposed Clay. She was Republican as against the Federalists; she was Democratic as against the Whigs. From the election of Jackson in 1828 to the year 1860—a period that measured the lifetime of a generation—she had with very few exceptions sustained the Democratic party. Joseph Ritner was elected governor by the Whigs in 1835 in consequence of Democratic divisions. Harrison, in the political convulsion of 1840, triumphed in the State by the slight majority of three hundred. Taylor received her electoral vote, partly in consequence of dissensions between Cass and Van Buren, and partly in consequence of the free-trade opinions of Cass. In 1854 James Pollock was chosen governor by the sudden uprising and astounding development of the Native-American excitement as organized by the Know-Nothing party. The repeal of the Missouri compromise aided the canvass of Pollock, but that alone would not have loosened the strong moorings of the Pennsylvania Democracy. Mr. Buchanan recovered the State two years afterward, and would have held it firmly in his grasp but for the financial revulsion and the awakened demand for a protective tariff.

"Dissociated from the question of protection, opposition to the extension of slavery was a weak issue in Pennsylvania. This was conclusively shown in the gubernatorial contest of 1857, when David Wilmot, the personal embodiment of Free-soil principles, was the Republican candidate for governor. Besides the general strength of the Territorial issue, Mr. Wilmot had the advantage of all the anti-slavery zeal which was aroused by the announcement of the Dred Scott decision, with the censurable connection therewith of President Buchanan. Thus an angry element was superadded for personal prejudice and effective agitation. Yet Mr. Wilmot was disastrously beaten by the Democratic candidate, Governor Packer, the adverse majority reaching indeed tens of thousands.

"The crushing Republican defeat received in the person of Wilmot occurred on the very eve of the financial distress of 1857. The Democratic canvass had been made while there was yet no suspicion of impending panic and revulsion—made indeed with constant boasts of the general prosperity and with constant ascription of that prosperity to the well-defined and long-continued policy of the Democratic party. From that time the Democratic party became embarrassed in Pennsylvania. With a tariff of their own making, with a President of their own choice, with both branches of Congress and every department of the Government under their control, a serious disaster had come upon the country. The promises of Democratic leaders had failed, their predictions had been falsified, and as a consequence their strength was shattered. The Republicans of Pennsylvania, seeing their advantage, pressed it by renewed and urgent demands for a protective tariff. On the other issues of the party they had been hopelessly beaten, but the moment the hostility to slave labor in the Territories became identified with protected labor in Pennsylvania, the party was inspired with new hopes, received indeed a new life.

"It was this condition of public opinion in Pennsylvania which made the recognition of the protective system so essential in the Chicago platform of 1860. It was to that recognition that Mr. Lincoln in the end owed his election. The memorable victory of Andrew G. Curtin, when he was chosen governor by a majority of 32,000, was largely due to his able and persuasive presentation of the tariff question and to his effective appeals to the laboring men in the coal and iron sections of the State. But for this issue there was in fact no reason why Curtin should have been stronger in 1860 than Wilmot was in 1857. Indeed, but for that issue he must have been weaker. The agitation over the repeal of the Missouri compromise had somewhat subsided with the lapse of years; the free-State victory in Kansas was acknowledged and that angry issue removed; while the Dred Scott decision, failing to arouse popular resentment at the time it was pronounced, could hardly be effective for an aggressive canvass three years later. If Governor Curtin could have presented no other issue to the voters of Pennsylvania, he would undoubtedly have shared the fate which Wilmot met when he had these anti-slavery questions as his only platform. Governor Curtin gave a far greater proportion of his time to the discussion of the tariff and financial issues than to all others combined, and he carried Pennsylvania because a majority of her voters believed that the Democratic party tended to free trade and that the Republican party would espouse and maintain the cause of protection.

"Had the Republicans failed to carry Pennsylvania, there can be no doubt that Mr. Lincoln would have been defeated. An adverse result in Pennsylvania in October would certainly have involved the loss of Indiana in November, besides California and Oregon and the four votes in New Jersey. The crisis of the national campaign was therefore reached in the triumph of Governor Curtin in the State election which preceded by four weeks the direct choice of President. It would be difficult to compute the possible demoralization in the Republican ranks if Pennsylvania had been lost in October. The division among the Democrats was a fruitful source of encouragement and strength to the Republicans, but would probably have disappeared with the positive assurance of success in the national struggle. Whether in the end Douglas or Breckinridge would have been chosen President is matter of speculation, but it is certain that Mr. Lincoln would have been defeated. The October election of Pennsylvania was for so long a period an unerring index to the result of the contest for the Presidency, that a feeling almost akin to superstition was connected with it. Whichever party carried it was sure, in the popular judgment, to elect the President. It foretold the crushing defeat of John Quincy Adams in 1828; it heralded the disaster to Mr. Clay in 1844; it foredoomed General Cass in 1848. The Republicans, having elected their candidate for governor in 1854 by a large majority, confidently expected to carry the State against Mr. Buchanan in 1856.

But the Democratic party prevailed in the October election, and the supporters of Frémont at once recognized the hopelessness of their cause. The triumph of Governor Curtin was the sure precursor of Mr. Lincoln's election, and that very fact added immeasurably to his popular strength in the closing month of the prolonged and exciting struggle.

"In reviewing the agencies therefore which precipitated the political revolution of 1860, large consideration must be given to the influence of the movement for protection. To hundreds of thousands of voters who took part in that memorable contest the tariff was not even mentioned. Indeed this is probably the fact with respect to the majority of those who cast their suffrages for Mr. Lincoln. It is none the less true that these hundreds of thousands of ballots, cast in aid of free territory and as a general defiance to the aggressions of the pro-slavery leaders of the South, would have been utterly ineffectual if the central and critical contest in Pennsylvania had not resulted in a victory for the Republicans in October. The tariff therefore had a controlling influence not only in deciding the contest for political supremacy but in that more momentous struggle which was to involve the fate of the Union. It had obtained a stronger hold on the Republican party than even the leaders of that organization were aware, and it was destined to a larger influence upon popular opinion than the most sagacious could foresee.

"In the foregoing summary of legislation upon the tariff, the terms free trade and protection are used in their ordinary acceptation in this country—not as accurately defining the difference in revenue theories, but as indicating the rival policies which have so long divided political parties. Strictly speaking, there has never been a proposition by any party in the United States for the adoption of free trade. To be entirely free, trade must encounter no obstruction in the way of tax, either upon export or import. In that sense no nation has ever enjoyed free trade. As contradistinguished from the theory of protection, England has realized freedom of trade by taxing only that class of imports which meet no competition in home production, thus excluding all pretense of favor or advantage to any of her domestic industries. England came to this policy after having clogged and embarrassed trade for a long period by the most unreasonable and tyrannical restrictions, ruthlessly enforced, without regard to the interests or even the rights of others. She had more than four hundred acts of Parliament regulating the tax on imports, under the old designations of 'tonnage and poundage,' adjusted, as the phrase indicates, to heavy and light commodities. Beyond these, she had a cumbersome system of laws regulating and in many cases prohibiting the exportation of articles which might teach to other nations the skill by which she had herself so marvelously prospered.

"When by long experiment and persistent effort England had carried her fabrics to perfection; when by the large accumulation of wealth and the force of reserved capital she could command facilities which poorer nations could not rival; when by the talent of her inventors, developed under the stimulus of large reward, she had surpassed all other countries in the magnitude and effectiveness of her machinery, she proclaimed free trade, and persuasively urged it upon all lands with which she had commercial intercourse. Maintaining the most arbitrary and most complicated system of protection so long as her statesmen considered that policy advantageous, she resorted to free trade only when she felt able to invade the domestic markets of other countries and undersell the fabrics produced by struggling artisans who were sustained by weaker capital and by less advanced skill. So long as there was danger that her own marts might be invaded, and the products of her looms and forges undersold at home, she rigidly excluded the competing fabrics and held her own market for her own wares.

"England was, however, neither consistent nor candid in her advocacy and establishment of free trade. She did not apply it to all departments of her enterprise, but only to those in which she felt confident that she could defy competition. Long after the triumph of free trade in manufactures, as proclaimed in 1846, England continued to violate every principle of her own creed in the protection she extended to her navigation interests. She had nothing to fear from the United States in the domain of manufactures, and she therefore asked us to give her the unrestricted benefit of our markets in exchange for a similar privilege which she offered to us in her markets. But on the sea we were steadily gaining upon her, and in 1852-'55 were nearly equal to her in aggregate tonnage. We could build wooden vessels at less cost than England and our ships excelled hers in speed. When steam began to compete with sail she saw her advantage. She could build engines at less cost than we, and when, soon afterward, her ship-builders began to construct the entire steamer of iron, her advantages became evident to the whole world."

"England was not content, however, with the superiority which these circumstances gave to her. She did not wait for her own theory of free trade to work out its legitimate results, but forthwith stimulated the growth of her steam marine by the most enormous bounties ever paid by any nation to any enterprise. To a single line of steamers running alternate weeks from Liverpool to Boston and New York she paid $900,000 annually, and continued to pay at this extravagant rate for at least twenty years. In all channels of trade where steam could be employed she paid lavish subsidies, and literally destroyed fair competition, and created for herself a practical monopoly in the building of iron steamers and a superior share in the ocean traffic of the world. But every step she took in the development of her steam marine by the payment of bounty was in flat contradiction of the creed which she was at the same time advocating in those departments of trade where she could conquer her competitors without bounty.

"With her superiority in navigation attained and made secure through the instrumentality of subsidies, England could afford to withdraw them. Her ships no longer needed them. Thereupon, with a promptness which would be amusing if it did not have so serious a side for America, she proceeded to inveigh through all her organs of public opinion against the discarded and condemned policy of granting subsidies to ocean steamers. Her course in effect is an exact repetition of that in regard to protection of manufactures, but as it is exhibited before a new generation, the inconsistency is not so readily apprehended nor so keenly appreciated as it should be on this side of the Atlantic. Even now there is good reason for believing that many lines of English steamers, in their effort to seize the trade to the exclusion of rivals, are paid such extravagant rates for the carrying of letters as practically to amount to a bounty, thus confirming to the present day (1884) the fact that no nation has ever been so persistently and so jealously protective in her policy as England so long as the stimulus of protection is needed to give her the command of trade. What is true of England is true in greater or less degree of all other European nations. They have each in turn regulated the adoption of free trade by the ratio of their progress toward the point where they could overcome competition. In all those departments of trade where competition could overcome them they have been quick to interpose protective measures for the benefit of their own people.

"The trade policy of the United States at the foundation of the Government had features of enlightened liberality which were unknown in any other country in the world. The new Government was indeed as far in advance of European nations in the proper conception of liberal commerce as it was on questions relating to the character of the African slave-trade. The colonists had experienced the oppression of the English laws which prohibited export from the mother country of the very articles which might advance their material interest and improve their social condition. They now had the opportunity, as citizens of a free Republic, to show the generous breadth of their statesmanship, and they did so by providing in their Constitution that Congress should never possess the power to levy 'a tax or duty on articles exported from any State.'

"At the same time trade was left absolutely free between all the States of the Union, no one of them being permitted to levy any tax on exports or imports beyond what might be necessary for its inspection laws. Still further to enforce this needful provision, the power to regulate commerce between the States was given to the General Government. The effect of these provisions was to insure to the United States a freedom of trade beyond that enjoyed by any other nation. Fifty-five millions of American people (in 1884), over an area nearly as large as the entire continent of Europe, carry on their exchanges by ocean, by lake, by river, by rail without the exactions of the tax-gatherer, without the detention of the custom-house, without even the recognition of State lines. In these great channels the domestic exchanges represent an annual value perhaps twenty-five times as great as the total of exports and imports. It is the enjoyment of free trade and protection at the same time which has contributed to the unexampled development and marvelous prosperity of the United States.

"The essential question which has grown up between political parties in the United States respecting our foreign trade, is whether a duty should be laid upon any import for the direct object of protecting and encouraging the manufacture of the same article at home. The party opposed to this theory does not advocate the admission of the article free, but insists upon such rate of duty as will produce the largest revenue and at the same time afford what is termed 'incidental protection.' The advocates of actual free trade according to the policy of England—taxing only those articles which are not produced at home—are few in number, and are principally confined to doctrinaires. The instincts of the masses of both parties are against them. But the nominal free-trader finds it very difficult to unite the largest revenue from any article with 'incidental protection' to the competing product at home. If the duty be so arranged as to produce the greatest amount of revenue, it must be placed at that point where the foreign article is able to undersell the domestic article and thus command the market to the exclusion of competition. This result goes beyond what the so-called American free-trader intends in practice, but not beyond what he implies in theory.

"The American protectionist does not seek to evade the legitimate results of his theory. He starts with the proposition that whatever is manufactured at home gives work and wages to our own people, and that if the duty is even put so high as to prohibit the import of the foreign article, the competition of home producers will, according to the doctrine of Mr. Hamilton, rapidly reduce the price to the consumer. He gives numerous illustrations of articles which under the influence of home competition have fallen in price below the point at which the foreign article was furnished when there was no protection. The free-trader replies that the fall in price has been still greater in the foreign

market, and the protectionist rejoins that the reduction was made to compete with the American product, and that the former price would probably have been maintained so long as the importer had the monopoly of our market. Thus our protective tariff reduced the price in both countries. This has notably been the result with respect to steel rails, the production of which in America has reached a magnitude surpassing that of England. Meanwhile rails have largely fallen in price to the consumer, the home manufacture has disbursed countless millions of money among American laborers, and has added largely to our industrial independence and to the wealth of the country.

"While many fabrics have fallen to as low a price in the United States as elsewhere, it is not to be denied that articles of clothing and household use, metals and machinery, are on an average higher than in Europe. The difference is due in large degree to the wages paid to labor, and thus the question of reducing the tariff carries with it the very serious problem of a reduction in the pay of the artisan and the operative. This involves so many grave considerations that no party is prepared to advocate it openly. Free-traders do not, and apparently dare not, face the plain truth—which is that the lowest-priced fabric means the lowest-priced labor. On this point protectionists are more frank than their opponents; they realize that it constitutes indeed the most impregnable defense of their school. Free-traders have at times attempted to deny the truth of the statement; but every impartial investigation thus far has conclusively proved that labor is better paid, and the average condition of the laboring man more comfortable, in the United States than in any European country.

"An adjustment of the protective duty to the point which represents the average difference between wages of labor in Europe and in America, will, in the judgment of protectionists, always prove impracticable. The difference can not be regulated by a scale of averages, because it is constantly subject to arbitrary changes. If the duty be adjusted on that basis for any given date, a reduction of wages would at once be enforced abroad, and the American manufacturer would in consequence be driven to the desperate choice of surrendering the home market or reducing the pay of workmen. The theory of protection is not answered, nor can its realization be attained by any such device. Protection, in the perfection of its design as described by Mr. Hamilton, does not invite competition from abroad, but is based on the controlling principle that competition at home will always prevent monopoly on the part of the capitalist, assure good wages to the laborer, and defend the consumer against the evils of extortion.

"An argument much relied upon and strongly presented by the advocates of free trade is the alleged tendency to overproduction of protected articles, followed uniformly by seasons of depression and at certain intervals by financial panic and widespread distress. These results are unhappily too familiar in the United States; but the protectionists deny that the cause is correctly given. They aver, indeed, that a glut of manufactured articles is more frequently seen in England than in the United States, thus proving directly the reverse of the conclusion assumed by the free-traders, and establishing the conservative and restraining power of a protective tariff. The protectionists direct attention to the fact that the first three instances in our history in which financial panic and prolonged depression fell upon the country followed the repeal of protective tariffs and the substitution of mere revenue duties: the depression of 1819–'24, that of 1837–'42, and that of 1857–'61. They direct further attention to the complimentary fact that in each of these cases financial prosperity was regained through the agency of a protective tariff, the operation of which was prompt and beneficent.

"On the other hand, the panic of 1873 and the depression which lasted until 1879 undoubtedly occurred after a protective tariff had been for a long time in operation. Free-traders naturally make much of this circumstance. Protectionists, however, with confidence and with strong array of argument, make answer that the panic of 1873 was due to causes wholly unconnected with revenue systems; that it was the legitimate and the inevitable outgrowth of an exhausting war, a vitiated and redundant currency, and a long period of reckless speculation directly induced by these conditions. They aver that no system of revenue could have prevented the catastrophe. They maintain, however, that by the influence of a protective tariff the crisis was long postponed; that under the reign of free trade it would have promptly followed the return of peace when the country was ill able to endure it. They claim that the influence of protection would have put off the reaction still longer if the rebuilding of Chicago and Boston, after the fires of 1871 and 1872, had not enforced a sudden withdrawal of $250,000,000 of ready money from the ordinary channels of trade to repair the loss which these crushing disasters precipitated.

"The assailants of protection apparently overlook the fact that excessive production is due, both in England and in America, to causes beyond the operation of duties either high or low. No cause is more potent than the prodigious capacity of machinery set in motion by the agency of steam. It is asserted by an intelligent economist that if performed by hand the work done by machinery in Great Britain would require the labor of seven hundred millions of men; a far larger number of adults than inhabit the globe. It is not strange that with this vast enginery the power to produce has a constant tendency to outrun the power to consume. Protectionists find in this a conclusive argument against surrendering the domestic market of the United States to the control of British capitalists, whose power of production has no apparent limit. When the harmonious adjustment of international trade shall ultimately be established by 'the parliament of man' in 'the federation of the world' the power of production and the power of consumption will properly balance each other; but in traversing the long road and enduring the painful process by which that end shall be reached the protectionist claims that his theory of revenue preserves the newer nations from being devoured by the older, and offers to human labor a shield against the exactions of capital."

Rivers and Harbors.

SPEECH

OF

HON. GEORGE W. RAY,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. RAY, of New York, said:

Mr. CHAIRMAN: The annual plunder bill of Congress is now before this House for adoption. It is proposed to appropriate twelve and one-half millions of dollars for so-called river and harbor improvements, but the committee has very aptly added to the title of the bill "and for other purposes." What these "other purposes" are the bill does not disclose, but from the general scope and character of these proposed appropriations I conclude that they are simply ways and means of reducing the surplus in the Treasury and promoting the interests of those gentlemen whose districts receive the benefit of the proposed appropriations. I am in favor of liberal appropriations for all necessary work in improving our navigable rivers and all our harbors, but I am opposed to this bill, because it is stingy and inadequate with reference to necessary work and liberal and profligate with regard to mud creeks, mountain brooks, and frog-ponds.

I am in favor of any appropriation that will aid to build up and facilitate internal commerce, but I am unalterably opposed to appropriations of money to be used for purposes having no tendency in this direction and that can only be useful in giving employment to laborers in uselessly blasting rocks, digging gravel, and carting mud.

Debate over this bill has now continued three days, and about two hundred amendments have been offered, and, with two or three immaterial exceptions, each in its turn has been voted down. About two hundred speeches referring to these proposed amendments have been made, and not one has commanded attention or been considered. Every member on this floor is now suspicious that this bill has been cut and dried; that those having pork in the pie are to stand by it in its present shape, each offering a proposed amendment increasing his proposed appropriation as buncombe for the entertainment of his constituents.

It seems to be equally well understood that each and every proposed amendment is to be voted down and that the bill is to become a law. Why this continued debate; why this waste of words; and why this waste of valuable time? I am at a loss to understand, unless it be to give to the bill an air of honesty, and to impress the country with an idea that the bill is being fairly, honestly, and soberly considered. The result is a foregone conclusion. The bill is to pass. Then let the work be done. Let the committee rise, report the bill. "If it were done, 't were well it were done quickly." Let us go about the important business that is claiming the time and attention of this House, and if possible direct the attention of the country to matters that will do us credit, not injury.

Propositions to make concededly needed repairs in the great harbors of the country, at Oswego, N. Y., New York city, and other points where the commerce of the nation is floated, have been voted down, and the appropriations for these points are but about 10 to 20 per cent. of the estimates, while small streams that during the greater part of the season will not float a small fish receive 50 to 75 per cent. of the estimates.

I say it was a great shame to deny the appropriations asked to complete the grand work commenced at Hell Gate, and which, when completed, if it ever is, will repay to this country the outlay a thousandfold.

I know how useless it is to oppose this bill, but at the same time I desire to announce in advance that I shall vote against it, and I desire the record to show one or two of my reasons for this action.

It has been the pretended policy of the Democratic majority of this House to cut down appropriations, and so the Post-Office appropria-

tions are reduced below the actual demands of the service, the diplomatic service is crippled, a navy is denied us, and yet when it comes to an appropriation of millions of dollars to be expended mainly in the alleged improvement of small unheard-of streams that never have and never can float a canoe, except in times of floods, we find the whole House impatient to consummate the act. I for one hesitate not to denounce this bill and the theory upon which it is founded. And I sincerely trust that no Republican will support this bill even though his vote has been bidden for by promise of a piece of the pork.

It is not extravagance to appropriate large sums of money for good purposes—purposes that will benefit the country, build up its commerce, and facilitate internal communication, but it is extravagance, and extravagance of the worst description, to appropriate twelve and one-half millions of the people's money and expend it in alleged improvements upon the two hundred and more small streams named in this bill, so insignificant that they find no place on the ordinary maps of the country, and that they could hardly be discovered by a surveying party.

It is the waste, the squandering of money that the people complain about, not the proper and useful expenditure thereof. This is a great country, with thousands of miles of coast and hundreds of harbors. It required the annual expenditure of large sums of money to keep these harbors in proper condition, and I am ready and willing to give my vote for any bill that properly appropriates money for needed improvements. But I stand here to denounce the policy of this bill which absolutely ignores the needs of our large harbors and scatters the money through the different States to be used on streams that never have floated and that never can float commerce.

It may be defensible on some occasions to do a small wrong in order to accomplish a great good, but it is not defensible to perpetrate a great wrong, a great robbery of the public Treasury, simply to do a small good, if I may be allowed the expression, namely, to obtain at the hands of this Congress a small pittance of the money absolutely needed to keep in repair our great harbors.

If this bill is defeated, as it ought to be, the responsibility should rest on the Democratic party, the father of this indispensable bill. If our harbor and river improvements stop, let that party take the responsibility. And let it be a warning to any party in the future to appropriate money for the wants of the country, and not for the emolument of certain sections or districts.

The Tariff—Taxation to Raise Revenue for the Public Purposes of Government only—Commerce Unobstructed and Agriculture Emancipated.

SPEECH

OF

HON. JAMES H. JONES,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884.

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. JONES, of Texas, said:

Mr. CHAIRMAN: In the discussion of the tariff question I can not hope to do much more than declare my opposition to the protective system, and in behalf of my constituents, whose wishes I voice here, insist that Congress shall take one step, though it be a short one, in the direction of tariff reform. That is all that the bill now under consideration proposes to do.

The country has been so long subordinate to the exactions and control of the protective system that a wise and statesmanlike policy suggests that reform from taxation for protection to taxation for revenue should be not by violent change in the system, but by such prudent and cautious reductions that the "business interests" which have grown to unnatural proportions under the unhealthy stimulation of protection should have time to adjust themselves to the new condition and prepare to rely upon legitimate profits and business principles rather than upon the Government to foster and nourish them from the hard-earned and scanty treasures of the toiling multitudes, who have been so patient under the heavy burdens they have borne.

The people have waited already too long for the protected bantlings to become self-sustaining and able to maintain themselves with less assistance from them through protection by the Government. Protective tariffs have been denounced by political economists and "theorists" in all ages as unwise and as obstructive of all the industries of the country which enacted them and finally hurtful to the protected interests themselves. The great leaders of the Democratic party have denounced them as unconstitutional, unwise, and unjust from the time of Thomas Jefferson to the present. But the same school of statesmen in the United States have advocated a tariff for revenue as the best method of taxation to support the Government, insisting that even a revenue tariff would afford sufficient protection to the manufacturing interests of the country. And those who advocated protection in the beginning or early part of the present century, when the duty on imports was comparatively small, less than 20 per cent. ad valorem, insisted that the period of protection would be short and the necessity for it would cease in a few years and the protected interests would be able to compete with all foreign rivals. Mr. Clay, who is so often quoted by the advocates of protection, and whose advocacy of the system was rather to enable the protected industries to pass the trying ordeal of infancy than to give permanent bounties to them, in a speech in favor of the tariff of 1816, said:

> The object of protecting manufactures was that we might eventually get articles of necessity made as cheap at home as they could be imported, and thereby to produce an independence of foreign countries. In three years, he said, we could judge of the ability of our establishments to furnish those articles as cheap as they were obtained from abroad and then could legislate with the lights of experience. He believed that three years would be sufficient to place our manufactures on the desirable footing.

And yet the demand is, after seventy years: "Give! give!" Would that great patriot, statesman, and lover of justice, were he here, advocate the present tariff? The present high tariff was adopted as a necessity; its advocates said, on account of the civil war. Is it a necessity now? The Treasury is burdened with a surplus of money. It is estimated that in addition to the present great surplus there will be at least $50,000,000 per annum in excess of the requirements of the Government.

The President in his message and the Secretary of the Treasury in his report to Congress, representatives of the advocates of protection, declare there is no necessity for continuing the present high tariff, and urge the reduction of the revenue. The Secretary in his report to the Forty-seventh Congress says:

> In view of the large sum that has already been paid by the present generation on the debt, and the heavy taxation that now bears upon the industries and business of the country, it seems just and proper that another generation should meet a portion of the debt, and that burdens now laid upon the country should be lightened.

Again he says in the same report:

> Is it a beneficial exercise of governmental power to raise money by taxation in greater sums than the lawful demands upon the Government require, when these demands are of themselves a heavy burden upon the industry and business of the country?

The President, in his message to the Forty-seventh Congress, in alluding to the tariff, said:

> If a careful revision can not be made at this session, a commission, such as was lately approved by the Senate, and is now recommended by the Secretary of the Treasury, would doubtless lighten the labors of Congress whenever this subject shall be brought to its consideration.

The Tariff Commission, composed of high protectionists, after exhaustive investigation and labor, was constrained to recommend a reductionof the tariff from 20 to 25 per cent. I quote from their report to Congress:

> Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by the mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of a public sentiment and a measure of justice, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. No rates of defensive duties except for the establishment of new industries which more than equalize the conditions of labor and capital with those of foreign competitors can be justified. Excessive duties or those above such standard of equalization are positively injurious to the interests which they are supposed to benefit.
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> If the reduction reaches the amount at which the commission has aimed and if there is any truth in the allegation of the opponents of the present economic system, that a duty on articles such as are produced in this country, whether in manufactures or agriculture, enhances the price to the consumer, not only of what is imported but of the whole domestic production, to an amount of which the duty is the measure, the reduction proposed by the commission would benefit consumers to the extent of hundreds of millions of dollars.

After all these things had been said and done by the defenders and even advocates of protection, after full and exhaustive investigation of the protective tariff then existing and its effect upon the business and prosperity of the country, the Forty-seventh Congress, after an effort by "ways that were dark and methods that were mysterious," adopted to deceive the country into the belief that the tariff was reduced, by accident or mistake reduced taxation less than 1¾ per cent., instead of from 20 to 25 per cent. as recommended by the commission. Will the people be deceived and hoodwinked longer? The Morrison bill proposes to lighten the burdens of the people by reducing the rates of tariff taxation about 20 per cent. But the opposers of the bill say the revenues will be increased by the reduction of duties as proposed in the bill. If this position be correct, and the reduction of duties on imports should induce larger importations and thereby increase the revenue, yet the people, the consumers, will be benefited to the extent of this reduction, estimated by the Tariff Commission to be hundreds of millions, and the additional reduction in the price of goods through the competition that would follow heavier importations. Can the patriot or the statesman object to this result? If it should result from the passage of the bill

under consideration that the revenues would be increased and that the people should be even partially relieved of the burdens that press so heavily upon them, it would be a demonstration of the fact that the opposers of the bill care not for the tired and weary millions of the poor laboring masses, but are anxious to promote the "business interests" of the few, building up and sustaining in a Government that boasts that it was created by the people, for the people, and, unlike any other government, one that rests upon the consent of the governed, an aristocracy of wealth at the expense of the millions from whose labors these parvenues are maintained through unjust, oppressive, and unconstitutional tariff laws.

How long will these oppressions be tolerated? Mr. Clay thought three years of protection would enable the protected industries to furnish as cheap productions as could be furnished from abroad. But seventy years have gone, and the protected industries have increased and developed under the most favorable conditions, but we are told the time has not yet come for the reform movement. Will the revenue not continue to increase and the surplus to be piled up in useless inaction if this bill is defeated or until there is a reduction of the tariff? The Secretary of the Treasury in his report to the present Congress says:

The estimated receipts for the current year from customs are $195,000,000, a reduction of less than $20,000,000. Considering that there has been some depression of business during the past year, it is probable, should business revive, that the revenues from customs under the present law will in succeeding years increase rather than diminish.

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That by reason of the legislation of the last Congress the repeal of internal-revenue taxes was expected to effect a reduction of about $35,000,000, whereas the aggregate reduction and the augmentation from the receipts from distilled spirits together will be only about $25,000,000 less than the preceding year; altogether the absolute reduction will be actually $30,000,000 less than was contemplated by the legislation of last winter.

The President, the Secretary of the Treasury, the Tariff Commission, and a large majority of the people at the last election asked that the revenues be reduced to the wants of the Government economically administered. The Tariff Commission, whose business it was to thoroughly investigate the interests and industries of the whole country, says in the portion of its report which I have just quoted:

The reduction proposed by the commission would benefit the consumers to the extent of hundreds of millions of dollars and will conduce to the general industrial prosperity, and though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

Robert J. Walker, the author of the tariff of 1846, in a letter addressed to the people of the United States on the 30th of November, 1867, contrasting the principles and results of the revenue tariff of 1846 with the present tariff for protection with incidental revenue, said:

A tariff for revenue, as experience has shown, instead of depressing, improves all industrial pursuits, including manufactures, and vastly augments the wealth of the country. Under the tariff of 1846, as shown by the census, our wealth increased from 1850 to 1860 126.45 per cent.; whereas from 1840 to 1850 the increase was only 64 per cent.; from 1830 to 1840, 42 per cent; and from 1820 to 1830, 41 per cent. So also from 1850 to 1860 our agricultural products increased 95 per cent. and our manufactures 87 per cent., being in both cases nearly double any preceding ratio of increase. So also our exports, imports, and revenue nearly tripled in the same period of time, and our domestic trade rose nearly in the same ratio.

We have the evidence of the tariff commissioners, the evidence of Robert J. Walker, second to no financier this country has produced, supported by facts and figures that demonstrate the correctness of his theory, that the protective tariff system is not promotive of the industries of the country, but that a tariff for revenue, "instead of depressing, improves all industrial pursuits, including manufactures, and vastly augments the wealth of the country."

He further states, in the celebrated report he made as Secretary of the Treasury to Congress on the 11th day of December, 1848:

A vast majority of the labor of this country is employed in agriculture, commerce, navigation, and the non-protected pursuits, and if these are depressed their profits are reduced, the wages of those employed in such pursuits fall, many are thrown out of employment, and thus a general fall of wages ensues, and the protected manufacturer eventually obtains labor at a reduced rate. The effect of a protective tariff, in truth, is not to enhance wages, but to depress them, and render capital invested in manufactures more profitable by enhanced prices of the protected fabrics. Wages throughout the whole country become lower than they were before, because the aggregate profits of the capital of the nation engaged in all its industry is diminished. Wages in one branch of industry can not be high when they are low in all others, for wages, like all other commodities, unfortunately will soon find the same level. The aggregate profits of all the labor of the country and not of any particular branch of industry constitute the fund out of which wages are paid, and if that general fund is reduced by diminished profits wages throughout the whole country must eventually fall. If, then, the great mass of labor in this country and of capital is invested in agriculture, commerce, navigation, and such branches of industry as require no protection, and these pursuits are injured by a protective tariff, either by diminishing the market for the surplus raised by those thus employed, reducing the price of what they sell, or compelling them to pay more for what they buy, there must be in time a general fall of wages throughout the country, even though a particular branch of industry may have been rendered more profitable by a protective tariff. This duty, then, instead of a protection is a tax upon the whole industry of the country invested in pursuits requiring no tariff.

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The protective system is agrarian and a war upon property. It attempts to organize labor and capital by law, adding to the profits of one pursuit by reducing that of another. It is incompatible with the security of capital or labor; for capital is but the accumulation of the gains of labor, and therefore whatever destroys the security or profits of capital results in an equal injury to labor. Besides its injurious effects upon industry it is an arbitrary and despotic power; and if the people should become accustomed to its exercise, looking for legislative support and protection, it would terminate in a struggle for the division and distribution by Congress every year of property, profits, and capital among the favored classes.

The following table of statistics, arranged by Hon. W. M. SPRINGER, of Illinois, fully sustains the Tariff Commission in its report that "the reduction proposed by the commission would benefit consumers to the extent of hundreds of millions of dollars." It shows that while the Government received revenue under the operation of the tariff in 1882 in amount $194,464,758, the people of the United States paid the additional amount of $556,938,637 in incidental taxes, being the increased cost of home products by reason of the tariff, making an aggregate sum of $751,403,395 paid by consumers under the operations of the tariff:

Statement showing the amount of incidental taxes annually imposed on the people of the United States in the increased cost of home products by reason of discriminating duties on imported articles of like character, together with the value of such home products, the amount of wages paid and number of hands employed, and the imports and duties received thereon, for the year 1882.

Articles affected by the tariff.	Merchandise imported during the fiscal year ended June 30, 1882.			Value of home product, census year 1880.	Average number of hands employed. Boys under 16 and girls under 15 counted as one-half a hand.	Total amount in wages during the year.	Estimated rate of increase ad valorem.	Incidental taxes, being the increased cost of home products by reason of the tariff.
	Values.	Duty received.	Average ad valorem rate.					
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Number.*	*Dollars.*	*Per cent.*	*Dollars.*
Chemical products	21,517,169	6,718,561	31.32	117,377,324	28,895	11,840,704	20	23,475,464
Earthenware and glassware	13,822,043	6,693,257	48.42	31,632,309	30,674	13,130,408	45	14,234,539
Metals: iron and steel, and all metal manufactures	74,427,988	30,358,936	40.79	604,553,460	290,000	122,648,191	20	120,910,692
Wood and woodenware	8,654,327	1,589,851	18.37	311,928,884	185,426	47,817,199	15	46,789,332
Sugar and molasses	94,540,269	49,210,573	52.05	(a)	(b)	(b)	40	4,848,714
Tobacco	8,216,132	6,000,961	73.03	118,665,366	81,809	25,041,227	25	29,666,341
Cotton and cotton goods	34,868,044	13,482,167	38.67	210,950,383	170,363	45,614,415	20	42,190,076
Hemp, jute, and flax goods	33,578,076	9,844,652	29.32	5,518,866	4,329	1,238,149	20	1,103,773
Wool and woolens	47,679,502	29,254,234	61.36	267,182,914	145,341	47,351,628	40	106,873,165
Silk and silk goods	38,535,475	22,632,490	58.73	41,033,045	28,554	9,146,705	50	20,516,522
Books, paper, &c	4,923,620	1,406,787	28.57	65,960,405	25,274	9,895,995	20	13,192,081
Sundries	52,410,690	17,272,269	27.68	665,609,693	337,216	129,881,399	20	133,139,938
Total	433,173,335	194,464,758	.....	2,440,502,649	1,327,881	463,606,049	.....	556,938,637

a Planters' product for 1880 was: Sugar, 196,756,200 pounds; molasses, 16,573,273 gallons. b Number and wages of laborers not stated.

But we have no statisticians or experts who can estimate the loss that our agricultural interests have sustained for want of a foreign market for their surplus products, that has been denied them by our protective tariff. Their losses may be estimated to be millions of dollars. With a market in which our surplus agricultural products could be sold for money or exchanged for the products of other countries that our people need and would buy, profits would be realized that we can make no estimate of, but which we may safely say would add greatly to the wealth of the country, and which would certainly stimulate production and thereby lay a broader and firmer foundation upon which all other industries could build. Agriculture is the basis of the prosperity of the country, and has sustained it in all the financial crises through which it has passed, and it should not be forced by tariff legislation to support industries that can not prosper without protection.

The protectionist's theory is that manufactures and agriculture will find sufficient markets at home. How absurd this position is. Over 6,500,000 bales of cotton are produced in the United States annually, in fact more is grown, and only about 1,500,000 bales are manufactured in the United States. The balance, to wit, 5,000,000 bales, finds markets in other countries; this is the surplus. It is estimated that the cereals produced in the United States in 1880 amounted to 2,710,000,000 bushels, and hundreds of thousands of bushels of this crop were sold in foreign

markets for want of a home market. The American hog has been sent to other countries, because there was no home market, in such quantity as to make it necessary for some of the nations of Europe to exclude it by a protective tariff. Our beef is being sent to Europe by the thousand head annually till it is beginning to excite opposition even in Great Britain. Our manufacturers can produce 25 per cent. more than they do if they could get markets for their products; as it is they greatly overproduce and close up for weeks and months at a time.

If it were possible to so equalize production and consumption in the United States as to have no surplus how could the country grow and prosper? Our farmers must make less cotton, cereals, pork, and beef. When they do that they will have nothing to buy the manufactures of the country with. It is a Chinese policy that the civilization and enterprise of America must and will reject. The census report shows that the value of farming implements and machinery in the United States in 1880 was $406,520,055. It is a low estimate to say of this vast sum the farmers are forced by the tariff to pay to the monopolists about $135,000,000 more than they would have to pay if we had a tariff for revenue instead of a protective tariff. The farmer is entirely without protection, but he is forced by tariff laws to aid in protecting the manufacturing classes. Let us not kill the goose that lays the golden egg. Agriculture should be emancipated.

But the advocates of protection and their allies who oppose this bill, even those who admit that the present tariff is illegal, unjust, and oppressive, say: "Do not agitate the question now; the poor workers in the mines, the operatives in the factories, must be better paid than the paupers of Europe, and to do so the present rates must be continued." If the factories can not pay their employés living wages without bounties through tariffs, what law or code of ethics justifies the Government, under the power to collect duties on imports to pay the debts and provide for the common defense and general welfare, in imposing burdens on all the people to enable the manufacturers to pay their laborers wages that will enable them to continue their business? The business interests are not established by the Government and for national benefit. They are the private property of individuals. The profits do not go into the public Treasury, but into the pockets of the private owners.

If the millions that are invested in manufactories are taxed by the States in which they are located, the revenue thus obtained is for the benefit of those States and their local institutions. The other States derive no benefit from the revenue; yet all the people of all the States must share with the manufacturers in paying the workmen whose skill and labor have added such fabulous wealth to individuals and given such influence to their States. Is Texas to contribute to the fund out of which Pennsylvania is to pay her citizens who work in the mines or factories? Each State should provide for its own poor. Each State must protect the lives, limbs, health, comfort, and quiet of its citizens, and it is a flagrant usurpation for Congress to compel the citizens of one State to contribute to the institutions or to the people of another State, that they may be enabled to pay their laborers better wages and thereby promote their business interests. Such a proposition shocks the lover of the just and honored doctrine that the blessings of government should fall equally upon all and that unjust privileges should be given to none.

Once the plea for protection was the infancy of our manufactures. Now that they are hoary with age and strong in their maturity the plea for the continuance of the system is that the laborers should be better paid than the same class of laborers are paid in Europe, and that all the people ought to contribute to this worthy purpose; but the money thus extorted must be paid to the wealthy owner, and he can pay it, if he choose, to his wage laborer. But do the laborers get full and regular wages? Let the thousands who are asking for wages, who are asking for work, answer. If labor is to be protected, why should Congress not compel the manufacturer to give such a percentage of the products of the mines and factories to the workman, that the laborer may have constant employment? If the protective system can be continued for the purpose of dignifying American labor by Congressional action, it seems that Congress might and should by law provide that the wage laborer should receive a fixed percentage of the profits of the protected interest and should have protection against the introduction of foreign pauper labor, and should be further protected against arbitrary reductions of wages and against dismissal from employment at the pleasure of his employer.

If Congress has power to lay duties on imports for the protection of labor engaged in manufactures, it certainly has power and it is the duty of the Government to protect the laborer as before suggested. But all will say that this is a monstrous and outrageous proposition. But is it more monstrous and outrageous to take from the farmer to give to the manufacturer, that he may be able to dignify and ennoble his wage laborer, than it is to compel by law the manufacturer to pay over to his laborer that which he has received from the farmer for that purpose and which he withholds.

Both propositions are monstrous. Labor is dignified only by being left free; man is noble and happy as he is free to exercise his powers and faculties in providing for himself and his dependents in his own chosen methods. Let the farmer sell where he can get the most for his products, let him buy where he can get the cheapest market. Let the wage laborer do the same, and labor and capital will meet upon a level and together move forward in harmony and prosperity, as they did under the wise system of taxation even in this country from 1846 to 1861. Then all interests prospered. There was constant employment for all who wanted employment, at wages that satisfied the laborer in the field, in the mine, in the factory, on the ocean under the flag of his country, and in every vocation, as the tastes or habits of the individual suggested. Our manufactures were healthy and prosperous then, giving constant employment to the employé, with good wages; no shutting up of factories for months till the surplus could be disposed of at arbitrary prices to consumers at home, but the surplus was then taken in American ships to the uttermost parts of the earth and sold or exchanged to strangers and foreigners, and the returns or sales thus made added to the wealth of the capitalist, and he was enabled to carry on his "business interests" with the foreigner's money instead of the money extorted from his neighbor by tariff laws as at present. The protective system is both immoral and unlawful.

The Supreme Court of the United States say in the case of the Loan Association *vs.* Topeka (20 Wallace, page 657) that—

> The power to tax is therefore the strongest, the most pervading of all the powers of the Government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall, in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.
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> To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build private fortunes is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.
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> Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."
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> Coulter, J., in Northern Liberties *vs.* Saint John's Church, says, very forcibly, "I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government for the purpose of carrying on the government in all its machinery and operations; that they are imposed for a public purpose."

We need not refer to the decision of the Supreme Court of the United States or of any other country to determine that it is immoral or even legal robbery to take from one man to give another, or to enable one man or a class of men to exact of another man or class of men more for what they have to sell than the same article is worth in other markets, that he is prevented from buying in by tariff law.

The question recurs, are the "business interests" prosecuted for the benefit of the laborer, to elevate him in the scale of being, to put him upon a higher plane here, than the laborer in the same kind of business occupies in Europe, or are they prosecuted for the benefit of and to increase the wealth of the individuals whose capital is invested? The answer is easy. It is to advance the interest of the individuals whose capital is invested in the protected business, whether the wage laborer is benefited or not. If the other industries of the country are taxed to build up or protect the special interest, it is robbery under the forms of law according to the decision just quoted from. If the common laborer, the farmer, or artisan can not explain why the protective system is wrong as the political economist or the theorist can, he can look back to other periods in the history of our own Government not far distant, when we had a tariff for revenue and not for protection, and he can see a contented, prosperous, and happy people; he then beheld a nation of freemen—yes, American freemen, each man a nobleman—in generous rivalry with his neighbor, each hoping and bravely laboring for improvement, encouraged by inviting prospects. He saw Americans in every clime reaping honors and wealth in all countries and among all peoples, protected by a country whose flag was respected everywhere. Wherever commerce was carried Americans went in their ships to trade and increase their wealth. He now beholds the country as it is. He visits the factories; they are shut up a part of the time. The miners are on a strike; the farmers are without a market for their surplus; there is a great deal of wealth, but it is owned by a few, who have been enriched by the protection which the Government has given them. They are in palaces and enjoy luxuries, while the poor in the country or in the centers of population, in the towns and cities, numbering thousands and millions, are homeless, without employment, vainly seeking work, dispirited, even meditating crime in their despair. "Our seamen are all dead and their ships are rotten."

These are the fruits of protection. We have a protective tariff now. But then—that is, when he beheld our country prosperous and our people happy and contented—we had a tariff for revenue. He can not tell you why these changes have been made; but he will state as a fact that under a Democratic tariff for revenue from 1846 to 1861 the country was prosperous, all the industries, even wool-growing, manufactures of woolen and cotton goods, mining, manufacture of iron and steel, as well as agriculture, were thriving, with a large foreign trade carried on largely in American ships, and better than all, the people, including the laborer, were happy and contented. He will contrast that time with its attendant blessings with the present with its attendant horrors and woes, and he will say it is a fact that the country has been dominated by the op-

ponents of Democratic policies since 1861, and they have substituted the tariff for revenue with a tariff for protection.

The Democracy propose, by the bill known as the Morrison bill, partial relief to the people. But the advocates of the present protective tariff, the cause of so many of our woes, even some who claim to be Democrats, say, "No, not now." This bill may be defeated. Truth is not always popular, but the brave and true Democracy will not be discouraged. They will go to the people with their banners flying, and their motto will be, "Equal rights to all; unjust and unconstitutional privileges to none." And who can doubt the result in November next? Truth will prevail and Democracy will be triumphant. Then war tariffs and all the oppressions of the war will disappear from the land, and peace, with its natural and just methods, will fill our borders again, bringing contentment and rest to the people, and all will feel and realize that America is again the land of the free and the home of the brave. To accomplish these grand objects is the mission of the Democratic party.

Jurisdiction of Circuit Courts.

SPEECH

OF

HON. HORATIO BISBEE, JR.,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 6, 1884,

On the bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

Mr. BISBEE said:

Mr. SPEAKER: I desire to state some objections to the passage of this bill. The object of the bill is to take from the Federal judiciary a large portion of the jurisdiction conferred upon it by existing law, and determine its power and authority. Such being its object, it ought to secure the attention of the House and receive careful consideration.

I do not suppose that either the people or political parties of this country will ever cease to differ as to the true boundary line between State and national power, especially with respect to the judicial departments of the respective Governments; but I think we all should be able to agree to confer, and when conferred not to curtail, the judicial power which beyond all controversy is within the authority of Congress to grant. The Constitution commands that "all legislative power herein granted shall be vested in a Congress of the United States;" that "the executive power shall be vested in a President of the United States of America," and that "the judicial power shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

I contend that each of these three great departments of government should be so organized that either may exercise any power which the Constitution contemplated should be vested in it whenever an emergency for its exercise arises. I do not believe that Congress has any right, if it could, permanently to deprive itself of any of its authority; nor do I believe that it has any more right to attempt to withhold from the President any authority which is given him by the Constitution, nor from the judiciary any power which that instrument commands shall be conferred upon it. But this is just what the bill under discussion proposes to do. Without reading existing statutes or the bill itself, I will, before proceeding further, state in what respects this bill proposes to amend the existing law.

The bill as reported from the Judiciary Committee, in the first place, prohibits the circuit court from taking jurisdiction in any suit of a civil nature at common law or in equity between citizens of different States where the amount in controversy, exclusive of interest and costs, is not more than $2,000, the limitation being now $500, exclusive of costs.

Second. It provides that no suit shall be maintained between citizens of different States, except in the case where one of the parties—plaintiff or defendant—is a resident of the district where the suit is brought. The language of this part of the bill is: "Where the controversy is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant." Under existing law a citizen of one State may sue a citizen of any other State in any State in the Union.

Third. The bill takes away the right of removal from the State courts, with one unimportant exception, in all cases, except where the application for removal is made by a non-resident defendant.

Fourth. It provides that a corporation created under the laws of one State and doing business in another State can neither sue nor be sued in such other State.

Fifth. That an assignee can not maintain a suit upon any contract unless a suit could have been maintained thereon if no assignment had been made, except upon bills of exchange, and it repeals entirely section 640 of the Revised Statutes. These, briefly stated, are the principal features of the bill.

It will be observed at a glance by any one at all familiar with the jurisdiction of the Federal courts that the bill excludes from these courts a very large class of citizens, who can now resort to them, if they prefer them to the State courts, and who do resort to them.

Before discussing the provisions of the bill in detail I will state what I have to say as to the duty of Congress with respect to this very important subject of the judicial power of the National Government.

No one denies that the Constitution authorizes all the jurisdiction conferred by the act of March 3, 1875, a part of which this bill proposes to take away. I do not understand that the friends of the bill pretend that any power conferred upon the courts by the act of March 3, 1875, is not authorized by the Constitution.

It is not sought by this measure to curtail any judicial power of the National Government on the ground that any of the rights or sovereign powers of the States have been invaded. The most extreme State-rights or State-sovereignty advocate does not assert this as a justification of the proposed legislation; and this discussion is relieved of any controversy over any question of actual conflict between State and national power.

The advocates of the bill contend that as a matter of expediency and sound policy the Federal Government should not exercise in its judicial department certain jurisdiction and authority which it is conceded has been constitutionally conferred upon it.

And, Mr. Speaker, this raises for consideration the question whether it is discretionary with Congress, with its political majority shifting from one side to the other of its Chambers, resulting from the state of public opinion on other subjects, to grant to or withhold from the Federal courts authority or jurisdiction which the Constitution directs shall be conferred upon them. I deny that this matter has been left to the discretion of Congress in the broad sense which the proposition assumes. The preamble of the Constitution recites one of its objects was to establish justice. To do this it was provided that its judicial power should extend to controversies between citizens of different States and that all judicial power shall be vested in one Supreme Court and such other inferior courts as may be necessary.

I assume what no one will deny, that it was the duty of Congress to create such inferior courts. And for what purpose were they created? Certainly for the purpose of exercising judicial authority. What authority was it contemplated they should have? Unquestionably that authority which Congress was directed to confer by the Constitution. Now the question presented is whether Congress may at its discretion grant to the courts a part and withhold a part of the power which the organic and supreme law ordains shall be vested in such courts. I believe it is contrary to the correct theory of our Government to hold that Congress may take from the judicial department any of its jurisdiction over suits between citizens of different States which it has once conferred in obedience to constitutional provisions. I maintain that no part of the judicial authority of a great government like ours should lie dormant, beyond the reach of the citizen to invoke if he desires to do so. The Constitution was framed and adopted for the benefit of the minority as well as the majority at all periods of its existence.

The promise and assurance were given to all the people who ratified it through their agents that with respect to certain controversies each citizen should have an impartial tribunal, beyond the reach of local prejudice or local influence, to which at all times he could appeal for justice and for redress of his wrongs. It is true that the circuit and district courts can exercise no jurisdiction not conferred by an act of Congress, and that the statute and Constitution must concur in vesting them with authority. And it is, therefore, true that Congress has arbitrary power to withhold a part or all the jurisdiction which it is its duty to confer. But it is purely an arbitrary power. It might have refused to create any inferior courts at all, but it would have been a refusal to obey the Constitution. Will it be contended that Congress may abolish the circuit and district courts? It certainly has just as much right to abolish them as it has to withhold their rightful jurisdiction after they have been created. And if we can withhold a part we can all authority, and leave such courts without any functions whatever to perform—a mere skeleton of judicial department, without vitality or force.

Mr. Speaker, it can not be that such is the character of the Government under which the people of this country are living.

Nor are we without judicial authority upon this subject. In the case of Martin *vs.* Hunter (1 Wheaton, 304) the Supreme Court discussed article 3 of the Constitution. Delivering the unanimous opinion of the court, Justice Story said:

Let this article be carefully weighed and considered. The language of the article throughout is manifestly designed to be mandatory upon the Legislature. Its obligatory force is so imperative that Congress could not without a violation of its duty have refused to carry it into operation.

"The judicial power of the United States shall be vested [not may be vested] in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish." * * *

The judicial power must therefore be vested in some court by Congress; and to suppose that it was not an obligation binding on them, but might at their

pleasure be omitted or declined, is to suppose that under the sanction of the Constitution they might defeat the Constitution itself. A construction that would lead to such a result can not be sound. * * *

If, then, it is a duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language if imperative as to one part is imperative as to all. If it were otherwise, this anomaly would exist: that Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution and thereby defeat the jurisdiction as to all; for the Constitution has not singled out any class on which Congress are bound to act in preference to others. * * * It would seem therefore to follow that Congress are bound to create some inferior courts in which to vest all that jurisdiction which under the Constitution is exclusively vested in the United States and of which the Supreme Court can not take original cognizance. They might establish one or more inferior courts; they might parcel out the jurisdiction among such courts from time to time at their own pleasure. But the whole judicial power of the United States should be at all times vested either in an original or appellate form in some courts created under its authority.

Such were the views of our Supreme Court when John Marshall, the great expounder of the Constitution, was Chief-Justice, who concurred in the opinion from which I have read. Such was the judgment of the distinguished jurist whose statue we have recently erected and unveiled upon the grounds of this Capitol with imposing ceremonies.

I know it is claimed that the Supreme Court has held that Congress is not bound to vest in the courts all the jurisdiction that it can under the Constitution. The cases of McIntire *vs.* Wood (7 Cranch), Kimball *vs.* United States (12 Peters), Coy *vs.* Custis (3 Howard), and Turner, administrator, *vs.* The Bank of North America (4 Dallas) are sometimes referred to as sustaining this view. I have examined all these cases carefully, and there is nothing in any of them to sustain the conclusion that the Supreme Court has given its sanction to the doctrine that Congress may rightfully withhold from the Federal courts any jurisdiction that belongs to them. I have found no decision in conflict with the views of the court in 1 Wheaton, from which I have quoted, where the court declared that it was the plain duty of Congress to grant to the courts all the power that the Constitution contemplated should be granted to them. In 4 Dallas Reports, on page 10, is a note containing *obiter dictum* of Justice Chase, in which the latter is reported to have said:

> Congress is not bound, and it would perhaps be inexpedient, to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant.

This language was not a part of the opinion of the court, which was delivered by Chief-Justice Ellsworth. This language of Justice Chase which I have quoted has been inadvertently referred to in some subsequent cases as if it were the opinion of the court. By referring to the report of the case itself it will be found that the court in its opinion did not discuss this question at all, and it was decided seventeen years before the opinion of Justice Story in 1 Wheaton was rendered.

Mr. Speaker, the Forty-third Congress, by passing the act of March 3, 1875, discharged its obligations to the people, and clothed the inferior Federal courts with very important and valuable jurisdiction, which prior to that time Congress had never conferred. This act of 1875, I am informed, was drafted by the late Senator Carpenter, of Wisconsin, whom we all know as a distinguished constitutional lawyer, but who never adopted so liberal a construction as other prominent statesmen have. This act was designed to distribute to the Federal courts all the jurisdiction which it was thought would ever be useful to the citizens, or which it would be necessary for them to invoke for the protection of their rights. Under it the circuit court has cognizance of all suits of a civil nature at common law or in equity where the matter in dispute exceeds, exclusive of costs, the sum or value of $500, and between citizens of different States without any other limitation.

The first material amendment proposed by the pending bill is to exclude from these courts all cases which do not involve over $2,000, exclusive of interest and costs. Two thousand dollars, exclusive of interest, is substituted in the place of $500, exclusive of costs, in the present law.

This amendment ought not to be adopted. It is an unwise and unjust discrimination against a large class of the people, who would not willingly surrender the right they now enjoy of seeking justice in the Federal tribunals.

The theory was, and is now, that in controversies between citizens of different States the Federal court would be beyond the reach of any undue influence that a citizen of a State might exert in his own State courts in a contest with a non-resident. I think the history of the country for the last ninety-five years has satisfactorily established that this feature of our judicial system is founded in the highest wisdom, and was essential to the speedy and impartial administration of justice between citizens of different States. And this is no reflection upon the judges of the State courts. Human nature is such that judges holding commissions from local authorities, surrounded by their neighbors and friends, with whom they are in constant social and business intercourse, are unconsciously affected by local influences, however independent and upright they may intend to be and ordinarily are.

This being so, why should dealers, traders, merchants, comprising a very large class of business men, whose transactions are small compared with those of greater wealth and powerful corporations, be excluded from this important tribunal?

It is not to be denied, it is a fact known to us all, that in a large majority of cases transactions between merchants and traders in different States involve less than $2,000. Merchants in our cities, towns, and settlements throughout the country who purchase to retail would be excluded from the Federal court, and their creditors also, under this limitation to $2,000. Men of moderate means whose transactions are numerous but not large in amount, though as large to them as $1,000,000 would be to a large capitalist or a wealthy corporation, would be driven entirely from the Federal tribunals. I repeat, it is creating a court for the capitalists and discriminating against a most worthy and useful class of people. It is wholly unnecessary, a tendency in the wrong direction, and against the interests of the great mass of people from whom the Government collects a great portion of its revenues and upon whom it must depend for its defense in time of war or public danger.

I can understand why the debtor class, more especially the dishonest debtor, should desire this section to become a law. It would enable them to vex and annoy their creditors by protracting litigation in the State courts.

The creditor compelled to bring his suit in the State court in all cases of claims for less than $2,000 would be taken by his debtor from the court of original jurisdiction through all the intermediate courts to the highest appellate court of the State, thus protracting litigation two or three years, even on frivolous grounds, at the end of which time probably a judgment would be unavailing; whereas in such a suit in the Federal court of original jurisdiction the judgment would be final in most cases when the amount in controversy is $5,000 or less. Therefore, if the object and purpose of this part of the bill is to aid debtors to delay and hinder creditors from collecting their claims, it is well calculated to accomplish the end in view. Such is its natural and reasonable effect, whatever may be the object and purpose of the bill, and I think it will be agreed on all hands that it is sound public policy to discourage litigation, and that legislation exclusively in the interest of the debtor class to the prejudice of the creditor class has nothing to recommend it.

Now, the only argument advanced in support of this amendment of the law is that it will diminish business in Federal courts. My answer to this argument is that the National Government is not a pauper, but is amply able to support all the national courts that may be necessary for the speedy trial of all cases that can come before them under the statutes as they now exist. The remedy for this objection, if it has any weight, would be more courts and not less jurisdiction for those already established.

The amendment in question would not diminish the labors of the Supreme Court, for the judgment of the circuit court is now final with few exceptions in all cases involving $5,000 or less. And the circuit courts, as a rule, are not more overburdened with business than are the State courts.

I come now to the second material change in the statute proposed by the bill. By the act of March 3, 1875, jurisdiction is conferred upon the circuit court in all cases of controversies between citizens of different States, without any other limitation as to the residence of either party to the suit

To illustrate: Under the present law a citizen of New York may sue a citizen of Pennsylvania in the Federal court in Virginia, if found there and service obtained on him, or if he voluntarily appears. The amendment proposed now is to restrict the jurisdiction over controversies between citizens of different States to cases where one of the parties, plaintiff or defendant, is a citizen of the State in which the suit is brought; so that a citizen of New York, if this bill should become a law, must sue a citizen of Pennsylvania either in the State of Pennsylvania or in the State of New York. If the law remains as it is, a citizen of New York can sue a citizen of any other State where he can be found and service made.

I am in favor of the law as it is, because by it the largest jurisdiction is given to the national court which under the Constitution Congress can grant.

Now, there is no sound reason for confining suits between citizens of different States to the States in which one of the parties resides, as it was under the judiciary act of 1789. It is true that such was the case from 1789 to 1875. But the fact that Congress neglected or failed to do its duty for eighty-six years and withheld from the courts their legitimate jurisdiction is no reason, after finally obeying the Constitution, to again violate its duty and abolish the power of the Federal courts which was granted to them in 1875. Let us leave the judicial branch of our Government in possession of all the authority which the supreme law commanded Congress to confer; and let the citizens of every State have the right to resort to it, if he chooses to, which the Constitution assured him he should have.

Gentlemen who support this bill say that it is terribly inconvenient and a great hardship for a citizen of Texas to be sued by a citizen of New York in the State of Ohio or the State of Georgia. But why is this more objectionable in the Federal than in the State courts? There is no restriction upon the right to sue in the State courts. A citizen of New York can now sue a citizen of Texas in the State courts of Ohio or Georgia. Is it any more inconvenient to be sued away from home in a Federal than in a State tribunal? There is no foundation in rea-

son for the distinction. I believe the friends of this bill, or at least many of them, seek to confine the power of the Federal courts to their narrowest limits because of the prejudice that exists in many parts of the country against the exercise of their rightful constitutional powers. This prejudice, instead of being encouraged by legislation, should be crushed out by the use of all the means that Congress can command. It is quite time that the national courts should not be looked upon as foreign tribunals in any part of the country; and we can not remove this hostility by yielding to it. This is not one of the cases where familiarity breeds contempt, but where reconciliation to a thing comes from familiarity with it.

We ought by our legislation to impress upon the people of this country that the citizen of each State is a citizen of the United States, and that the judicial as well as the executive arm of the Government can extend to every part of our territory to administer justice in all cases within the limits of the Constitution.

RIGHT OF REMOVAL.

Upon the subject of removal of causes from the State to the national courts I desire to remark that the pending bill confines such right of removal to the narrowest possible limits. The suit must involve $2,000 or upward; one of the parties, plaintiff or defendant, must be a resident of the State and district where the suit is brought; and the party applying to remove the cause must be the defendant and a non-resident of the State where the suit is pending.

Under the second section of the bill, even where the right of a party depends upon the correct construction of the Constitution, law, or treaty only, a defendant or defendants can remove the cause to the national courts. The theory of the bill is that a plaintiff shall not have the right of removal, because by suing in a State court he has elected his forum and he should be bound by his election. Even though it should appear after suit brought that the plaintiff's rights depend upon the correct construction of the Constitution, law, or treaty he must be held in the State court, and if the decision is adverse take his case to the highest court of the State, and from the latter by writ of error or appeal to the Supreme Court of the United States. This is the only way in such a case the plaintiff can obtain a hearing in the Federal courts.

There is one exception in the bill to the right of removal by a non-resident defendant. The latter part of section 2 provides that either the plaintiff or defendant may remove at any time before trial when it shall be made to appear to the satisfaction of the State court "that from prejudice or local influence he will not be able to obtain justice in such State court."

The effect of this provision of the bill is to make the removal of the cause dependent upon the discretion of the State judge. The party must present his petition and affidavits to the State court, and upon their inspection that court, in the exercise of his discretion, whether it is a long or a short discretion, determines whether from local influence or prejudice he can obtain justice in the State court. This is a power and a responsibility which it is unwise to repose in the State court. It is not an easy task for a party to spread upon paper before the court all the facts and circumstances that induce in his mind the belief that he can not obtain justice. But if the facts within his knowledge cause a well-grounded belief in his mind that he can not obtain justice in the State court, upon filing his affidavit to that effect his cause should be removed. And such has been the statute heretofore in all cases where prejudice or local influence is alleged as a cause of removal. Upon filing the proper affidavit the cause by the present law is thereby removed without further proceedings in the State court.

Making the jurisdiction of the national courts depend upon the discretion of the State courts in the matter of local prejudice and influence is entirely a novel feature in our judicial system, and this discretion of the State court is not reviewable in the Federal tribunal. Its exercise under the terms of the bill is final.

I think the law as it stands now is more satisfactory, as it enables either party to remove in all cases of controversies between citizens of different States. The theory of compelling the plaintiff to proceed in the State court after he has brought his suit there, without the right of removal, except within the discretion of the State court, upon affidavit of prejudice or local influence, is a very plausible one. But circumstances may arise or facts come to the knowledge of the plaintiff after suit is instituted which may make it very desirable that the trial should be had in the Federal court. Besides, the plaintiff may be so situated that he can obtain service in the State court at a time when he could not in the Federal court, and prompt action may be necessary to obtain a lien by attachment or prevent the bar of the statute of limitations. I think the statute of 1875 is unobjectionable, that there is no substantial evil to be remedied by its amendment, and that it should remain unchanged.

This bill also imposes a limitation to suits upon contracts by assignees. The eleventh section of the judiciary act of 1789 provided that neither the circuit nor district court "should have cognizance of any suit to recover the contents of any promissory note or other chose in action, in favor of any assignee, unless a suit might have been prosecuted in such court to recover said contents if no assignment had been made, except in cases of foreign bills of exchange." The act of March 3, 1875, enlarged this exception to "cases of promissory notes negotiable by the law-merchant and bills of exchange."

The pending bill excludes suits by assignees upon promissory notes and restricts the exception to "bills of exchange," instead of "foreign bills of exchange," as provided in the act of 1789; so that the present bill authorizes a suit by an assignee upon all "bills of exchange," whether the assignor could maintain a suit thereon or not, but takes away altogether the right to sue by an assignee of a promissory note which was conferred by the act of 1875.

This amendment is urged to prevent parties suing upon promissory notes under a colorable assignment for the purpose of resorting to the Federal courts. The objection to this amendment of the existing law is not so weighty as it is to other portions of the bill. But while it may prevent the transfer of promissory notes not *bona fide* for value to enable the owner to have the benefit of the Federal jurisdiction, on the other hand it will exclude from such jurisdiction holders of negotiable paper acquired *bona fide* in the usual course of business, who under the provisions of the Constitution are entitled to sue in the Federal courts. I do not believe any great evil is suffered by suits on promissory notes held under a colorable assignment, and that such evil is less than the wrong that would be done to *bona fide* holders of negotiable paper who have the right to litigate their controversies in the national courts by excluding them therefrom. I do not believe we should exclude citizens from the national tribunals, which they have an undoubted right to resort to, in order to exclude other parties who hold negotiable paper acquired by a colorable assignment for the purpose of obtaining jurisdiction.

The next provision of the bill to which I ask the attention of the House reads as follows:

> That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same States.

The intention of this amendment of the present law is to confine certain litigation to which a corporation is a party to a State tribunal. If a corporation is doing business in a State other than that under whose laws it was created and organized, it can neither sue nor be sued in a Federal court.

The penalty of doing business outside of the State whose laws give the corporation existence is to limit jurisdiction over all controversies between it and a citizen of a State in which it is doing business to such State tribunals and compel the corporation to be satisfied with such justice as such State courts may deem proper. For example, if a corporation organized under the laws of New York is doing business in New Jersey and a suit arises out of any transactions in New Jersey, it must be brought in a State court, and the Federal court is prohibited from exercising jurisdiction in such case. The effect of this amendment is to abrogate or annul a constitutional provision.

It is the settled law of the land now, and has been for many years, that a corporation is a citizen of that State under whose laws it was created within the meaning of the word "citizens" as used in section 2, article 3, of the Constitution. That section of the Constitution confers jurisdiction on the Federal courts of cases "between citizens of different States."

Now, this section of the bill under discussion proposes to make a discrimination which the Constitution does not make, and to declare that if the citizen is a corporation deriving its existence from the laws of Virginia and doing business in the State of Tennessee, it shall be excluded from the Federal tribunals in all cases of controversy between it and citizens of Tennessee.

Now, has Congress power to make this distinction? Can we say that a certain class of citizens of a State shall neither sue nor be sued by a citizen of another State in the Federal courts?

If we can prohibit one class of citizens from resorting to the Federal judiciary when they have a controversy with a citizen of another State, where is our power to end? Why may we not with just as much reason make a distinction on the ground of nationality, and prohibit all Irish, German, or Russian born citizens from suing in the nation's courts in case he is doing business in a State other than the one where he resides?

I deny that Congress has power to pass a law of this character. When the Constitution declared that the judicial power of the United States shall extend to controversies between "citizens of different States," it was not intended nor contemplated that Congress should have power to discriminate and say that certain citizens should be exempt from the protection of the Constitution.

A few years ago some of the States, among them Wisconsin, attempted to impose upon corporations of other States a penalty for doing business within their limits. Wisconsin provided by law that before a corporation of another State should be permitted to do business within

her limits it should sign a written stipulation that in case it was sued in a Wisconsin court the corporation should not remove the case to the Federal court. The Supreme Court held such a law unconstitutional in the first case brought before it involving that question. That court decided that a State could not coerce a corporation of another State to surrender its constitutional right of litigation in the Federal tribunal by exacting a promise that it should not do so as a condition of transacting business within such State.

This part of the bill which I am now discussing is designed to accomplish what the Supreme Court decided a State by its legislation could not accomplish.

We are asked to arbitrarily prohibit a corporation from suing or being sued upon contracts made in a State other than that under whose laws it was created. What we are asked to do is, in effect, to say to a corporation, if you desire to do business in any other State than that where you were created you shall not do so except upon the condition of surrendering your constitutional right to bring a suit or of being sued in a Federal tribunal.

I submit Congress does not possess the power to impose such a condition upon an artificial person any more than upon a natural person.

It is contrary to the spirit, letter, and policy of the Constitution, and if Congress had such power its exercise would accomplish no beneficial purpose.

In the case of Insurance Company *vs.* Morse (20 Wall., 455), the case I have alluded to, in which the State court of Wisconsin denied the right of removal, the Supreme Court said:

> A corporation has the same right to the protection of the laws as a natural citizen, and the same right to appeal to all the courts of the country. The rights of an individual are not superior in this respect to that of a corporation. * * * The Constitution of the United States secures to citizens of another State than that in which suit is brought an absolute right to remove their causes into the Federal court upon compliance with the terms of the act of 1789. The statute of Wisconsin is an obstruction to this right, is repugnant to the Constitution of the United States and the laws in pursuance thereof, and is illegal and void.

Now, the bill under discussion in terms prohibits the circuit courts from taking jurisdiction in the cases I have mentioned, and is as plainly repugnant to the Constitution as was the statute of Wisconsin. That State attempted and this bill seeks to abrogate that part of the Constitution which extends the judicial power to controversies between citizens of different States.

The States may impose such terms upon corporations of other States asking the privilege of doing business within their limits as may be deemed necessary for the protection of their citizens, providing, however, that such terms and conditions do not restrict the right to resort to the Federal courts.

There is another objection to the passage of this bill. The act of 1875, which defines the power and fixes the jurisdiction of the inferior courts, has been in operation nearly ten years. The controversies over questions of jurisdiction, both original and that acquired by removal from the State courts, which will always arise over every new statute, have in a large measure been settled.

Litigants and attorneys know with reasonable certainty what causes, the subjects-matter, and parties over which these courts have jurisdiction. The rights of parties and the practice has become settled, and it is for the interest of the people and of the Government that these should not be disturbed and unsettled by new legislation. There is no demand on the part of the people for this measure; they infinitely prefer a stable and permanent system of laws, and not the confusion and uncertainty that to a more or less degree spring from new enactments.

The great need of remedial legislation is with respect to the Supreme Court. Its dockets are burdened with twelve hundred cases, requiring from three to four years to dispose of them. So long does it require to obtain a judgment of the Supreme Court, that the delay itself is frequently a failure of justice and financial ruin to litigants. But this bill contains no proposition to expedite the business before the Supreme Court or to relieve that court of judicial labor which we all know it can not perform. Where an evil exists and a remedy is demanded, as admitted by all, the Judiciary Committee have as yet proposed none whatever, probably for the reason that bills which have been introduced and referred to that committee touching the Supreme Court and looking to its relief and the relief of suitors before it require the appointment of additional judges. The presumption that such new judges would entertain political views differing from those of the majority of the present House of Representatives prevents any legislation providing for their appointment.

Manifestly there is no hope of relieving the Supreme Court until both the Executive and Congress in both branches shall concur in political sentiment.

I repeat that the grounds upon which the passage of this bill is chiefly advocated, to wit, to relieve the circuit courts of judicial labor, are entitled to no weight whatever.

To the extent that the friends of this measure propose to diminish the number of causes before the Federal courts, to that extent the number of causes would be increased in the State courts. The latter are now as much overburdened with business as the former in all the more populous States, and the expense and cost of maintaining the Federal courts and of doing the business therein is felt less by the tax-payers of the country than is the cost of maintaining the State courts, which are supported by direct taxation of the people.

This Government is amply able to provide for its judicial department. The ability, integrity, and stability of the judiciary are justly regarded as the sheet-anchor of our hopes and the great bulwark of American liberty. Our Supreme Court consists of nine judges; there are nine circuit and fifty-six district judges, and their annual salaries amount to the small sum of $348,000; and to contend that the conceded constitutional powers of this great co-ordinate department of the Federal Government should be curtailed or limited, on the pretense that the people are unable or unwilling to pay the cost of maintaining all the courts necessary to transact all the business that may come before them under existing laws, is unworthy of an American Congress.

Rivers and Harbors.

SPEECH

OF

HON. LEWIS BEACH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. BEACH said:

Mr. CHAIRMAN: I do not know that I fully understand the powers of the committee which has reported this bill. It is a new committee, created for the first time in this Congress. The matters which it has investigated have heretofore been considered by the Committee on Commerce.

Before proceeding to criticise the action of the committee it may be well to ascertain, if we can, its exact powers. The rules of the House say there shall be referred to the Committee on Rivers and Harbors all subjects relating "to the improvement of rivers and harbors." There are three questions involved in such a reference. First, what is a river, and what a harbor? Second, what rivers and harbors should be improved? Third, what should be the nature and extent of the improvement?

Mr. Chairman, I do not care to complicate this discussion with the constitutional question involved in all appropriations of this character. I am willing to give the committee the benefit of the doubt so far as the constitutional power is concerned; but I do propose to hold it to the strict letter of the rule under which it assumes to act. When the rule confines the committee to appropriations "for the improvement of rivers and harbors," I can not consent to vote for a bill filled with appropriations for the improvement of creeks and steamboat landings. A creek is certainly not a river, and a steamboat landing is not a harbor. The committee has been very much mixed in this matter. Webster defines a river to be "a large stream of water flowing in a channel on land toward the ocean, a lake, or another river," and he defines a harbor as "a refuge for ships, a port or haven;" and a haven as "a bay, recess, or inlet of the sea, or the mouth of a river, which affords good anchorage and a safe station for ships."

Tested by these definitions how many of the items in this bill are proper subjects for appropriation of the public moneys? Look at the long list of so-called rivers which have been provided for. Who, outside of the Committee on Rivers and Harbors and the member in whose district the river may lie, ever heard of them before? When a boy at school I was pretty well "up" in my geography and I have not forgotten much that I then learned. I feel quite confident that a large number of the rivers mentioned in this bill were not laid down on the atlas of thirty years ago.

Here is a list I have taken at random from the bill:

The Maurice River, the Choptank River, the Wicomico River, the Mattaponi River, the Guyandotte River, the Buckhannon River, the Edisto River, the Salkehatchie River, the Waccamaw River, the Wateree River, the Altamaha River, the Oconee River, the Caloosahatchie River, the Choctawhatchie River, the Conecuh River, the Withlacoochee River, the Warrior River, the Noxubee River, the Pascagoula River, the Tallahatchee River, the Yallabusha River, the Cane River, the Calcasieu River, the Tangipahoa River, the Tensas River, the Big Hatchee River, the Caney Fork River, the Hiawassee River, the Tradewater River, the Mokelumne River, the Chehalis River, the Cowlitz River, the Skageit River, the Nootsack River, the Snohomish River, the Snoqualmie River, and the Stielquamish River.

Mr. Chairman, I have given thirty-seven names, and each is provided for in the bill with a neat appropriation. The committee has called them all rivers. Whether they are or not I do not know. I never heard of them before, and I do not believe there are ten out of the three

hundred and twenty-five members on this floor who have ever heard of them until now.

It may be interesting to retrace the steps by which these insignificant streams find their way into the river and harbor bills. The action of the committee is founded to a large extent upon the estimates prepared by the engineers, who make a preliminary survey of the proposed improvement. The engineers are set in motion by the Congressman in whose district the stream lies. The Congressman is pushed on by the local Columbus who has discovered the stream and wants to float his logs to a distant saw-mill or get his produce to market.

The committee this year has not abided by the recommendations of the Chief of Engineers. It has traveled outside of the Book of Estimates, and upon its own responsibility reported appropriations to the amount of $628,100 for improvements which have not been recommended by the usual authorities. I have not had time to separate the items which go to make up this $628,100; but I have no hesitation in saying that this bill should be recommitted with instructions to strike out every one of them.

The committee has very carefully avoided the use of the word "creek" in its bill. We look in vain for "Cheesequake Creek," the little rill that brought down such a river of indignation on the river and harbor bill of the last Congress. It has disappeared, but numerous streams of like volume have taken its place bearing the more lofty and dignified title of "rivers."

If we look closer into this bill we find that the committee has taken good care of all the inlets and bayous with which some of the States are studded. "Steele's Bayou" and "Loggy Bayou" and all the other little bayous are well provided for. The marshes are also not forgotten. "Romerly Marsh" is to be improved at an expense of $10,000. The report does not say whether it is to get rid of the mosquitoes or encourage the culture of bullfrogs. We are left in doubt upon this point. All that we know for certain is the tax-payers are to be relieved of $10,000 for the purpose of improving "Romerly Marsh."

Now, Mr. Chairman, let us look at the harbors. I can not undertake to go through the long catalogue of harbors provided for in the bill, and show up, as I might, the great folly of appropriating money for many of them.

I may be permitted, however, by way of illustration, to call attention to a couple of items on page 5 of the bill. They read:

> Improving harbor at Rondout, N. Y.; continuing improvement, $1,000.
> Improving harbor at Saugerties, N. Y., $5,000.

Mr. Chairman, I live but a short distance from Rondout and Saugerties, on the Hudson River, and may be presumed to know something about them. I must confess that I felt some little local pride—but probably not so much as my distinguished colleague who represents the Ulster district—in finding Rondout and Saugerties dignified with the title of "harbors." I never supposed they had come up even to the standard of "landings," as we call them along the river. The only ships you will find there are barges, canal-boats, and mud-scows, which the Committee on Rivers and Harbors has, through ignorance of nautical matters probably, mistaken for ships clipped of their wings.

Rondout is located on a creek of the same name, which empties into the Hudson River. Considerable business is done on the creek in brick, bluestone, and hydraulic cement. The Delaware and Hudson Canal also reaches tide water at this point. During the last year the canal carried 214,738 tons of miscellaneous freight and 1,224,917 tons of coal. The great problem with Rondout was how to get this commerce out of the creek over the shoals and flats on the westerly side of the river into the deep water on the easterly side. Let me see if I can make myself better understood. The channel of the Hudson which is followed by all vessels sailing up and down is on the east side, and the water is ample there for all purposes of navigation. But the river at this point is quite wide and spreads out into shoals on the west side. Before the cement and brick makers and the coal-carriers could get their merchandise into the river proper a channel had to be prepared from the mouth of the creek through the shoals. And this is what they asked the General Government to do; and the General Government set to work to do it several years since, and the project is now about complete. It has cost nearly $100,000. And all for the benefit of the Delaware and Hudson Canal Company, a few manufacturers, and a towboat line.

Mr. Chairman, I myself am interested in the manufacture of cement at this point, and while I feel deeply grateful to the Government for all it has done to cheapen transportation for me, yet I can not vote for this appropriation. Nor would I have voted for any that have preceded it had I been here. I do not believe that Congress has the right to take the money of the many and use it for the benefit of the few.

A short distance above Rondout, on the same side of the Hudson, we find another creek, known as "Esopus Creek." It is quite shallow, and its entrance so obstructed by flats and shoals as to render it impossible for any but local pilots to enter it, and these only with the aid of steam. Jetties have been partly built at the entrance, but have produced no noticeable improvement so far as I have heard.

The village of Saugerties is built upon the northern bank of this creek, about half a mile above its mouth, and has a considerable manufacturing interest. Conscious of what the Government has done for its near neighbor, Rondout, similarly circumstanced in all respects, it now appeals for aid, and the Committee on Rivers and Harbors inserts in its bill an appropriation of $5,000 for "improving harbor at Saugerties."

And it does this of its own motion, without any recommendation from the Chief of Engineers. It does not appear from the report of the Chief of Engineers that any survey has ever been made, nor has the necessity of the improvement been inquired into nor any estimate made of the ultimate cost of the project. The committee must have been thoroughly overcome with the arguments in favor of "Saugerties Harbor" to have overlooked those preliminary matters which are a prerequisite to an appropriation of this character. When we remember Webster's definition of a harbor—that it is a place of "refuge for ships on the sea"—we can afford to laugh, as the good people of Rondout and Saugerties no doubt will when they hear that a committee of Congress has dignified the mouths of the Rondout and Esopus Creeks with the high-sounding title of "harbors."

But, Mr. Chairman, I do not oppose this bill on the sole ground that it carries needless appropriations for diminutive streams and insignificant harbors. There is another feature in the bill which deserves severe rebuke. I refer to the provision which makes an appropriation of $300,000 with which to begin the construction of the Hennepin Canal. I would like to inquire where the committee gets its power to report back this appropriation. Under the rules, as I have before observed, the jurisdiction of the committee is confined to subjects relating to the "improvement of river and harbors." This would give them no power to inaugurate a system of canal-building. And yet they have done it in face of the fact that a bill was already before the House for the same purpose—a bill of which I will come presently to speak.

Mr. Chairman, I have studied this canal question somewhat and thought on it more, and I possess some facts which I desire to bring to the attention of the committee.

From the last census reports it appears that there has been built 4,468 miles of canals, at an estimated cost of $214,041,802. Of these, 1,953 miles are now abandoned, and a large portion of the remaining 2,515 miles are not paying expenses. All the canals in the New England States are abandoned for commercial purposes. The Middlesex Canal was perhaps the most successful up to the time of the construction of the Boston and Lowell Railroad in 1835, and it paid expenses and a dividend of about 6 per cent. for a number of years.

The Oxford and Cumberland Canal in Maine, costing a moderate amount, did a fair business previous to the construction of the Portland and Ogdensburg Railroad.

The Blackstone Canal in Massachusetts and Rhode Island, passing through a rich region of country abounding in manufactories, was built in the best manner, but was never profitable.

The Farmington and Hampshire and Hampden Canals sunk $1,089,425.10.

In New York State three hundred and fifty-six miles of lateral canals, costing $10,235,314, have been abandoned; in Pennsylvania four hundred and seventy-seven miles are abandoned, costing $12,745,780; in Ohio two hundred and five miles, costing $3,000,000, have been abandoned. Indiana, with the aid of her creditors, constructed three hundred and seventy-nine miles of canals in 1851, costing $6,325,262, all of which were abandoned.

As I have before said, 1,953 miles of canals, which cost $44,013,166 to construct, have been abandoned. In some instances railroads have utilized the bed of the canals; in others railroads have been built parallel to them, and stolen their business away.

Of the canals not yet abandoned very few are paying expenses, and some of them contemplate laying down rails and using the locomotive for hauling their freights. This is the case with the Delaware and Hudson Canal, which connects the coal-fields of Pennsylvania with tide water at Rondout on the Hudson River. This canal is the only one in the State of New York which is operated by a private corporation. All the others are owned by the State. The Delaware and Hudson Canal has done a paying business from the time of its opening down to the present day; and yet they are now about to convert it into a railroad, for the simple reason that they can haul their coal cheaper by rail than they can by water. The history of the Illinois and Michigan Canal will furnish a fair illustration of the degeneracy of canals in general and of the mode in particular by which it is proposed to foist all these unprofitable investments upon the General Government. That canal connects Chicago with La Salle, Ill., on the Illinois River, and is about one hundred miles long. It was built in 1848, and at the time of its construction was a favorite route between Chicago and Saint Louis for travelers. I remember passing over it myself in 1852 in a packet-boat.

From the time of its opening down to 1870 it did a very good business, the annual tolls nearly doubling the gross expenses. But in that year the expenses were $108,695 and the tolls only $149,635. The canal was sick and something had to be done. As a remedy the State built a lock at Henry, at a cost of about $400,000. Under this stimulant the canal revived and enjoyed its old-time prosperity down to 1877, when it again languished and became financially *in extremis;* for during that year the expenses ($110,018) far outran the tolls ($96,913). The doctor was again called in and prescribed another lock. The lock was built at Copperas Creek at a further expense of over $400,000 to the

State. The General Government assisted in the building of this lock, but I am unable to give the amount contributed. It was then thought that the canal was all right again. But the doctors were mistaken. They had made a wrong diagnosis, or the medicine was inefficient. The canal grew worse and has been growing worse ever since, as will appear from the table I give of outgo and income for the last few years:

Years.	Gross expenses.	Tolls.
1878	$82,839	$84,330
1879	97,701	89,064
1880	125,601	92,296
1881	108,223	85,130
1882	105,412	85,947

I have not the figures for 1883. In 1882, the State of Illinois, having concluded that the canal could not be made the source of any further profit, hit upon the happy idea of making a present of it, locks, dams, and all, to the United States. The General Assembly passed the necessary law and it was submitted to the people for their ratification. The people were like Barkis, "willing," and now comes my genial friend CULLEN, of Illinois, with his little bill asking us to accept the valuable gift. If we will only take it and spend a few millions in enlarging it we will make money out of it. In addition to enlarging the canal it is proposed to have the Government spend about twenty millions more in improving the navigation of the Illinois River.

Mr. Chairman, you must not suppose that Illinois is the only State that is willing to display its generosity in the matter of giving away canals. I find from a bill introduced here by my colleague of the Saratoga Springs district that the great State of New York, my own State, is willing to have her Erie Canal enlarged and repaired by the General Government to the amount of $1,000,000 a year for the next ten years, or $10,000,000 in all. The offer is not quite as generous as the one made by Illinois, but in substance it amounts to about the same thing, It is an effort to turn off on the United States what is no longer of any profit to the State. Now, I would like to say a few words here about the Erie Canal which I would not dare say at home. The State of New York, like Ephraim, "is wedded to its idols," and the Erie Canal is one of them. It is heresy, and heresy of the vilest kind, for one to breathe a word against the Erie Canal within the confines of the Empire State.

I am willing to admit that the Erie Canal has been a factor, most important factor, in bringing about the commercial supremacy which the city of New York enjoys to-day. But I assert that the day of its usefulness has gone by. Neither enlargement nor abolition of tolls can prevent its inevitable doom. It must go the way of all other canals, and its duration is only a matter of time. At the time of its construction, it will be remembered, there were no railroads in existence. As the West became populated the problem was how to get the breadstuffs and provisions of the Western and Northwestern States to the seaboard for export. The favored route, and I might say almost the only route twenty-five years ago, was by way of the lakes, the Erie Canal, and the Hudson River. This was an all-water route.

In 1858, the period of which I am speaking, the relative tonnage of the Erie Canal and the two great east and west trunk lines was as follows: Erie Canal, 1,496,687 tons; New York Central, 925,604 tons; Erie Railroad, 816,964 tons.

The railroads at once entered upon an active competition for carrying the products of the West. The result is shown in the following figures, taken for the year 1883: Erie Canal, 3,587,102 tons; New York Central, 10,892,440 tons, and Erie Railroad, 13,610,623 tons. In corroboration of these figures it appears from the last annual report of Mr. Nimmo, Chief of the Bureau of Statistics, that during the year 1882 about 80.2 per cent. of the total receipts of grain at Atlantic seaports was by rail, and only 19.8 per cent. by lake, canal, and Hudson River.

Having now considered the vast gains made by the railways over the water ways in matter of freights let us take a glance at the cost of transportation, for that in fact is the most important question both to the farmer and the country. Our large export trade in breadstuffs has been owing to our internal lines of transportation. Other countries, like Russia, Australia, and India, have lands as suitable for the growth of wheat as we have, but they have not been utilized for want of communication with the seaboard. Now that they are building railroads to the interior we find their grain coming into active competition with ours in the markets of the world. The cheapness with which the Western farmer can lay his products at the seaboard is a question which concerns not only him but the whole country, for upon it will depend the volume of our foreign commerce. Under the favorable conditions of the last fifteen years our foreign commerce has much more than doubled. The total value of the exports of merchandise from the United States increased from $281,952,899 during the year ended June 30, 1868, to $823,839,402 during the year ended June 30, 1883; and the value of the imports of merchandise into the United States increased during the same period from $357,436,440 to $723,180,914.

But I am straying from the point I wished to make. I want to show the difference between water charges and rail charges. Upon this point Mr. Nimmo has prepared a table, which I shall ask leave to print, showing the average freight charges for the last fifteen years of carrying a bushel of wheat from Chicago to New York by each of the three routes, to wit, by lake and canal, by lake and rail, and by all rail.

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1868 *to November* 1, 1883, *inclusive.*

Calendar years.	Average rate per bushel.		
	By lake and canal.*	By lake and rail.	By all rail.
	Cents.	*Cents.*	*Cents.*
1868	25.3	29.0	42.6
1869	24.1	25.0	35.1
1870	17.5	22.0	33.3
1871	21.6	25.0	31.0
1872	26.6	28.0	33.5
1873	19.2	26.9	33.2
1874	14.2	16.9	28.7
1875	11.4	14.6	24.1
1876	9.7	11.8	16.5
1877	7.5	15.8	20.3
1878	10.1	11.4	17.7
1879	13.0	13.3	17.3
1880	13.2	15.7	19.7
1881	8.6	10.4	14.4
1882	8.7	10.9	14.6
1883, January 1 to November 1	9.16	12.0	16.1

* Including Buffalo transfer charges and tolls.

From this table it appears that the water route has reduced its charges from 25 cents and a fraction per bushel in 1868 to 8 cents and a fraction in 1882; and during the same period the rail route has come down from 42 cents and a fraction to 14 cents and a fraction. The rate of reduction is about one-third in both routes.

It is commonly contended that the water ways act as a check upon the charges made by the railways, but is this true? Why is it that the reduction of charges in the water ways has kept even pace with that in the railways? What is it that has forced the lake and canal charges down from 25 cents a bushel to 8 cents a bushel? Is it not the result of the sharp competition carried on by the railways? It is, Mr. Chairman, a battle between the railways and the water ways for supremacy, and the facts and figures I have quoted show that the railways will win in the end under the conditions of which I now desire to speak.

I undertake to say that when railroads are honestly built and economically operated they will be able to carry cheaper than the rivers or the canals. It is well known that most of our railroads are built through the intervention of what is called "construction companies;" and it is equally well known that the favored few who compose these companies amass large fortunes. This is one way in which the nominal cost of construction far exceeds the actual cost. It must be remembered that the capital stock is issued to the extent of the nominal cost. Another way of enlarging the capital stock is by consolidation with some other road, whereby the new road is capitalized at a sum far in excess of its actual value. And then we must remember that all railroads are built in the most extravagant manner and the cost is largely increased by the high duty which has prevailed upon rails. When we come to build our railroads the same as we would our private carriage roads and get a dollar of material and work for every dollar expended, then we will have solved the great question of "freight rates" which so agitates the people.

I think I can illustrate my argument by reference to a proposition which has been made in relation to the Erie Canal. It has been estimated that a four-track railroad, equal in all respects to the New York Central, could be built on the bed of that canal for $15,000,000.

The New York Central is capitalized at $144,114,776, and the Erie at $160,552,538. Now it requires no argument to show that a road which cost $15,000,000 can carry freights much cheaper than one which cost $160,000,000. The one expects to earn dividends on $15,000,000, and the other on $160,000,000.

Instead, therefore, of turning the Erie Canal off on the General Government, as my distinguished colleague proposes in his little bill, I think the State of New York had better put it up at auction to the highest bidder, subject to such restrictions as to freight charges as the public interests may require.

I take great pleasure, Mr. Chairman, in finding the views I have long entertained upon this subject approved by Silas Seymour, recently State engineer of the State of New York. In his report for the fiscal year ending September 30, 1883, he gives a table, an analysis of which shows the following results:

1. That the average tonnage during the period of twenty-one years from 1862 to 1882, inclusive, was 5,600,682, or only 174,948 less than the tonnage of 1883.
2. That during seven consecutive years from 1868 to 1874, inclusive, the average tonnage was 6,255,100, or 479,470 tons more than in 1883.
3. That during the single year of 1872 the tonnage was 6,673,370, or 897,740 tons more than in 1883.
4. That the yearly tonnage has not been materially affected during the past

twenty-two years, either by the rates of toll imposed or the amount annually collected, or even by the entire abatement of tolls, as in 1882.

He sums up by saying:

From the above showing the conclusion seems to be inevitable that the experiment of endeavoring to materially increase the tonnage of the canals by the abolition of tolls has thus far proved to be an entire failure.

In his report Mr. Seymour submits some further facts upon this question which are worthy of wide circulation. They are entitled to great weight, because he has always been a strong advocate of the canals and is now reluctantly compelled by the great logic of events to change his opinions.

I shall ask the indulgence of the committee while I quote quite largely. He says:

In my last annual report on the canals of the State it was shown that at the date of their first inception there were no railroads in existence in the country; and that even as late as 1835, when the first decisive steps were taken toward the enlargement of the Erie Canal, there were only one hundred miles of completed railroad in the State; and that there was no immediate prospect of the completion of any through lines between tide water and the lakes that would be liable to compete successfully with the State canals.

It was also shown that the enlargement was undertaken and completed upon the theory, as demonstrated by the best engineering experts in the country, that the canals were and always would be far cheaper and more reliable than railroads for purposes of inland transportation.

The following extract from my last annual report on canals will show the rapid increase of railroad mileage in the State up to and since the completion of the enlargement, and also some of the other causes and influences which have had a tendency to limit the tonnage of the canals, and thus disappoint to a great extent the expectations of the people of the State as to their ability to compete successfully with other routes and means of transit for the great bulk of the carrying trade between tide water and the Western lakes:

"In 1862, the date of the completion of the enlargement, there were 2,710 miles of completed railroad in the State, and there were two through lines, the New York Central and the New York and Erie, that had become direct and powerful competitors of the Erie Canal for the traffic between the Western lakes and tide water.

"Through lines had also been constructed in other States which offered an active competition for the same traffic to the canal and railroad lines through the State of New York.

"In 1882 we find that there are not less than 6,600 miles of completed railroad in the State, and that the two great trunk lines above referred to have added largely to their carrying capacity, the Erie by doubling its track, and the Central by quadrupling its track, thus practically increasing its tonnage capacity to a maximum, and reducing its cost of transportation to a minimum.

"Lines have also been straightened, grades reduced, wooden bridges replaced by iron, heavy T rails substituted for straps, and finally steel rails substituted for iron, thus rendering the roadway proper as perfect as possible; while at the same time locomotive engines have been more than quadrupled in power and rolling-stock has been supplied with all modern improvements; all of which has had the effect to reduce the cost of transportation on comparatively level railroads to a minimum not exceeding a half cent per ton per mile.

"Many other lines of railway have also been constructed between the Western lakes and Mississippi Valley and the Atlantic seaboard, and all of these great trunk lines have absorbed and consolidated with lateral lines and lines extending farther westward to such an extent that their influence is felt and their power acknowledged to the most remote bounds of improvement and civilization.

"Improvements in the navigation of the Mississippi River and the enlargement of the canals through Canada have also rendered these great and comparatively natural water routes most formidable competitors for this great and constantly increasing through traffic.

"It should also be considered that the canals can be navigated only about seven months in the year; that the time of their opening and closing is always very uncertain; that their navigation is constantly subjected to detentions occasioned by the want of an adequate supply of water, together with breakages and other unavoidable accidents; and that the time required for boats to pass between the lakes and tide water is about five times that required upon the railroads.

"While on the other hand freight may be shipped by railroad every day in the year and delivered at its destination with the utmost regularity and at prices generally but very little if any greater and in many cases much less than those charged upon the canals."

In view, therefore, of the foregoing facts and considerations, it becomes a question of the greatest importance to the tax-payers throughout the State as to what is to be the ultimate destiny of the canals.

It has become clearly demonstrated that they can not compete successfully with railroads as a means of transport; and it is quite evident that their tonnage is more largely dependent upon the law of supply and demand than it is upon the question as to whether or not it is subjected to the payment of tolls.

It is claimed by many that it is of the most vital interest to the tax-paying people of the entire State that the canals should be maintained at any cost and under any and all circumstances, for the purpose of regulating the charges for transport on competing lines of railway, and thus preventing the diversion of a large amount of through tonnage and traffic from our great commercial emporium.

As bearing directly upon this view of the question I take the liberty of making the following quotation from my last annual report on the railroads of the State:

"Another important factor in the success of railroads, and one which has, perhaps, contributed more largely than any other to the diversion of business from our State canals, is the tendency which has been manifested in later years by the leading railroad interests of the country to either absorb or consolidate with connecting lines to such an extent as to control the business at points far beyond the reach of any influence which the State could bring to bear in favor of its diversion to the canals.

"It may also be remarked that this excessive desire on the part of leading railroad interests for absorption, consolidation, and extension has probably done more than anything else during the past few years toward increasing railway mileage throughout the country, and at the same time developing the resources of remote districts that would otherwise have remained comparatively isolated from railroad influences. All of which may be attributed to a determination on the part of the managers of each of the great through trunk lines to extend their power and influence beyond the reach of the others, and thus secure the lion's share of the through business.

"The construction of the Union and Central Pacific Railroads was due largely to these considerations; and the rapid construction of several other Pacific roads which are now in progress through the United States and Canada would probably have never been undertaken but for the powerful rival railroad interests that either underlie or stand ready to furnish the means necessary to complete them. And it would appear that no less an obstacle than the broad Pacific itself would be able to prevent these rival combinations from extending their influence and control at least so far around the globe as to enable them to reach the opposite shores of the Atlantic Ocean.

"Whatever may be the ultimate result of this state of things to the parties most interested, who furnish the enormous amount of capital required to carry forward these great rival enterprises, there can be no doubt that it is exceedingly beneficial to the country at large, and particularly so to the great commercial metropolis of our own State.

"Every new route that is opened and every additional mile of railroad that is constructed aid materially in developing the wealth and resources of the country through which they pass. And while the city of New York continues to be the great focal point toward which, as compared with other Atlantic cities by far the greater number of these trunk lines converge, her prosperity will increase and her commercial supremacy be assured for all time.

"It is claimed by many, and it was so represented during the last election, when the question of the 'free canal amendment' to the constitution was pending before the people of the State, that the commercial prosperity of the city of New York depended very largely, if not entirely, upon the volume of tonnage transported over the Erie Canal during the season of navigation.

"While admitting the great benefits that have resulted, and will continue to result, both to the city and the State at large from her unrivaled system of canals, and without questioning the soundness of the policy recently adopted by the Legislature and the people in making them free from tolls and supporting them by direct taxation, it is difficult to comprehend why both the city and the State are not benefited to a far greater extent by the trunk lines of railway whose termini are at the harbor of New York, and the most of which pass through the State, while their western limits, branches, and controlling influences extend through all portions of the great valleys of the Mississippi and the Western lakes, and thence even across the Rocky Mountains to the Pacific Ocean.

"The total tonnage over the Erie canal during the year ending September 30, 1882, was only 3,694,364 tons, while that over the New York Central and Hudson River Railroad was 11,330,393 tons, and that over the New York, Lake Erie, and Western Railway was 11,895,238 tons.

"Therefore, without taking into account the 'Pennsylvania Railroad,' which has been in operation to Jersey City for several years; also the 'New York, Lackawanna and Western' which has just been completed as a through line, together with the 'New York, West Shore and Buffalo,' which will soon be completed, all of which terminate virtually in the city of New York, there seems to be no just ground for fears with reference to the future of our great commercial metropolis."

If the foregoing views are well founded, there would appear to be no valid reason or excuse for taxing, indiscriminately, the people of the entire State for questionable benefits that are enjoyed by only a small fraction of the tax-paying population, while the greater benefits, if any, are secured by the large mass of Western producers and Eastern jobbers.

It would therefore seem to be a wise policy for the people of the State at the earliest day practicable to so further amend the constitution as to enable the Legislature, at its discretion, either to reimpose tolls to a sufficient extent to keep the canals in repair, or to lease them upon the best terms attainable to responsible parties who will agree to operate and keep them in repair, or to sell them outright, together with all the State property connected with them, to the highest bidder.

The last-named alternative would, in the light of past experience, appear to be the wisest of the three, for the reason that Pennsylvania, Ohio, and other States have found it for their interest to dispose of their canals, and thus reimburse their treasuries to some extent for the capital invested in them; and there can be no doubt that the canals of this State can readily be sold for a sufficient amount to liquidate the entire canal debt of the State, and thus relieve the people from the burden of any further taxation on that account.

In any event, it may be safely assumed that canals, as a successful and necessary means of transport, have outlived their usefulness; and also that as between railroads and canals, when considered with reference to their relative merits, as affording a means for rapid and economical transport, it must be regarded as a foregone and inevitabe conclusion that the canals must go.

In view of this vast array of facts, is it not folly—ay, madness—to think of building more canals? Their day, like that of the stage-coach, is gone. They have done good service in the past, no doubt, but their usefulness has departed. In less than twenty years there will not be a canal in operation in this country. They are doomed.

Mr. Chairman, the $300,000 appropriation which this bill carries for beginning the Hennepin Canal is but the entering-wedge, and before we drive it home by our votes we had better take a full, square view of the whole subject.

In the first place let us take an inventory of the canals already built and operated by the Government.

The Des Moines Rapids Canal was opened in 1877, and since that time there has been expended in operating it the sum of $277,262.96. The original cost is given me by the Chief of Engineers at $4,372,824.27. The Louisville and Portland Canal has cost the Government $2,611,022, and the expenses of operating it last year amounted to $61,333.14. The amount required to operate and maintain it for the current year is estimated by the Chief of Engineers at $77,740, and for next year $128,540. The Muscle Shoals Canal, on the Tennessee River, has cost $2,321,850.

The canal around the Cascades of Columbia River, Oregon, has had expended upon it up to June 30, 1883, $725,715.93. It is estimated that $1,655,397.31 will be required to complete the project, and $500,000 are asked for the next year to continue the improvement.

The Saint Clair Flats Ship-Canal, Michigan, has thus far cost for construction $606,885.09, and the expense of operating it last year was $5,668.87.

The Saint Mary's Falls Canal, Michigan, has cost $2,330,945.34; expenses of operating it last year were $35,509.70, and the sum required to operate it next year is estimated at $35,000.

Now, Mr. Chairman, if we tabulate these figures, we find that the Government has thus far invested about $13,000,000 in these canals, and is committed to a policy of completing them at a cost of several millions more and to an annual outlay of hundreds upon hundreds of thousands of dollars for maintaining and operating them. We had better pause and consider before we take upon our hands any more of this unproductive property.

And now is the time to stop. A redundant Treasury attracts all kinds of schemers and jobbers, and if we examine our files we will find the canal-builders already around casting their eyes wistfully upon that surplus for whose reduction the genial member from Colorado has contended so vigorously.

Among the bills for the construction of new canals you will find one introduced by my distinguished friend Mr. HOBLITZELL, of Maryland, to provide for the construction of the Maryland and Delaware Free Ship-Canal, as a means of military and naval defense and for commercial purposes. The building of this canal is intended to connect the waters of the Chesapeake and Delaware Bays. The bill appropriates $1,000,000. This, of course, is not the full cost. It is simply to start with—the entering-wedge. The entire cost will depend upon the route which may be selected. The engineers have surveyed and reported upon three different routes. The Back Creek route is estimated to cost $7,605,471.39; the Sassafras route will cost $11,409,909.81; and the Choptank route, $18,184,766.39. The expense of building is not the only thing we must take into consideration. When built the canal must be maintained and operated, and it is estimated that the annual outlay for this purpose will be—for the Sassafras route, $111,080; Back Creek, $123,580; and the Choptank, $114,950.

Then there is the bill introduced by Mr. MURPHY, of Iowa, to provide for the construction of the Michigan and Mississippi River Canal. This is what is commonly known as the "Hennepin Canal," and is identical with the one mentioned in the pending bill. The location and merits of the canal are described in the report of the committee as follows:

> This bill provides for the construction of a canal seventy-five miles in length, by the General Government, from the Illinois River, at or near Hennepin, to the Mississippi River, at Rock Island, in the State of Illinois, with a feeder or branch canal thirty-seven miles in length from Dixon, on Rock River, to the summit level of said canal; and your committee, after a most careful consideration of the subject, are of the opinion that such a canal should be constructed; for the construction of this contemplated canal from the Mississippi River to the great lakes would give a free water way from Saint Paul to the Atlantic seaboard at New York city, and would lessen transportation charges much more than sufficient to justify the expenditure thereby involved.

In this case also there were three several routes surveyed by the engineers. Mr. MURPHY'S bill declares in favor of what is known as the Rock Island route, and appropriates $1,000,000 to start on. The ultimate cost is one of those things which can not be foretold with precision. The engineers estimate it at $6,672,890.67, and they put down the annual cost of maintenance and ordinary repairs at $94,820.

This Hennepin Canal project was defeated in the last Congress. The Republicans could not swallow it. I know the Democrats will not. It is not likely that the bill will reach consideration, but the whole project can be consigned to the tomb of the Capulets by striking out the $300,000 appropriation when we come to read the pending bill by sections.

Mr. Chairman, a review of this bill would be quite imperfect without some allusion to the Mississippi River. We have already at this session appropriated $1,000,000 for that river, and now we are asked to give $2,400,000 more. The estimates of the engineers call for $7,741,000, and the committee felicitates itself upon having cut them down to $2,400,000. But would not the committee have conferred more honor upon itself had it gone deeper into this question and inquired whether any appropriation whatever was needed? This is a very grave question, Mr. Chairman; one that can not be fairly discussed in the present temperament of the people of the Mississippi Valley, but one which we will have to face ere long. It is believed by many, and among them some of the best engineers in the country, that the millions upon millions we have spent on that river have been absolutely wasted.

Whenever the improvement of the Mississippi River is spoken of I am reminded of a stream which flows through the farm upon which I live. Ordinarily it is a gentle, well-behaved brook, but there are times when, overtaken by freshets and fed by mountain torrents, it swells into a tumultuous river, leaving its bed and depositing stones and gravel in large quantities upon the adjacent meadows, and carrying destruction to fields and crops. For twenty years I have fought this stream to keep it to its place. I have walled the banks with stones; I have cribbed them; I have riprapped; I have tried everything that engineering skill could suggest, and yet that brook, when swollen by unusual rains, would break through the barriers as through rushes. After twenty years of fruitless struggle, in which I have spent hundreds, possibly thousands, of dollars I have wisely concluded to let that stream have its own way. And this is what you have got to do with the Mississippi. You can not control it, and all the money you appropriate might as well be "in the deep bosom of the ocean buried." And, Mr. Chairman, I fail to find any good reason why we should try to control it. I am of opinion that its importance as a highway of commerce is vastly overrated.

I am confirmed in this opinion by an unpublished letter of Mr. Nimmo, the Chief of the Bureau of Statistics. He says:

> The relative tonnage of merchandise moved east across the Mississippi River over railroad bridges, and of merchandise moved south, reaching Saint Louis by river, during the year 1878, was as follows: Moved east by rail, 3,554,838 tons; moved south by river, 174,065 tons. It appears, therefore, that the tonnage moved east by rail was more than twenty times the tonnage moved south by river. Even at Saint Louis the total tonnage to and from the East by rail during the year 1882 amounted to 4,141,835 tons, as against 914,505 tons moved to and from the South by river. In point of value the traffic of the railroads was proportionally much greater.

He furthermore says:

> Upon the basis of value of traffic, the Louisville and Nashville Railroad is to-day a much more important highway of commerce than the Mississippi River between Saint Louis and the Gulf.

I fear, Mr. Chairman, that the Mississippi River is fated like the canals. In the future, sooner or later, railroads will parallel it in their course to the Gulf and steal away the commerce which has floated on its muddy waters. In conclusion, let me say that this bill, like all its predecessors, has apparently been cunningly constructed by the Committee on Rivers and Harbors with a view to catch votes. Every State, I believe, from the Atlantic to the Pacific and from the lakes to the Gulf, is to have a slice of this thirteen-million cut on the Treasury. The bait is very tempting, and it requires some little courage to decline it. But we ought to remember, and I trust that the Democratic side of this House will remember, that many of us owe our seats here to-day to the great popular indignation which followed the passage of a bill similar in all respects except amount to the pending one by the Forty-seventh Congress. That bill was so shamefully bad that even a Republican President had to veto it. It was passed, however, over the veto, as many Republicans and a few Democrats now remember to their sorrow.

Mr. Chairman, I do not want to put myself on record as against all appropriations for the improvement of rivers and harbors. There are some rivers, no doubt, and many harbors justly entitled to national recognition, and I would cheerfully vote for liberal appropriations to improve them; but I can not give my assent to a bill like the one under consideration, which squanders the people's money in needless extravagance upon steamboat landings called "harbors" and upon diminutive streams called "rivers" and in redeeming marshes and building canals and reservoirs. We have had enough of this business in the past, and it is time that a Democratic Congress should put an end to it.

The Tariff.

Labor should be protected and the highest price paid therefor.

Diversified industries promote good wages and make a people free and independent.

SPEECH

OF

HON. WILLIAM H. CALKINS,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 6, 1884,

On the bill (H. R. 5893) to reduce import duties.

Mr. CALKINS said:

Mr. CHAIRMAN: The honorable chairman of the Ways and Means Committee launched his tariff speech on the sea of public opinion with this motto flying at the mast-head:

> Of all the false pretenses with which protection mocks its victims, the assumption that labor is helped or protected by taxing its earnings is the flimsiest.

The misfortune between the text and the logic of his speech is that the latter is an entire departure from the sentiment contained in the former. In his speech it is attempted to be maintained that a protective tariff is a tax upon the labor of this country without corresponding benefits. If this be true, all persons having the interest of the laboring classes at heart should readily assent to the doctrine of free trade, because capital will always take care of itself; but labor must be fostered in order to give it equality with capital.

If labor, therefore, will be benefited by admitting duty-free the manufactured products of foreign countries, we ought not to hesitate to adopt it. If you threaten capital it withdraws itself from the line of attack and seeks safer channels of investment. The capitalist can live and enjoy life without being compelled to toil. The laborer who has nothing to sell but his day's work must have a market, else he will perish; these truths are self-evident, and it follows as a necessary sequence that if laws are so framed that capital is driven out of great manufacturing enterprises and compelled to seek other and safer investments, the market for labor is reduced in exact ratio to the number of manufactories closed and the labor which was employed to carry on that business.

If legislation should compel all the manufacturing establishments in this country to suspend operations and close their workshops, 3,000,000 of laborers would be compelled to seek other employment in order to maintain themselves and support their families. Not only would the laborers themselves be thrown out of employment, but the families dependent upon them for daily bread would be the recipients of the suffer-

ing which would result from such a state of things. It devolves upon the advocates of free trade to show conclusively that the adoption of their theories would not affect the manufacturing interests of the country; or, if it did, what avenues of escape from suffering and starvation the wage classes would have.

Under the present system we know the condition of things. We know that the country is prosperous and happy, and the laborer is receiving the largest remuneration for his work that is paid in the world. Before entering upon an entire change of this system there should be no mistake that the wage classes would not be injured. The advocates of this change are assuming a fearful responsibility unless they can show to a moral certainty that the laborers would be benefited and not injured by the proposed change. No one disputes that sudden commercial panics first strike the laboring classes. They are the first to receive notice of dismissal and the last to obtain the benefit of good times. Any policy, therefore, which threatens a change should be carefully investigated and the benefits proposed thereby indisputably proven in order to prevent calamities so great as the destruction of the labor system of this country.

There are three divisions of opinion on the subject of the tariff. One is absolute free trade, and is based upon a sentiment well expressed in a plausible sentence often repeated by the free-traders, namely: "Buy where you can buy cheapest; sell where you can get most." As an expression of sentiment this is certainly captivating, but as a practical question it is a snare and a delusion. To illustrate it: Labor is a commodity in the market. The largest class of our citizens have nothing to sell save their day's work. If you apply this to labor (as you must if a free-trader) it would be entirely proper for every manufacturing concern in this country to employ the Chinese coolies to perform the manual labor necessary in running their establishments, because this labor can be bought cheaper than the labor of our own citizens. A Chinese laborer will perform at least three-fourths as much work in a day as one of our laboring men, and he will work for one-third as much. His cheap diet, consisting of "rice and rats," costs him a small sum, and enables him to subsist in seeming satisfaction upon brutal and coarse diet, which should bring the blush of shame to the face of any man who would desire to see our wage classes brought into competition with him. But if you adopt the free-traders' theory you must open the doors of this country to that labor.

To carry out this theory it must not be confined to the manufacturing establishments by any means. The laundry, the barber-shop, the hotel waiters, the culinary department, and the messengers' places would all be rapidly filled by this class of cheap labor, to the exclusion of our own citizens. Any person familiar with the Pacific coast and the importation of these laborers there will readily and willingly testify to the practical results of their presence. In the next place, this would not only operate against the labor of our country but it would be a direct benefit to the capitalists and manufacturers. By employing this labor he would make enormous profits and successfully defy competition with the world. This I agree would produce cheap fabrics and cheap food, and would be a practical realization of the Utopian idea that free trade brings cheap living. But mark the result: having deprived our laboring classes of the opportunity to labor, how would it benefit him to have cheap food and cheap clothing if he had no money to purchase either? If he could buy a year's provision for a dollar and a year's clothing for $2 how would he be benefited if he did not have $3 to purchase them with?

By this cheapening process you deprive him of the means of earning the $3. He could better afford to pay a thousand dollars for his necessities if you give him the power to earn $1,500 by a wise system of protection. It may be summed up in one sentence: if you cheapen living in this way you have "promised bread and given a stone." As was aptly said not long ago, the reasons seem to be in favor of free trade, but the practical experience is all against it. This becomes apparent by comparison. If our laborers were in the same brutalized condition that the Chinese coolies are, and were willing to subsist and live as they do, there would then be no need to protect them against the invasion of that sort of labor. The Chinese would not come, and if they did come competition would soon starve them out. I have used this one instance by way of illustration; and it holds good in all others.

The second theory advanced is that of incidental protection to manufacturing interests, for the purpose of benefiting the wage classes. That means simply the laying of duties upon competitive articles of manufacture in cases where this country and other countries manufacture similar goods, so that foreign goods may be laid down in the markets of this country in direct competition with what we produce. So long as we remain one of the family of nations and there remains a higher scale of wages in favor of our laborers we must either close the gap between the price we pay and the price paid in other countries by legislation or reduce the price that we pay for labor to the common level paid by other countries. It is true that the free-trader immediately replies that incidental protection is incidental robbery. I do not, however, agree that incidental protection to competitive articles in favor of home manufacture robs anybody. The theory of economics upon which I stand comes up to this standard, namely: that of protecting the wages paid in this country and keeping them up to their highest standard, incidentally discriminating by legislation in favor of American manufacturers.

The reason for this is based upon actual experience. Raw materials for the manufacture of almost every species of articles can be had and produced in this country as cheaply as in any other. This being so, the only gap which exists in the cost of the manufactured article between this and other countries is in the price paid for labor. The machinery used is the product of labor. If it be true, then, that free trade will lessen the price of the imported article, and that our manufacturers can not compete with foreign manufacturers because foreign labor is cheaper than ours, and that transportation does not increase the price of the foreign product to a degree equal to the cost of it in this country by reason of the scale of wages we pay, it follows as certain as night follows day that our manufacturing interests must succumb to foreign competition unless we discriminate by our tariff legislation in their favor. By thus discriminating it affords an unequaled opportunity for labor, diversifies our industries, and makes this country self-sustaining and able to compete with all the combined nations of the earth.

If we destroy these industries, we become dependent upon foreign markets and create foreign monopolies the most odious in the world.

Allow me for a moment to depart from this line of thought, or connect with it the American idea of social and political economy. The supreme thought upon which the destiny of this nation rests is that education and labor for all time to come must go hand and hand together. Wherever a settlement was made of the early colonies the educational institution was planted coexistent therewith. All of the early settlers were laborers; they brought no aggregate wealth with them, but came with their bare hands and brave hearts to subdue a wilderness and people a continent.

Education generally diffused among the people is necessary for the maintenance of free institutions. It is true that in the Southern States of this country the institution of slavery choked and obliterated a sentiment which in the early times was universal among all the Colonies. In the free States of the North it was nurtured and cultivated, so that now the free school and school-house reach every neighborhood and place the means of education within the reach of all the people. In the older States of the North a permanent school fund, with a munificent income, has been accumulated and invested for the support of the public schools.

In some of the Western States this fund is stupendous and colossal, and in passing through them one is continually surprised by the numberless school-houses that adorn the hills and the valleys, where the mind of the youth of the country is taught the useful branches of literature at the public expense. President Garfield truly said that our "sovereign was the people, and that it was necessary that the sovereign should be intelligent." In order to afford an opportunity for the acquirement of sufficient knowledge, the facilities for public education should be broadened and strengthened. I allude to this for the purpose of illustrating the American idea that labor is noble, and that to lessen the arduous task of toil and make the rulers intelligent and fit to govern they should be educated, and that to foster and encourage and protect the men and women who labor and toil should be one of the first duties of those whom the people delegate to act for them.

The common voice may well ask of its public servant, "What have you done to lessen and alleviate the toiling millions of the Republic; what have you done to ennoble labor and place within the easy grasp of all the means to obtain a living?" The crazy enthusiast of free trade will hardly find that his sovereign will answer, "Well done, thou good and faithful servant!" when he is compelled to admit that he has debased them to the common standard of pauper nations and turned 3,000,000 of operatives and their families out of doors without means of support or opportunity to procure work.

The third theory advanced is that of absolute protection to those competitive articles manufactured at home; that is to say, it is claimed the tariff should be so adjusted and the duties on these articles should be laid so high that it would prevent the foreign manufacturer from bringing any of his manufactured articles into our markets for sale. The theory advanced is that it would encourage the home capitalist to invest his money in every sort of manufacturing enterprise, because of the gains and profits he would realize from such investment, and the certainty of the exclusion of foreign competition, and in this way would more certainly divide the people into two great classes, namely: that of consumers and producers; that in turn competition would regulate prices according to the law of supply and demand, bring them down to a level with the cheapest produced articles of similar character of other nations, keep the prices of the wage class up, make a home market for every bushel of grain produced, and utilize all the raw and other material used in the manufacture of goods. In other words, it would operate as a self-adjusting appliance between the producers and consumers, so that enough would be produced on the one hand to supply operatives in the manufacturing districts, and just a sufficient number of operatives would remain engaged in that work to consume the products of the farm and field; the home market would be maintained and manufactured articles sold at corresponding prices. The only difficulty that I see with this theory is that it would strongly tend to overproduction and to stagnation in business, and would shut us out largely from the

markets of the world and allow others to reap the gains and benefits of foreign markets, while we might, under a tariff law with incidental protection, at least divide with other nations.

Be this as it may, I should much prefer the most stringent protective laws than to see the theory of free trade prevail in this country. As between the two extremes, I believe that the high protective tariff would be much more advantageous to the people.

A most untenable position, it seems to me, has recently been taken by distinguished citizens and statesmen in this country which I must not allow to pass unnoticed. A comparison was recently made between foreign nations and the different States of the Union so far as intercommercial relations exist. It was claimed, I believe, that the free, untrammeled trade between the States of the Union was an argument in favor of the theory that like effect would be produced were the laws similar between foreign nations. This is a fallacious argument for one reason if for no other. The inhabitants of the different States of this Union are, for all practical purposes, upon the same plane; all are governed by similar laws. Free institutions, freedom of thought, and free education exist in all the States of the Union, and all have a common purpose and a common destiny.

Can it be said that the laboring classes of England, Ireland, Germany, Russia, Italy, and Spain are upon the same level, and the equals of the laboring classes of this country? Can it be said that the aims and destinies of the people of those countries and this are precisely the same? Can it be said that the same social relations exist, or that the interests of the laboring classes in Europe are protected equally with the interests of the laboring classes of this country? If for no other reason, manhood suffrage and equality before the law raise one above the other. Illustrations can be used as arguments only when precisely similar relations or conditions exist; and where they are resorted to as arguments a supposable case must be put, for if the case is not a supposable one, the deduction sought to be drawn is a fallacy.

Some of the free-trade theorists assume in argument that because there is a tax of 60 per cent. on a given article, therefore the consumer pays the full value of the article with the tax added. The argument is wrong because the premise is wrong. There is no tax upon anything produced in this country except whisky and tobacco. These are the only articles produced in this country upon which the consumer pays a direct tax, but it is argued that because the foreign product is taxed that therefore the manufacturer in this country adds a sum equal to the tax to the value of the article which he produces and collects it from the consumer. This theory is not borne out by the facts.

It is true that if an American citizen desires to purchase a foreign article which is taxed 60 per cent. he must pay the value of the article with the tax added; but not so with the home-manufactured article. To illustrate it, before we produced plate-glass in this country it cost the American consumer one-third more than the same sort of plate-glass now costs him, although there is a tax upon it on an average of 45 per cent. This is true with reference to the textile fabrics. The price of ordinary clothing in this country is quite as cheap to-day as it was under the famous Robert J. Walker free-trade law of 1842.

Any intelligent man may verify this statement by an examination of the schedule prices of that day and this. The difference in value is chiefly with the finer qualities of cloth. The idea that a man pays $6 tax when he buys $10 worth of clothing is so fallacious that it needs no refutation.

One word on the subject of raw material. In discussing this question I shall not refer to the ores in the mountains, the coal in the earth, or the timber in the tree, but to that class of articles commonly denominated raw material, which require some labor to produce. As a familiar illustration I will take wool. Much has been said about the protection of the wool interests of this country, and a few facts plainly stated, it seems to me, disposes of the entire question. There are three principal grades of wool. The coarse, the intermediary, and the superfine. I assert as a fact that this country produces all of the three classes.

In Australia and the South American countries flocks of sheep can be raised and cared for at little expense. Their wool-clip is in direct competition with ours. The sheep in those countries are pastured and kept upon land that is comparatively valueless. The cost of transportation of that wool here is a mere bagatelle. Now, the question resolves itself into this: shall our farmers abolish all sheep from their farms and depend entirely upon the foreign market for wool, or shall we protect the American farm and thus save the flocks to American husbandry? Any American farmer will tell you that he can not afford to keep a flock of sheep through a cold winter in the States of Ohio, Pennsylvania, Kansas, Indiana, Michigan, Illinois, and Nebraska and feed them grain and pasture them upon land worth on an average $40 an acre in competition with the flocks of sheep in a climate with comparatively no winter and upon land worth 1 cent an acre. For my part, I shall never hesitate to afford protection to the flock-masters and farmers of this country when called upon to do so. I do not care to see the flocks of sheep disappear and become eliminated from the industries of the farms of the great West.

Wool, viewed as a raw material, is comparatively inexpensive. Take for example the number of pounds ordinarily woven into a coat. In its raw state it is inexpensive, but when prepared for wear its cost has been doubled and quadrupled several times.

Let me follow it through the various courses of handiwork before it reaches the back of the wearer. The fleece of wool is sheared, washed, picked, carded, spun, prepared for the loom, woven, finished, transferred to the shelves of the merchant, cut, sewed, and fashioned to the limbs of the wearer, and when completed represents more than 95 per cent. of labor. In America this labor is paid for at the highest price paid anywhere in the world for like services, and the free-trader seems to be vexed beyond endurance because his handsome form may not be attired in this piece of furniture at the starvation wages paid to European workmen. My sympathy is all for the American laborer, for I believe that one who will not first provide "for his own household is worse than an infidel."

The distinguished chairman of the Ways and Means Committee of this House asserts that the revenues may be reduced $50,000,000, and that it becomes the duty of this Congress to take this burden from the shoulders of the people. If there be a surplus of $50,000,000, I fully agree with the distinguished chairman that it becomes our duty to reduce taxation. I do not agree that his horizontal bill will accomplish that purpose.

In many instances, if the bill shall be passed as presented, an increase of revenue will take place. In so far as it reduces the manufacturing establishments of this country an influx of foreign products to meet the demand will increase the revenues to a degree in excess of the proposed reduction all along the line. He will not accomplish by his proposed horizontal plan a reduction of revenue. His plan simply means a reduction all along the line until he gets to that point, through a series of years, where free trade is brought about.

If the honorable chairman of the Committee on Ways and Means was in favor of a reduction pure and simple, it could easily be accomplished. Take the articles of sugar and molasses. The importation of these articles yielded to the Government a revenue last year of $46,000,000 in round numbers. It would be the simplest thing in the world to bring in a bill putting them upon the free-list and accomplishing just what he says is desirable. This would reach the largest number of people. The table of every workingman in this country would be relieved from a tax which he daily pays to the Government. It would also illustrate the theory advanced by the free-traders that their idea would not interfere with the industries of this country. It would touch only one spot in the United States, and while Louisiana might not like to be the frightful example by which free-traders could prove their notions to an anxious and long-suffering people, it would afford a splendid opportunity for this Congress to prove themselves honest and sincere in their assertions. It would also reduce taxation to just about the point the distinguished chairman thinks should be done.

But the fact is, Mr. Chairman, that the revenues of this country, according to the President of the United States, will not be in excess of the demand made upon them for a few years to come. The Mexican soldiers are about to be pensioned by this Congress. This will add fifteen or twenty million dollars to the annual outlay. A bill ought to pass equalizing the bounties of all the soldiers of the late war. This would make an annual burden of fifty or sixty million dollars more for the next two or three years. The arrears of pay to pensioners should be extended, together with pensions to prisoners of war, and this would make a further outlay of $20,000,000 for the next five years. The female nurses in the late war should be paid, and these expenditures, with the other incidentals in a growing nation, will more than absorb the revenues which are now provided by law.

In the face of all this our distinguished Democratic friends propose, as they say, to reduce the revenues $50,000,000 a year on the tariff bill, and the other wing of the Democratic party propose a further reduction by wiping out the tax upon whisky and tobacco, amounting to $90,000,000 more. It is apparent that the people of this country must interpose and stop the disastrous consequences which would follow from these threats.

The Republican party is the one party that can be trusted with the wise reduction of taxation and a just administration of the affairs of the nation.

Since the war it has relieved the people from time to time of the onerous burdens which they so willingly bore and which was fastened upon the nation by Democratic folly. It has kept abreast with the thought and progress of the times. It has responded to the voice of the people. It has entered upon civil-service reform. It has dealt the only blow to Mormonism and polygamous marriages which has ever been given to that iniquitous institution. It has restricted the emigration of the hordes of Chinese coolies into this country, that they might not destroy the wages of our citizens. It has granted munificent pensions to the sufferers in the recent war. It has built up the manufacturing and commercial industries of the country beyond the wildest dream of the enthusiast. It has settled and peopled the Territories of the West and made them magnificent States in the great sisterhood. It has protected American citizenship wherever one of its citizens has seen fit to wander. It has restored the country to a coin basis, and placed the credit of our nation higher than the most favored nations of the world, and it must alone be looked to to take care of the national revenues, protect labor and home industries, foster schools, and preserve the autonomy between labor and capital; circumscribe and limit the power of the railroad corporations, deal with the question of interstate commerce, and bring about such results as will redound to the nation's honor and glory in the future as it has in the past.

Jurisdiction of the Circuit Courts of the United States.

SPEECH

OF

HON. SAMUEL W. MOULTON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 7, 1884,

On the bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from the State courts, and for other purposes, approved March 3, 1879.

Mr. MOULTON said:

Mr. SPEAKER: The bill under consideration was reported from the Judiciary Committee after very careful consideration, and its passage recommended.

The judicial powers of the United States are prescribed in the third article of the Constitution. These powers have received judicial construction by a great many decisions of the Supreme Court of the United States, and the extent of these powers is well understood.

The first act of Congress creating Federal courts and prescribing their jurisdiction was the judiciary act of 1789.

Those opposed to this bill contend that Congress should confer upon these courts all the jurisdiction possible and as to every subject-matter and person under the powers of the Constitution.

Those who support this bill take the ground that it would be unwise and detrimental to the interest of the people for Congress to adopt the policy contended for by the opponents of the bill.

Circuit courts of the United States are created by acts of Congress, and we hold that it is within the powers of Congress to withhold, limit, or extend the jurisdiction of these courts under the Constitution as the interest of the people may require. And this may be determined by past experience, as well as the present condition and wants of the country.

By reference to the judiciary act of 1789 it will be seen that only a very small part of the subject embraced in the judicial powers of the United States under the Constitution was conferred on the circuit courts. The largest part of those powers was withheld from the Federal courts, and for the best interest of the people, and left to the jurisdiction of the State courts, where it remained without complaint for almost a century, every citizen finding in these courts full and ample remedies for all wrongs and invasion of rights of every kind.

During the war of the rebellion and the legislation on the reconstruction measures Congress unhappily passed various and sundry acts, notably in 1866, 1867, and in 1875, greatly enlarging the powers and jurisdiction of the circuit courts, and as I think to the great injury of the people.

The object of this bill is to repeal some of the vicious legislation from 1866 to 1875, and to restore the judiciary act of 1789 as far as may be practicable. The increase of this jurisdiction evidently grew out of the then anomalous condition of the country and was largely influenced by the passions and prejudices of the times. Up to that time there had been no demand or attempt to increase the jurisdiction of the Federal courts; but at that time and since the theory and practice of the party in power was to concentrate as much power as possible in the executive and judicial departments of the Government, and by consequence lessen the jurisdiction of the State courts and the powers and rights of the States.

I understand my colleague upon the committee, Mr. BISBEE, to take the ground that it is the duty of Congress to vest the whole judicial power under the Constitution and as to all subjects in the Federal courts, and not to do so is a disregard of the constitutional requirements. This is a very serious question.

I think it ought to be assumed that the fathers who made the Constitution, and many of them in the Congress of 1789 when the judiciary act was passed, had as full a comprehension of the construction and obligation of that instrument as the present generation. The makers of the Constitution did not think that they were violating any of its obligations when they framed the act of 1789, withholding from the jurisdiction of the courts a large part of conceded power. The question with them was, what is for the best interest of the people?

But this whole question of jurisdiction has been repeatedly decided by the courts. I refer to a few only of the many cases upon this point. The substance of these cases is stated in Turner, administrator, *vs.* Bank of North America (4 Dallas, page 10) in these words:

> Congress is not bound, and it would perhaps be inexpedient, to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant. (See also McIntire *vs.* Wood, 7 Cranch; Kimball *vs.* United States, 12 Peters; Coy *vs.* Carter, 3 Howard.)

In the case of Sheldon *et al.* *vs.* Sill, 8 Howard, 441, the court used these words:

> The only question which it will be necessary to notice in this case is whether the circuit court had jurisdiction. Sill, the complainant below, a citizen of New York, filed his bill in the circuit court of the United States for Michigan against Sheldon, claiming to recover the amount of a bond and mortgage which had been assigned to him by Hastings, the president of the Bank of Michigan. Sheldon in his answer, among other things, pleaded that the bond and mortgage in controversy, having been originally given by a citizen of Michigan to another citizen of the same State, and the complainant being assignee of them, the circuit court had no jurisdiction. The eleventh section of the judiciary act, which defines the jurisdiction of the circuit courts, restrains them from taking "cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the contents if no assignment had been made, except in cases of foreign bills of exchange." The third article of the Constitution declares that "the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish." The second section of the same article enumerates the cases and controversies of which the judicial power shall have cognizance, and among others it specifies "controversies between citizens of different States." It has been alleged that this restriction of the judiciary act with regard to assignees of choses in action is in conflict with this provision of the Constitution and therefore void. It must be admitted that if the Constitution had ordained and established the inferior courts and distributed to them their respective powers they could not be restricted or divested by Congress; but as it has made no such distribution, one of two consequences must result—either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their respective jurisdictions.
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> The first of these inferences has never been asserted, and could not be defended with any show of reason; and if not, the latter would seem to follow as a necessary consequence; and it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all. The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution unless it confers powers not enumerated therein. Such has been the doctrine held by this court since its first establishment. To enumerate all the cases in which it has been either directly advanced or tacitly assumed would be tedious and unnecessary. In the case of Turner *vs.* Bank of North America (4 Dallas, 10), it was contended, as in this case, that as it was a controversy between citizens of different States the Constitution gave the plaintiff a right to sue in the circuit court, notwithstanding he was as assignee within the restriction of the eleventh section of the judiciary act. But the court said: "The political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress; and Congress is not bound to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant." This decision was made in 1799. Since that time the same doctrine has been frequently asserted by this court, as may be seen in McIntire *vs.* Wood, 7 Cranch, 506; Kendall *vs.* United States, 12 Peters, 616; Cary *vs.* Curtis, 3 Howard, 245.

I read as an additional authority on this subject from the case of Cary *vs.* Curtis (3 Howard, 245), as follows:

> Secondly, in the doctrine so often ruled in this court, that the judicial power of the United States, although it had its origin in the Constitution, is (except in enumerated instances, applicable exclusively to this court) dependent for its distribution and organization and for the modes of its exercise entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction, either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. To deny this position would be to elevate the judicial over the legislative branch of the Government and to give to the former powers limited by its own discretion merely. It follows, then, that the courts created by statute must look to the statute as the warrant for their authority; certainly they can not go beyond the statute and assert an authority with which they may not be invested by it, or which may be clearly denied to them. This argument is in no wise impaired by admitting that the judicial power shall extend to all cases arising under the Constitution and laws of the United States. Perfectly consistent with such an admission is the truth that the organization of the judicial power, the definition and distribution of the subjects of jurisdiction in the Federal tribunals, and the modes of their action and authority have been, and of right must be, the work of the Legislature. The existence of the judicial act itself, with its several supplements, furnishes proof unanswerable on this point. The courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription or by the common law.

Mr. Speaker, the Constitution provides that—

> The judicial power shall extend to all cases, at law and in equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same States claiming lands under grants of different States, and between a State, or the citizens thereof and foreign states, citizens, or subjects.

The following is a summary of the provisions of the bill:

1. To raise the sum necessary to give original jurisdiction to the circuit court to above $2,000 (section 1).

2. To give the right of removal to non-resident defendants only, and where the sum involved is above $2,000, except that in citizenship cases the plaintiff or defendant may remove at any time before trial upon affidavit of prejudice (sections 2 and 3).

3. To require the defendant removing to do so when first called upon to plead, and not merely before or at the trial term, and before trial as now, except in citizenship cases, as noted before (sections 2 and 3).

4. To take away the right of a corporation to sue in a United States court a citizen of a State in which it is carrying on business or to be sued by such citizen in such court or to remove such a suit to such court (section 3).

5. To require citizenship suits to be brought in the district of the plaintiff or defendant; that no one shall be arrested in one district for trial in another in a civil action; that original process shall run only

in the district of the defendant's residence or where he is found when process is served; except citizenship cases as above (section 1.)

6. That interest shall be excluded in ascertaining the sum involved (section 1).

7. That no assignee of commercial paper (except foreign bills) can sue when the assignor could not (section 1).

I read a part of the report of the committee, which fully shows the material changes that this bill makes in the present law, with some of the reasons that have induced the committee to recommend its passage:

The first change proposed is to increase the minimum jurisdiction of the circuit courts from $500 to $2,000. It will be remembered that the present minimum jurisdiction was fixed by the law of 1789. It is believed, in view of the growth of business in the country, and the increase of population from 4,000,000, the number at the time the act of 1789 was passed, to 50,000,000, that the minimum jurisdiction of the circuit courts ought not to be less than $2,000.

In almost all the States of the Union the circuit courts are overloaded with business. By increasing the minimum from $500 to $2,000 the United States courts will be relieved of a large amount of business which can be as satisfactorily disposed of by the State courts as by the circuit courts of the United States, and with more dispatch and less cost to litigants.

The next amendment proposed to the existing statute is to take away from the circuit courts of the United States jurisdiction of causes in favor of assignees of promissory notes and bills of exchange, unless a suit might have been maintained thereon if no assignment had been made. This change restores the law as it existed from 1789 to 1875. It is believed that a large proportion of the business which goes into the circuit courts at the instance of assignees of promissory notes and domestic bills of exchange is the result of collusion between the original payee or holder and the assignee. This fruitful source of fraud on the jurisdiction of the courts, and unnecessary annoyance and expense which the makers of such instruments are subjected to, ought to be removed.

The next change proposed is to restrict the right to remove a cause from the State to the Federal court to the defendant. As the law now provides, either plaintiff or defendant may remove a cause. This was an innovation on the law as it existed from 1789 until the passage of the act of 1875.

In the opinion of the committee, it is believed to be just and proper to require the plaintiff to abide his selection of a forum. If he elects to sue in a State court when he might have brought his suit in a Federal court, there would seem to be, ordinarily, no good reason to allow him to remove the cause. Experience in the practice under the act of 1875 has shown that such a privilege is often used by plaintiffs to obtain unfair concessions and compromises from defendants who are unable to meet the expenses incident to litigation to the Federal courts remote from their homes.

The committee, however, believe that when a plaintiff makes affidavit that from prejudice or local influence he believes that he will not be able to obtain justice in the State court he should have the right to remove the cause to the Federal court. The bill secures that right to a plaintiff.

The next material change is to take from the circuit courts jurisdiction of any suit of a civil nature between a corporation and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the copyright or patent laws, and in like cases in which said courts are authorized by the act to take original cognizance of suits between citizens of the same State, nor shall any such suit between a corporation and a citizen or citizens of a State in which it may be doing business be removed into any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provisions in suits between citizens of the same State.

Corporations created or organized by the laws of any State are authorized to sue a citizen or citizens of any other State in the Federal court, or when in like cases they may be sued in a State court to remove the cause into a Federal court. This privilege or right rests on the assumption that a corporation created or organized under the law of a State is a citizen of such State for all judicial purposes, and therefore, when suing or being sued in any other State, may avail itself of the rights which appertain to citizens of different States in respect to like suits. The committee recognize the fact that the Supreme Court has decided such to be the status of a corporation, and without questioning the soundness of the ajudication, about which there is a divided opinion, see no good reason in longer permitting the exercise of such jurisdiction by the circuit courts. On the other hand, the exercise of such jurisdiction by the circuit courts has given rise to much unnecessary expense and grave disadvantages to the citizens of States where corporations may be carrying on business. A corporation which leaves the State of its domicil and sets up its business in another State ought to be regarded for all judicial purposes as a citizen of such State, and should not be permitted to enjoy or exercise privileges not accorded to a citizen of such a State.

Again, there are corporations created under the laws of Congress.

There has been no judicial ascertainment of the domicil of such corporations, but under existing law such corporations are permitted to sue in the Federal courts, and when sued in a State court are authorized under section 640, Revised Statutes, to remove the cause to the circuit court of the United States. The change in the law proposed embraces all such corporations, as well as corporations created or organized under the laws of a State.

That the passage of this bill will be of great advantage to the people and injure no one I think there can be no doubt; it deprives no person of his just rights, and removes great hardships that exist under the present law.

Under the present condition of things the circuit courts of the United States are wholly unable to properly try the cases which come before them, and their inability amounts to a practical denial of justice. If this bill becomes a law the cases before the circuit courts will be lessened at least one-third. I have no doubt that it will also lessen at least 25 per cent. the causes which under the present system reach the Supreme Court. There are 1,200 cases on the docket of that court, and it takes about four years to reach a case for argument after it is filed there. This certainly would be of great advantage to the people.

From the time a case is commenced in the circuit court until final adjudication in the Supreme Court six, eight, or ten years may elapse. This is a substantial denial of justice.

If the State courts were restored to their rightful powers the Federal courts could discharge all the duties that rightfully devolve upon them, and this is the proper mode of relieving them.

There is one provision of this bill which, it seems to me, must address itself directly to the common sense and justice of every person who has practiced law in these courts, as a means of relieving the Federal courts of a very considerable amount of business which finally reaches the Supreme Court. I refer to those cases where jurisdiction is obtained by reason of assignments. Fictitious assignments is a regular business with reference to certain classes of securities, notes for fraudulent patents and among certain parties, to enable them to sue in the Federal courts, as this tends to prevent defenses by poor debtors. The old law as it stood prior to 1875 provided that if A gave his note to B in the same State, under no circumstances, by assignment or otherwise, could that note be sued in the Federal courts. To-day the law is that, although the note be made between parties in Illinois, the payee may assign the note to a citizen of Indiana and that assignee may bring suit at once in the Federal courts. And I am informed that over one-third of all the cases that reach the circuit courts in the Western States arise from permitting such assignees to sue, and by collusion between parties. This operates unjustly, and especially so as against the maker of the note or bonds. I am heartily in favor of that provision of the bill which proposes to correct this practice. It is a very important provision and ought to pass this House. It injures no one and will operate principally for the benefit of all honest people.

The bill also contains the following important provision:

That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same States.

The effect of this proposition is that a corporation created in one State and doing business in another State shall have no more rights and privileges than the citizens of the latter State.

Now, to amplify this so we can see the operation of this provision:

A corporation is created in Massachusetts, and an agency is established in Illinois, it may be a fire and marine or life insurance company, or something of that kind. Under the law as it stands to-day such a corporation may bring the smallest suit against a citizen and drag him two or three hundred miles from home. It is done in this way: These insurance companies have notes against parties in all parts of the State. They claim that there is a default in the payment of a note of $50. They file their declaration in the Federal court, alleging in the *ad damnum* $500. When such a suit is brought in a circuit court of the United States, it is a great hardship upon the defendant, residing, it may be, in Cairo, Ill., to go to Springfield, a distance of two hundred and fifty miles, to attend court. The expenses for himself and his attorney would be more than double the amount for which he is sued.

If this provision of the bill is adopted the citizen will be protected against present injustice. This provision will not operate to the injury of the foreign corporation.

If a corporation is permitted to come into a State and enjoy under its laws protection for its property and rights, why should it not be content with the enjoyment of all the rights of the citizens of the State, but no more? If the corporation has occasion to sue the citizen let him do it in the county where that citizen resides. The courts are always open, and there is no justice or reason why the citizen at the caprice of a corporation should be compelled to go hundreds of miles from home at great inconvenience and expense.

This practice is giving all the advantage to the foreign corporation and at the expense of the citizen.

But it is said in answer to these obvious reasons for this bill that a citizen from another State or a foreign corporation can not have justice done them in the State courts, on account of prejudice, partiality, ignorance, or corruption of the State judiciary. This is all mere pretense, and amounts to nothing but a plea for the concentration of judicial power in the Federal courts.

The encroachment of the Federal upon the jurisdiction of the State courts within the past twenty years has threatened their extinction. Every act of Congress that has touched the subject during that time has lessened the State and increased the Federal power. And I may say that the general tendency of all Federal legislation has been toward the centralization of power in the hands of the Government, so that the rights of the people and the States are jeopardized.

There is a theory that is attempted to be maintained by those who favor centralization of Federal power, that the Federal courts are the safeguards of the rights of the people; that in these courts alone the ultimate rights and liberties of the citizen can be maintained. This theory is a great mistake and its prevalence tends to many evils. Among others it lessens respect for State courts, State rights, and State protection.

At the organization of the Government the powers of the Federal judiciary were very limited, as I have shown, and carefully confined within the provisions of the Constitution, and the rights of the State courts were zealously protected.

One of the strongest objections urged against the adoption of the

Federal Constitution was that the Federal judiciary might absorb and destroy the powers of the State courts.

The encroachments upon the jurisdiction of the State courts should be checked, unless the State courts have failed to answer the end designed at the organization of our system of government. If they have proved a failure, let us amend the Constitution and abolish them as useless and expensive appendages to our system. I think there can be no doubt that the supreme courts of the several States are equal in every respect, if not superior, to the circuit and district courts of the United States. This comparison may be made as to integrity, legal learning, and the impartial discharge of their general duties, and the State courts certainly will not suffer by such comparison. The incapacity and want of integrity of Federal judges has often been charged, and with truth. But charges of this kind have seldom been made against State judges.

Besides, a large majority of the Federal judges are taken from the bench of the States, and all of them from either the bench or bar of the States. There is no other place from which to fill the Federal judiciary but the States. Judge David Davis was taken from the circuit bench of my State and transferred directly to the Supreme Court of the United States. He took a high position as a learned jurist from the very first.

Certainly it can not be contended that the United States judiciary contains all the legal learning, integrity, wisdom, and all that goes to constitute an able judiciary.

The history of the State courts is a full refutation of the claim set up by those who desire the increase of Federal power that the Federal circuit and district judges are superior to the State judiciary.

The State courts, if they err at all, err on the side favoring the rights and liberties of the citizen. And the tendency of the Federal court decisions is on the side favorable to Federal power.

It is admitted that the State judiciary may pass upon and decide the great question of life, liberty, and of property as between citizens of the State, but the opponents of this bill say that the State judiciary are so ignorant and prejudiced that when a non-resident is a party they are incapable of doing justice to him and can not be trusted. This is a senseless and unjust charge against the State judiciary. The charge is not supported by fact and is wholly untrue.

The claim that is made for the Federal judiciary and its increased jurisdiction implies distrust, ignorance, and dishonesty on the part of the State judiciary. The judiciary of the State is composed of the very best men for learning, integrity, and character that can be found. There is hardly an exception. The right of a non-resident person or corporation can be as well maintained in the State courts as in the Federal. From 1789 to 1875 thousands of cases where non-residents were parties were tried in the State courts and no complaint of injustice was ever made or thought of.

Let us, to show the injustice and absurdity of the doctrine of removal of causes from State to Federal courts, as contended for, take the case of a domestic corporation that is sued in its own State. Now, is it possible to suppose that because a non-resident happens to own a few hundred dollars of stock in the corporation (of which the judge is presumably ignorant) the State judge can not fairly and justly try the case, and that such a case under such circumstances must be removed to the Federal court on the application of such a stockholder. Upon what grounds can you assume that the Federal judge is less prejudiced, ignorant, or dishonest than the State judge? Even the Federal judge may be more prejudiced and ignorant than the State judge, and not unfrequently is, as many of us have had good reason to know. Appointments to the Federal bench are made too often for political and partisan considerations rather than for judicial qualification, and it is within the memory of us all that judges to the highest tribunal have been appointed for the purpose of producing a particular decision.

Again, consider the assumption of the Federal judges of jurisdiction to enjoin State and municipal taxes, especially where corporations are interested, and hold them illegally assessed or unconstitutional when the highest State court has held them valid and constitutional.

This is a monstrous assumption of power and never should have been exercised by the Federal courts. And yet at one time the circuit and Federal courts in the State of Illinois had over three millions of such taxes enjoined at the instance of corporations, and by reason of it over one-half of this sum was lost to the State and municipalities. Is it possible that the State and municipalities should be compelled to go to these inferior Federal tribunals and beg to be permitted to exercise their unquestionable power to provide the revenue absolutely necessary to maintain their very existence?

The assumption of such a power from such a source is subversive of our Government, and if sanctioned or submitted to, every State is absolutely dependent on the will of the circuit and district courts within its borders. Nothing could be more monstrously absurd and dangerous.

If this doctrine that a railroad corporation, non-resident stockholder of a domestic corporation, can enjoin the collection of the revenues of a State, then it may be by a little stretch of power that the existence of the State governments may be wholly destroyed. And this is not an improbable result when we look at the vast encroachment of the Federal judiciary within the last quarter of a century. It is but a short step from the present assumption of power to the ultimate end—the claim of all judicial power.

Thomas Jefferson, in 1820, thirty-one years after the Government had been put into operation, in a letter to Mr. Ritchie, said:

> The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundaton of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a supreme one alone. * * * A judiciary independent of a king or executive alone is a good thing; but independence of the will of the nation is a solecism, at least in a republican government.

Our institutions and liberties if destroyed will probably be the result of judicial decisions lessening the power of the State courts and the inherent rights of the people and centralizing power in the possession of the few.

To-day Judge Drummond, of Illinois, by reason of his office of Federal judge, is superintendent and has control of more miles of railroad than any man in the world.

The creditors of railroads ought to have some voice in the distribution of assets and ought to find remedies to control this matter in the State courts.

The recent decision of the Supreme Court in regard to the legal-tender act has given the whole country a just cause for alarm. This decision has been received with great dissatisfaction by the bar and the people all over the country, and is another strong instance of the tendency of Federal courts toward centralization of power, and affords grounds for realization of the fears of Jefferson so cogently expressed sixty-five years ago.

Without delaying the House longer I wish to say, Mr. Speaker, that there is a great demand for the passage of this bill, and we can do no greater service to the people and in defense of the rights of the States than by the prompt action of this Congress in making this bill the law of the land.

Rivers and Harbors.

SPEECH

OF

HON. HENRY G. BURLEIGH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURLEIGH said:

Mr. CHAIRMAN: I notice in the RECORD of June 10 the speech of my colleague from New York, Hon. LEWIS BEACH, which appears to be in favor of railroads and in opposition to all water ways and all harbors. He states that Illinois is the only State that is willing to display generosity in the matter of giving away canals, and, referring to the Erie Canal bill now before the House, he says that the State of New York is wedded to the Erie Canal, and that it would be heresy to breathe one word against it within the confines of the Empire State.

I will inform the House and the honorable gentleman that the people of the Empire State are wedded to the Erie Canal not only because it has been one of the chief resources of its commercial greatness, uniting as it does the great Western lakes with the Hudson River, but because it is the only system of transportation in the State that does not discriminate against the citizens of its State. Not only the Republican party but the Democratic party are in favor of this great water way.

When the constitutional amendment to make the canals free was submitted to the people the vote thereon was 486,105 in favor thereof and 163,151 in opposition.

One of the strongest arguments in favor of the canal is in his statement that in the year 1881 the freight per bushel from Chicago to New York by lake and canal was 8.6 cents, by all rail 14.4 cents per bushel; in 1882 by lake and canal 8.7 cents per bushel, by all rail it was 14.6 cents per bushel; in 1883 by lake and canal 9.16 cents per bushel, by all rail 16.1 cents per bushel; showing the cost to be something like 40 per cent. less from Chicago to New York by water than by rail.

In the face of this he is willing to sell the Erie Canal to some corporation and build thereon a four-track railway at an estimated cost of $15,000,000. He states that the New York Central Railroad is capitalized at $144,000,000. I would like to ask the gentleman, were the last remaining check against railroad monopolies taken away from the people, namely, the Erie Canal, how long it would be before his new railroad would be capitalized at $200,000,000?

When the New York Central road received its charter it was with the express condition that it should pay into the treasury of the State of New York the amount of tolls charged by the canals, as the road runs parallel with it. But the power of corporations soon found a way to relieve it from this charge. It is always potential in legislative bodies. I will inform the gentleman that it will be a long time before the peo-

ple of his State will be willing to have the Erie Canal, which unites the great Western lakes with the Hudson River, and the Champlain Canal, which unites all the Canadian rivers and lakes with the commercial emporium of New York, sold out under the hammer to some railroad corporation, even if the gentleman himself should be one of the incorporators.

The Erie Canal has paid into the treasury of the State of New York over and above the cost of its construction and all its improvements $35,000,000. He gives as his reference to canal authorities Mr. Silas Seymour. I will state that he is no authority on canals and is not recognized as authority. He does not even live on a canal nor has any sympathy with canals. But I will state that there is a gentleman in the State of New York, whom I would have supposed my colleague would have given as authority, namely, Hon. Horatio Seymour, who is a friend of the canals and knows their value to the people of the State of New York, and whose voice will always be heard in their behalf. The gentleman laughingly refers to the sums of $1,000 to improve the Rondout Harbor and $5,000 for the harbor at Saugerties, and states as follows:

I must confess that I felt some little local pride, but probably not so much as my distinguished colleague [Mr. BAGLEY], who represents the Ulster district, in finding Rondout and Saugerties dignified with the title of "harbors." I never supposed they had come up even to the standard of "landings," as we call them along the river. The only ships you will find there are barges, canal-boats, and mud-scows, which the Committee on Rivers and Harbors has, through ignorance of nautical matters probably, mistaken for ships clipped of their wings.

I will inform the gentleman that the commerce of the Hudson River is 20,000,000 of tons during the eight months of navigation; that it is all done by the barges and canal-boats, mainly owned by the men who navigate them, and employing 20,000 men, and during the winter when the Hudson River is frozen over these harbors furnish a safe refuge for a large number of boats and barges which float this vast tonnage during the summer season, and which are mostly owned by poor, hard-working, and industrious men, and I should have thought it would have been the last thing the gentleman would have referred to.

The gentleman is in error when he states that there was no recommendation from the Chief Engineer. A survey was made by order of General Newton, and the committee had before it his recommendation of their usefulness and utility. Over 1,000,000 tons of coal are transported from the city of Newburg, in the gentleman's own district, on these same insignificant barges and canal-boats which he so sneeringly refers to.

I believe it is the duty of this Government to make appropriations for the improvement of all the great water ways and harbors that are national in their character, and no State in the Union is more interested in this improvement than the State of New York. Let the improvement be in whatever State it may so long as it is national in its character.

Plenty of votes could be found in 1864 when one railroad had been built uniting the Atlantic and Pacific Oceans to give away forty or fifty million acres of the public domain which belonged to the American people to the Northern Pacific Railroad corporation. Then why begrudge a small amount each year to improve and protect the water ways of the people, which are their own, to be used free forever?

Legislative, Executive, and Judicial Appropriation Bill.

SPEECH

OF

HON. PHILIP B. THOMPSON, JR.,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 28, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes—

Mr. THOMPSON said:

Mr. CHAIRMAN: I consented to the limitation of time as proposed by the gentleman from Indiana because I do not desire to delay the House in the passage of this bill. At the same time I think the large interests involved are entitled to due consideration—that we ought to take sufficient time to consider them thoroughly.

The amendment which I intend to offer I send to the desk, that it may be read and become a part of the record.

The Clerk read as follows:

At the end of line 840, page 35, insert:

"That after June 30, 1884, the internal-revenue districts and custom-duties districts, as they now exist in each State and Territory of the United States and the District of Columbia, are hereby consolidated in each of said States and Territories and said District into one district for all purposes of Federal taxation, which new district shall be called and known by the name of such State, Territory, and District of Columbia, and be coextensive with the limits thereof.

"SEC. 2. That the office of Commissioner of Customs is hereby abolished, and the officers known as collectors of internal revenue and collectors of customs are abolished; and the President shall appoint, by and with the advice and consent of the Senate, one collector of taxes for each new district, who shall discharge all the duties imposed by law upon the several internal-revenue collectors and custom-duty collectors in the several districts now existing and which under this consolidation form the new district, and such other duties as may be imposed by law upon him.

"SEC. 3. That the President shall, by notice duly given, establish one port of entry in each district, and shall designate the point at which the collector in said district shall keep his office; and the collectors are authorized to subdivide their States and Territories into subordinate districts, which subdivisions they shall report to the Secretary of the Treasury; and if he approves the same, he shall so declare and give public notice of the boundaries of the subordinate districts, and designate points at which taxes may be collected under the internal-revenue laws, and ports of entry in said subordinate districts at which deputy collectors may be stationed to receive duties and other moneys, to enter and clear vessels, and perform such services in relation to the customs, navigation, and internal-revenue laws as the Secretary may deem necessary: *Provided, however*, That no subordinate district shall be established, or port of entry designated or maintained, in which the amount of taxes collected does not exceed the costs of collection.

"SEC. 4. That deputy collectors, inspectors, weighers, appraisers, clerks, and other subordinate officers shall be appointed in the manner now provided by law.

"SEC. 5. That each collector shall execute a bond to the United States as is now provided by section 2619 of the Revised Statutes; and the Secretary of the Treasury may increase the penalty of the bonds, and where not already fixed may prescribe the same. Each collector shall receive an annual salary, to be fixed and graduated upon the basis now provided by law for collectors of internal revenue. Deputy collectors shall execute like bonds as collectors, in such penalty as the Secretary of the Treasury may prescribe, who shall also fix their compensation.

"SEC. 6. That the Commissioner of Internal Revenue shall hereafter be known as the commissioner of taxes, and, in addition to his present duties, shall discharge all the duties now imposed by law upon the Commissioner of Customs, and shall superintend the collection of all taxes collectible under the internal-revenue system and customs-duties system of the United States.

"SEC. 7. That the President is authorized to discontinue the services and abolish the offices of surveyors and appraisers of customs in all districts abolished by this consolidation, and shall designate places of deposit for the records and files pertaining to those collection districts which have been abolished by this act.

"SEC. 8. That the salaries provided for officers in this act shall be in lieu of all salaries, fees, commissions, and storage heretofore allowed to collectors and surveyors of customs; and all laws or parts of laws authorizing the allowance to collectors and surveyors of customs of salaries, fees, commissions, storage, and perquisites, of whatsoever name and nature, are hereby repealed; and all fees collectible by law shall be accounted for and paid into the Treasury as moneys belonging to the United States; and the Secretary of the Treasury is hereby authorized to provide for the collection of such fees by the use of stamps, under such regulations as he may prescribe."

Mr. THOMPSON. Mr. Chairman, it will be seen from the scope of this amendment that it is, as I indicated, a consolidation of the entire collection and internal-revenue districts, so that each State shall have one collector, who shall collect, account for, and be responsible for all the Federal taxation in that State. I propose, as I have stated, to offer this amendment at the proper time.

A good many strictures have been indulged in by the gentleman from Illinois [Mr. CANNON] as to the manner in which this subject has been brought to the attention of the House. He claimed that members had not had sufficient notice; that in view of the grave importance of the question at least one week's notice of such a proposition ought to have been given.

Mr. CANNON. My friend does not want to misrepresent me?

Mr. THOMPSON. Not at all.

Mr. CANNON. I stated that this subject is being considered by a subcommittee of the Committee on Appropriations, which has not yet reported; that the proposition ought to be considered and fully prepared in committee before being presented to the House.

Mr. THOMPSON. Now, I must enter my protest against the Committee on Appropriations, of which the gentleman from Illinois is a member, absorbing all the functions not only of every other committee of this House but even of the House itself. It would appear that, according to the gentleman's view, we should not be allowed to consider any proposition in Committee of the Whole until it has passed under the consideration of some subcommittee of the Committee on Appropriations. While such consideration may enlighten the gentleman from Illinois, I can not see how it can enlighten the House upon this question. The subject-matter of this amendment as now presented to the House has been pending here for more than two months The recommendations of the Secretary of the Treasury on this question have been as much before every member of this House as before the members of the Committee on Appropriations. There is another committee of the House charged more directly with the administration of this branch of the Government than the Appropriations Committee, which really has no jurisdiction over it. When the Committee on Appropriations undertakes to exercise jurisdiction of this matter to the exclusion of the other committees of the House, it is an assumption upon the part of that committee not warranted by sound legislative or parliamentary principles or the rules established for the government of the House.

The honorable gentleman from Pennsylvania the chairman of the Committee on Appropriations [Mr. RANDALL] says that this legislation is proper and right. He says that he has had it under consideration for some time and, so far as he is concerned, is prepared to act upon it. The gentleman from Illinois, I understand, is prepared to act upon it; if not, he ought to be, because the recommendations of the Secretary of the Treasury have been before him for some two years.

This general proposition to reduce internal-revenue collectors again brought to the attention of the House has been opposed by the gentleman from Illinois heretofore. The same controversy arose when I proposed last year to reduce the collection districts. He then announced solemnly the same reasons in opposition as he does now. If he will take is speech made on that occasion, or rather his two or three speeches—because he spoke several times—he will find in them, almost *verbatim*, the same objections as those which he has made this morning. Yet the President, through the instrumentality of the Secretary of the Treasury, reduced those collection districts from one hundred and twenty-six to eighty-two in spite of the objections of the gentleman from Illinois, then contending as he does now that if we dared to strike one of these officers down the revenues of the country would be endangered.

The gentleman then referred to my State just as he has done to-day. I knew he was going to point to Kentucky and claim that distilleries are running illicitly there. I was prepared for that. When this question was presented before, he intimidated and alarmed the House out of doing what it was inclined to do. When I proposed the reduction of these collection districts to forty-three he alarmed the House by stating that if the reduction should be made Kentucky distillers would refuse to pay their taxes and there would not be sufficient money to supply the Government. Yet the President himself followed the bare suggestion made in this House, and, in spite of the arguments, objections, and fears of the gentleman, reduced the collection districts from one hundred and twenty-six to eighty-two; and, as I find from the report of the Secretary of the Treasury, not one dollar of revenue was lost.

Why, there have been only forty-three illicit distilleries in Kentucky last year, and only one lone man arrested in the whole State. Where did they come from? Just as I told him they would, they come from the tenth district, up in the mountains. They were nothing in the world but little fruit-brandy distilleries, which would not make, the whole of them put together, as much as five hundred gallons of brandy. All those forty-three illicit distilleries in Kentucky, I will venture to say, are up in the tenth district and not one in the district I represent. The seventh district, which I was then in, has not a single illicit distillery running in it.

But let me make a correction there. There were only forty-three in the whole State of Kentucky, and of those there were only twenty-nine up in the mountain district, or the fruit-brandy district, where these little fruit-brandy distilleries are run almost *ad libitum*, because the officers who were sent up there, as the gentleman from Illinois said, to watch them and prevent the manufacture of this whisky, get their part of what is turned out in these little distilleries. I recollect when I was traveling around there I used sometimes to meet some of these distillers, and I asked one of them how he complied with the law which required them to make returns twice a month, and he said: "I do not pay any. I do not have to pay taxes. The inspector we now have does not begin to collect until I get thirteen gallons ahead, and I never intend to get that much ahead." [Laughter.] And he never did pay any taxes. That is about the way they run these little matters up there in the tenth district. They do not pay, and they do not intend to pay; and there is no use in keeping up this large corps of officials for the purpose of collecting this insignificant amount of taxes.

I know the gentleman has referred to the fact that prosecutions have diminished all over the country. Why have they diminished all over the country? It is because you have ameliorated the execution of the law so far as it was hard, cruel, unnatural to these men. The time was when any of these men were liable to be arrested on any and every sort of pretext any officer could get up against him, not that he wanted to execute justice on him or get him to pay the taxes due, but that there might be opportunity to rob and plunder him out of his money and compel the Government to help pay for that very robbery and plunder of an innocent party; it is because you have ameliorated the execution of the law in that respect that you have had this better condition of things in reference to the collection of this revenue. As soon as you ameliorated the law you had no trouble with the distillers, not even in the fruit and brandy district of my friend JOHN WHITE [laughter]; that is, in the tenth district of the State of Kentucky, where, out of forty-three illicit distilleries in the State of Kentucky last year, there were only twenty-nine; that is, there were twenty-nine which were prosecuted, but they only caught one man. [Laughter and applause.]

I say to the gentleman upon that subject, and to the gentleman from Massachusetts [Mr. DAVIS] who objected to the reduction of these customs collection districts, that the Secretary of the Treasury has recommended that out of the nine districts in Massachusetts five should be lopped off. Perhaps that is the reason why my friend finds so much trouble in agreeing with the recommendation of the Secretary of the Treasury. Those five districts in Massachusetts may be very useful to him at election times. If they are lopped off, I do not know whether it reaches a port in his immediate neighborhood, but I might almost conjecture that it does, and give that as the reason why we now find him urging an objection here to any action in favor of dispensing with any of these superfluous offices in any of these districts, as it may be the means of cutting off an officer who may be friendly to him at election times. For one, I can not see any good reason why there should be objection to consolidating these districts, thereby helping to get rid of a portion of electioneering machinery which is potential only for evil.

My friend from Chicago also objects to it. He says your taxes can not be collected. Chicago is a large port, and collects $4,000,000 of taxes. The Government collection officials here could reach it by letter in less than twenty-four hours and by telegraph at a moment's notice. Provision could be made for stamps and all other necessary means for the collection of the Government revenues. We would thus not only get rid of this cumbersome machinery and unnecessary expense to the Government, but we would be able to reduce these officials and secure thereby an economical administration of the Government. We could rectify some of the things of which the people justly complain, and we could relieve the country of the dictation of internal-revenue officials in reference to conventions and the dictation of these officers on election day. Some of you will find it all out when you get to Chicago. [Laughter.] Some of you who are for Blaine will find how it happens down in the South there are so many delegates for the President. It is because the internal-revenue districts are still kept up down there, and the coterie of office-holders who are now there do not favor the best man for the nomination but set him aside, and through their instrumentality make it possible that not the best but the worst nomination may take place. [Laughter and applause.]

In a word, it seems to me, Mr. Chairman, as if these revenue collectors, with their districts, under the internal-revenue system, in Illinois, from one of which $13,000,000 are collected, could be dropped. Why should you continue all those districts for the collection of the internal-revenue taxes, as well as for customs duties? Why should not the whole $20,000,000 be collected by one set of officers at Chicago, with its great network of railroads running in all directions, and when the unnecessary office-holders are maintained expressly for no other purpose, possibly, than to run conventions, dictate nominations, and bulldoze elections. [Laughter and applause.]

Mr. REESE. Some of the Georgia delegation, on their way to Chicago, passed through here yesterday, and one of them informed me that there were eighteen out of the twenty-four for Arthur for the reason that they got their bread and meat up here.

Mr. THOMPSON. Yes; and that is but a fair sample of what occurs all over the country. I want to see as many of these office-holders eliminated from our service as possible. I want to see a true civil-service reform inaugurated in this respect. I want to wipe out as many of them as possible. The people are ripe to get rid of them. They demand of the Democratic party when they come to enact laws that they shall enact them in such a way as shall cut down this unnecessary horde of office-holders. They demand that we shall free them from this constant interference with elections. And they are not as particular as some gentlemen here seem to be whether that legislation be upon one bill or another. All they ask is that what is done shall be done quickly and thoroughly; and we do not answer the demands of our constituents and the best interests of the country if we fail to do it.

We have it in our power to do it. We were sent here to do it. We have nothing else on hand now except to do it. I hope the party will stand up here and be at least united in one thing, and that is economy in expenditures by a discharge of these Federal office-holders or reduction of them to a minimum.

Mr. Chairman, I have been drawn into this discussion more than I had intended. I would not have had much to say if it had not been that my State was attacked by the gentleman from Illinois, who has charged our people with being "moonshiners," when in point of fact we have fewer moonshiners than any other State in the Union, not even excepting Illinois. The difference between us is that they are shrewd enough and sharp enough to keep out of the way of the law and not get caught, while our poor fellows are always taken. They do not know how to play the rascal and evade the law as my friend's constituents seem to do. They are not sufficiently educated in rascality for that; and I hope that the educational bill will be passed to enable them to learn something upon the subject. [Laughter.] It will be beneficial, if not useful.

But, Mr. Chairman, I may not get the House to agree to changes so radical as those I have proposed in regard to the collection districts. If not, I will propose a reduction of internal-revenue collectors to forty-three and customs districts to sixty-nine, as recommended by the Secretary of the Treasury.

The customs part will read in this way. The Clerk will please read it for me.

The Clerk read as follows:

That the President is hereby authorized and directed to consolidate and reorganize the customs collection districts of the United States, on or before the 1st day of October, 1884, so that the same shall not exceed in number sixty-nine.

And the President shall fix the boundaries of such reorganized districts and designate ports of entry therein, and shall also, from time to time, designate ports in each of such districts at which deputy collectors may be stationed to receive duties and other moneys, enter and clear vessels, and perform such other services in relation to the customs and navigation laws as he may deem necessary; and he shall give notice of the boundaries and designations of such reorganized customs districts, and said ports when so designated shall have all the privileges of ports of entry and delivery.

And the President is authorized and directed to discontinue the services and abolish the offices of such collectors, surveyors, and appraisers as may be necessary to conform to the number of collection districts herein provided for, and to designate places of deposit for the records and files pertaining to those collection districts which may be abolished pursuant to the provisions of this act.

Sections 2648 and 3687 of the Revised Statutes of the United States, together with all laws or parts of laws authorizing the allowance to collectors and surveyors of customs of salaries, fees, commissions, storage, and perquisites, of whatsoever name and nature, are hereby repealed, to take effect on the 1st day of July, 1885; and all fees collectible by law shall thereafter be accounted for and paid into the Treasury as money belonging to the United States; and the Secretary of the Treasury is hereby authorized to provide for the collection of such fees by the use of stamps, under such regulations as he may prescribe.

And it shall be the duty of the Secretary of the Treasury to include in the regular Book of Estimates for the fiscal year ending June 30, 1886, and each fiscal year thereafter, estimates specifying in detail the number and class of officers and employés of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as can not be otherwise specifically provided for: *Provided*, Nothing in this act shall prevent the shipment of merchandise to ports of delivery heretofore established by law.

Mr. THOMPSON. I know this is a great question, worthy of prolonged consideration, but our duty demands present action on this bill for fear the opportunity may pass.

Postpone, says the gentleman from New York [Mr. HISCOCK]; deal with this subject on the sundry civil bill. No, sir; we can not wait. "Now is the accepted time." "The day of reckoning has come." The least I will propose and the least the country will accept is what in substance the Committee on Appropriations have had before them and read at the Clerk's desk at the request of the gentleman from Pennsylvania [Mr. RANDALL]. The maps filed with the report of the Secretary of the Treasury illustrate forcibly the necessity of this reduction. I made a table with great labor and care in 1882 showing the rottenness and corruption of this system. It is printed with some remarks I then made. Away with these pauper districts. If the Government was run on "business principles" instead of "party necessity" this could not stand an hour. For my part I am sick of this wasteful and lavish expenditure of public money not to collect; the taxes, but to debauch public sentiment by maintaining a horde of sinecure officers and furnish plunder for Republican campaign committees.

A single line in this bill compelling the customs collectors to discharge in their respective districts the duties of the internal-revenue collectors would save millions of money; but I will not insist now if the House is not willing or is unprepared to go to that extent.

A few words on the amendment relating to storekeepers and gaugers. The report of the Commissioner of Internal Revenue for last year shows 1,096 grain distilleries in operation during the year. Of this number 439 mashed less than 5 bushels per day; 178 less than 10 bushels per day, or 617 in all which mashed less than 10 bushels per day. Each of these distilleries had not less than one storekeeper or storekeeper and gauger. There were 123 more of these distilleries out of this 1,096 above named which mashed less than 20 bushels per day. To run these small distilleries and less than 400 of larger capacity the Commissioner of Internal Revenue employed 725 storekeepers and 1,130 storekeepers and gaugers, besides 852 gaugers for distilleries of all kinds. As the storekeepers and gaugers combined, namely, 1,130, are used at small distilleries, we find nearly an average of two officers stationed at each small distillery where none in point of fact is required.

This takes no notice of the multiplication of these officers indulged in by collectors of internal revenue when party necessity in hot contested elections or control of party conventions require more henchmen for the administration to floor an opponent or control an election. They are, under the regulations of the Treasury, assigned every sixty days from one distillery to another. The collector will frequently have two or three times the number in commission unassigned, "waiting orders." They will work sixty days and lay off sixty or one hundred and twenty, and thus two, and if necessary three, men are made dependent upon a distillery of less capacity than five bushels per day for their daily bread at the Government crib. They seek ambitious young men of influential families, and having once induced them into Republican employ, sap the foundations of a political antagonist who unexpectedly finds influences paralyzed which once sustained honesty in the Government and the Democratic party at the polls. Thus the very offices established by the law to sustain good government are by maladministration and party necessity made engines of oppression and enemies of liberty, law, and order.

The collector's office is the hot bed of party corruption, a reeking cesspool of political iniquity, promoting venality in politics and debauching public sentiment in his district. Every one in actual service and all "waiting orders" are under the directions of the collector, a compact body, to hold the fort for the grand old party. They spend their time in electioneering, bringing to bear all the corrupt methods which their own venality suggests to them may be effective with others; and furnished with funds exacted by the party lash from other unfortunate office-holders, they overthrow and thwart the will of the honest voter by bribery, intimidation, and corruption at the polls.

The sixth district of North Carolina furnishes and has furnished for years the most notable instance of these wrongs. There was in operation during the year at various times two hundred and sixty-nine distilleries of less capacity than five bushels in this district and six more over that and less than ten, and only three of greater than ten bushels' capacity, making two hundred and seventy-eight in all. There were thirty-six gaugers and two hundred and twenty-five storekeepers and gaugers in this district last year at the time the report was made up to the 30th day of June, at which date most distilleries are closed. It must not be forgotten that last year did not witness an election of members of Congress nor President, and multiplication was not invoked, at least the report does not show it. Yet the report made to the Senate a few years ago does exhibit these corrupt practices in all their cold-blooded iniquity.

The report does not show how many were employed during the year in that district or in commission there during the year. This is studiously kept from the public. It shows the large surplus, but fails to locate them. The special report of Senator VANCE (Miscellaneous Document No. 116, Senate, Forty-seventh Congress, first session) gives some idea of the rottenness of this district. It shows (page 557) that for the fiscal year 1882 the Secretary approved allowances for twenty-two deputy collectors for a year in which no greater amount of whisky was made than usual, which was a large increase in the regular force, making more than four times as many as were employed in 1875, when no election was on hand; that in 1880, a Presidential year, in addition to a similar increase of the regular force not quite so large, there were special allowances to one hundred more special deputies, making eleven times the number of special deputies used in 1881 (page 561). This speaks volumes when you remember these deputies have little or nothing to do, and that the great whisky-producing districts of Kentucky have only here and there a stamp deputy, frequently not more than three or four in an entire district, and the time of these is but half employed. During the Presidential year of 1880 three hundred and thirty-three storekeepers and storekeepers and gaugers were employed in said district, all at $4 per day, which is about eighty more than were employed in the year 1881, the greatest whisky-producing year this country has ever witnessed. This takes no account of the gaugers.

Now, Mr. Chairman, if this amendment is adopted there will be a necessity for not more than three regular storekeepers in this district, for we have only three distilleries of greater capacity than twenty bushels, and probably, in the discretion of the Commissioner, only one. A few special warehouses may require a few more, but their number will be limited. Only 10,230 gallons of whisky were warehoused in that district during the fiscal year from June, 1880, to June, 1881. These officers, besides being a standing menace to the liberty of the people and constant danger to free elections, are a direct insult to honest men, whose integrity is impeached by governmental espionage in affairs of such small moment. A storekeeper at a large distillery in the multitude of employés is unnoticed, and the functions of his office is an aid rather than a hinderance to the distiller, and experience has shown some necessity in great cities for such officers.

But what a spectacle to see a Federal officer clad in the official garb of a great republic, at a salary of $1,300 a year, watch a distiller grind, scald, and cook three bushels of meal per day for a week, and then watch the barrel of whisky produced for three years, at which time it has cost the Government $4,000, and all leaked out, and the distiller, having divided in the mean time the pay with the storekeeper, leaks away. For the way it operated a few years ago in the upper part of the eighth Kentucky collection district I refer to a table presented by Hon. JAMES B. BECK with his speech on the extension of the bonded bill in the Senate during the Forty-seventh Congress.

Now, what an exhibit is there made! Can not we all, with one voice, agree to cut down these useless office-holders? Let them go to work at some honest calling. We will have better service, fewer scandals, and fairer elections.

The distiller does not want them; he wants freedom. We have tried to save him from the persecutions of these men. They think they draw their pay and must make a show of doing something. They set up all sorts of iniquitous indictments for fear they will be dispensed with. No distillery can run if held to a strict compliance with the law and regulations. Years after these little technical violations have occurred, from spite, envy, jealousy of neighbors, and frequently political oppression, through information given by these officers, prosecutions have been set on foot, in nine cases out of ten ending in an acquittal, but always in bankruptcy to the man arrested and dragged away from his home, family, and friends to a distant city for trial. We passed an act the other day limiting these prosecutions to two years. If now we can draw off and take away these unnecessary officers our people may enjoy comparative quiet from Federal interference. I will ask the Clerk to read my amendment.

The Clerk read as follows:

Add, after the words "sixty-four thousand dollars," in line 850:

"That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to the payment of the tax; and said distilleries shall be run and operated without storekeepers; and said Secretary may exempt any distillery, or all distilleries, which mash twenty-five bushels of grain per day from the operations of said title relating to the manufacture of spirits, except as to the payment of the tax, and any distillery so exempted shall be run as fruit distilleries are now operated: *Provided*, That special warehouses may be established by the Secretary of the

Treasury, in which he may cause to be deposited the product of any number of said distilleries, to be designated by him by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses: *And provided further*, That storekeepers, or storekeepers and gaugers, who are assigned to distilleries whose registered capacity is twenty-five bushels or less, shall receive $2 per day for their services; and no collector in any district shall recommend, nor shall there be appointed or commissioned, more deputy collectors, storekeepers, storekeepers and gaugers, gaugers and inspectors, or other officers, or allow to remain in commission more of any of said officers at any one time than are actually engaged in performing duty at the time, and are indispensably necessary for the performance of said duty."

Mr. THOMPSON. These amendments, Mr. Chairman, are in substance what I propose. I am satisfied they are just to the people and economical in their effect; that the revenue will be safely collected. Frauds will be weeded out of elections and will not creep into the service. I hope they will meet the approbation of the House, as I am satisfied they will the approval of the people.

Rivers and Harbors.

SPEECH

OF

HON. HORATIO BISBEE, JR.,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BISBEE said:

Mr. CHAIRMAN: The State of Florida is so largely and vitally interested in the improvement of the navigation of her rivers and harbors that I need not apologize for discussing this bill. I do not suppose it is within the range of possibilities for any committee to frame a river and harbor bill that would not meet with opposition from some quarter. This bill is not subject to criticism to the same degree as other bills on this subject which have of late years been passed by Congress. The committee have refused any appropriation for one hundred and five items for which estimates have been made by the board of engineers; and also refused appropriations for one hundred and twenty-nine items which were in the bill of August 2, 1882, and have included in this bill appropriations for fourteen new works, for which no estimate had previously been made.

And I think the committee should be commended for its courage and firmness in the line of limiting appropriations to really worthy national objects.

River and harbor bills have heretofore been opposed and most criticised for allowing public money to small and insignificant streams having little or no commerce and no water at all in dry weather, or not enough to float a "push-boat." It is apparent from reading this bill that the committee have made progress in removing this objection, and to any one not fully informed upon the details of commerce in the various localities of the country it would seem that still further improvement could be made in this direction. I do not believe the taxpayers object to giving all the money that is needed to complete the great public works of the country, from which, beyond all doubt, decided and substantial benefits will accrue to the people in the way of cheapening transportation, whereby the value of what the producing classes have to sell is increased and what they have to purchase is diminished in price. There is no ground whatever upon which to oppose the giving of public money to such objects.

I desire to state first what the committee have done, as appears from the bill under discussion and their report accompanying it, and then to point out wherein, from my view of this subject, the committee have failed to perform its full duty. The bill carries appropriations for two hundred and forty-two items or objects. Without reading them, I desire to have printed with my remarks tables giving the names of the most important objects and the amount of money given to each according to the report:

FOR MISSISSIPPI RIVER.

The largest appropriation in the bill is for the Mississippi River. The committee have appropriated to that river, from its mouth to its source, $2,400,000. This amount includes $60,000 for the reservoirs at its headwaters. An itemization of this aggregate sum is as follows:

Reservoirs at headwaters	$60,000
From Saint Paul to Des Moines Rapids, including harbors	250,000
Des Moines Rapids	50,000
From Des Moines Rapids to mouth of Illinois River, including harbors	200,000
From mouth of Illinois River to mouth of Ohio River, including harbors	500,000
From mouth of Ohio River to head of the passes, including harbors	1,250,000
Removing snags, wrecks, and other obstructions	75,000
Total	2,400,000

OTHER LARGE RIVERS.

In addition to the Mississippi, other great rivers in the country receive the following amounts:

Missouri River	$690,000
Ohio River	600,000
Tennessee River, including Muscle Shoals	350,000
Columbia River	265,000
Potomac River	250,000
Kentucky River	250,000
Great Kanawha River	200,000
Delaware River	200,000
Fox and Wisconsin Rivers	125,000
Arkansas River	110,500
Illinois River	100,000
Detroit River	100,000
Cape Fear River	80,000
James River	75,000
Providence River	60,000
Red River	75,000
Total for above sixteen rivers	3,530,500
Adding this total to Mississippi River, will give a grand total of	5,930,500
Hay Lake Channel, Michigan $125,000	
Channel through bar in Saint John's River, Florida 150,000	275,000
Seventeen rivers and two channels	6,205,500

FOR SMALLER RIVERS.

There are in the present bill recommendations for other rivers as follows:

21 at $5,000 each	$105,000
9 at $10,000 each	90,000
5 at $15,000 each	75,000
25 between $20,000 and $50,000	818,000
5 at $50,000	250,000
65 rivers, for which total amount recommended is	1,338,000

FOR HARBORS, AS DISTINCT FROM RIVERS.

The following are the leading appropriations for harbors:

New York Harbor (Hell Gate)	$300,000
Galveston Harbor	250,000
Charleston Harbor	250,000
Mobile Harbor	200,000
Baltimore Harbor	200,000
Sabine Pass, Texas	150,000
Oakland Harbor, California	139,600
Cleveland	100,000
Chicago	100,000
Aransas Pass, Texas	100,000
Sandy Bay, Massachusetts	100,000
Total for eleven harbors	1,889,600

The following harbors receive from $50,000 to $85,000:

Milwaukee, Wis	$85,000
Sand Beach Lake, Michigan	75,000
Buffalo	75,000
Cumberland Sound, Georgia and Florida	75,000
Humboldt, Cal	62,000
Oswego	55,000
Erie	50,000
Pensacola	50,000
Michigan City	50,000
Grand Haven	50,000
Wilmington, Cal	50,000
Eleven harbors, total amount	677,000

The total amount recommended by the bill for all purposes is $12,319,100.

Excluding the sums allowed for the Ohio, Missouri, and Mississippi Rivers, the following shows the amount each State receives for works within its limits, as near as I can arrive at from a hurried examination, though in some instances where a river flows through or partially through more than one State the appropriation for it can not be divided between such States, and is charged entirely to one of the States:

AMOUNT TO EACH STATE AND TERRITORY.

New York	$616,000
Illinois	610,000
Kentucky	556,000
Texas	485,000
Michigan	461,000
Wisconsin	430,000
Tennessee	379,000
Florida	371,000
West Virginia	298,500
South Carolina	296,000
Georgia	291,000
California	323,000
Ohio	259,500
Alabama	257,000
Arkansas	297,500
Maryland	233,000
New Jersey	215,000
Massachusetts	211,500
Connecticut	139,500
North Carolina	110,000
Rhode Island	135,000
Pennsylvania	110,000
Delaware	102,000
Virginia	162,500
Louisiana	137,600
Indiana	90,000
Iowa	65,000
Mississippi	47,000
Maine	70,000
New Hampshire	36,500
Oregon	27,000
Nevada	25,000
Vermont	5,000
Missouri	5,000
Minnesota	10,000
Washington, D. C	250,000
Washington Territory	14,000
Montana Territory	20,000

The State of Florida, which I in part represent, receives $371,000, distributed as follows:

Inproving entrance to Cumberland Sound (Fernandina Bar): Continuing improvement, $75,000.
Improving Appalachicola Bay: Continuing improvement, $10,000.
Improving harbor at Pensacola: Continuing improvement, $50,000.
Improving harbor at Cedar Keys: Continuing improvement, $5,000.
Improving harbor at Tampa Bay: Continuing improvement, $20,000.
Improving Appalachicola River: Continuing improvement, $1,000.
Improving Caloosahatchee River, $5,000.
Improving Choctawhatchee River, Florida and Alabama, $15,000.
Improving Conecuh and Escambia Rivers, Florida and Alabama, $12,000.
Improving Little Escambia River, $3,000.
Improving the channel over the bar at the mouth of the Saint John's River, $150,000.
Improving the Upper Saint John's River, $5,000.
Improving Suwanee River, $5,000.
Improving Volusia Bar, $2,000.
Improving Withlacoochee River, $3,000.

There are but seven States that receive a larger sum than the State of Florida, and in view of this fact, and of the fact that Florida is one of the smallest States in point of population and taxable property, it may be said that her members of Congress should be satisfied with the treatment she has received by the Committee on Rivers and Harbors. It may be said also, in consideration of the fact that of the $371,000 given to the entire State the district which I have the honor to represent receives $227,000, or over a quarter of a million of dollars, I and my constituents ought to be abundantly satisfied.

I appreciate fully the difficulties and embarrassments with which a Committee on Rivers and Harbors have to deal. The rivalries and contentions before the committee are as numerous as the objects for which appropriations are urged. I understand that delegations of citizens appear here from all portions of the country to urge the claims of their respective localities, and that members of Congress are persistent in their demands for liberal appropriations for their own districts. The committee must consider and finally act upon all these conflicting interests, rendering their duties perplexing and arduous.

The fundamental objection to this bill is the result of obeying a kind of unwritten law that the total amount of money appropriated by it must not exceed a certain sum.

This unwritten law seems to be mandatory upon the committee, and controls their action and the action of Congress, as it has prior Congresses. In no other department of the Government or branch of the public service does this rule apply. Upon every other appropriation bill, whether for War, Navy, Post-Office, legislative, sundry civil, or deficiency, neither the committee nor Congress undertakes to limit at the threshold of its preparation the amount of money which shall be appropriated. On the contrary, our custom and practice is to appropriate sufficient money to enable all branches of the service to discharge all obligations of the Government, advance the public interests, and promote the general welfare, whether it is more or less than a given amount. There may be a difference of opinion as to what sum will be sufficient for a given purpose, but whatever sum is deemed necessary by the majority is given without fear of serious reproach or condemnation by the people. But when it comes to preparing a river and harbor bill, when it comes to appropriating money to increase our commercial facilities by removing the obstacles and dangers of navigation of the great water ways of the country, a different rule prevails. Then this unwritten law, this fear of public criticism, if a certain limit is exceeded, hangs like a sword over the heads of the committee and other members, and we all become paralyzed. Though perfectly satisfied that $18,000,000 are absolutely needed and can be profitably expended for the next fiscal year, we dare not appropriate more than $12,000,000. Though perfectly convinced that true economy requires that the larger sum ought to be appropriated, we persist in giving the less. Though every motive for the public good and every business principle demands that when a new public work is commenced money sufficient to keep the work of the contractor continuous, until it is completed, should be appropriated, Congress, fearing public sentiment, has not the courage to make the appropriation. I do not understand that there is now any one who seriously contends that Congress has not the constitutional power to raise money by taxation to be used to deepen the harbors and rivers whose waters flow into the high seas. The national Republican convention, in 1880, in its declaration of principles, used these words: "We esteem it the duty of Congress to develop and improve our water courses and harbors."

General Garfield, in his letter of acceptance, said:

Fortunately for the interests of commerce, there is no longer any formidable opposition to appropriations for the improvement of our harbors and great navigable rivers, provided that the expenditures for that purpose are strictly limited to works of national importance.

By these and other declarations on this subject the Republican party is committed to the policy of internal improvements. While I am not aware that the Democratic party has ever in any national convention distinctly spoken in favor of such a policy, many of its representatives and public men are its earnest advocates.

What I object to is the principle, or rather the want of any sound principle upon which river and harbor bills are framed. The fear of criticism and condemnation by the press of certain sections of country I believe is more potent than it should be. Sections of country whose navigable water have been improved and whose commerce has been built up by aid from the Federal Treasury oppose appropriations now for other portions of the country for the selfish reason that they are no longer suffering for want of aid. The people living in the older and more densely settled portions of the Union, whose commercial interests have been fostered and placed upon a solid basis by the aid of the Federal Government, have no right to object to like aid for other portions of the country where it is now needed. Such opposition should not be yielded to, but firmly resisted.

I do not believe in yielding to a public sentiment when that sentiment is founded in error, and conclusively shown to be in error.

We ought to do what is clearly for our country's welfare and take the risk of obtaining the approval of our constituents when it is afterward explained to them. I believe the tax-payers will not condemn this Legislature for appropriating their money for any national work of internal improvement which manifestly is in the interest of commerce and of the great producing classes of the country. Therefore I want to see the Committee on Rivers and Harbors and Congress act with more courage on this subject.

I doubt if the people of this country understand fully that a small appropriation in a river and harbor bill for an important public work in process of construction is the worst sort of extravagance. In many cases small appropriations are a sheer and wanton waste of public money, when if the appropriations were larger there would be little or no waste or loss. I will explain what I mean. No money can be appropriated for a river or harbor until it has been surveyed by the Government engineers, a plan of improvement recommended, and an estimate of total cost made by those officers. Whether or not the navigation of any of the water ways can be improved, we take, and ordinarily are bound by, the judgment of the board of engineers.

The local engineer who makes the survey states in his report the amount of money which in his opinion can be profitably and economically expended each year. Congress of late years has been in the habit of appropriating from one-third to one-half of the sum the engineer recommends. The result is that the contractor who expends the money, under the direction of the engineer, has exhausted the appropriation months before another appropriation is available; labor upon the construction of the work is suspended for several months each year, and the work goes to pieces or is badly damaged by the action of the elements during the time that the engineer is waiting for another appropriation. In this way millions of public money is annually lost without any benefit, whereas if sufficient money was given each year to keep the construction of the work going on continuously until completed the greater portion of that which is lost by damage to the works in the manner I have stated would be saved. This is especially true where jetties are being constructed to obtain deeper water over the bars at the mouths of rivers.

The mouth of Saint John's River, Florida, may be taken to illustrate the point I make. When the jetties have reached a certain height and length, and before the new and proposed channel has been created and established, there necessarily is a transition state of the water until the new channel has been established. The jetties, while not sufficiently high to create the proposed channel, are high enough to obstruct the natural ebb and flow of the water through its usual or natural channel, and causes the water to flow over the top of the jetties with such force as to cause a current at the bottom and along the sides of the jetties, which, unless checked, will undermine them and cause them to sink. Now, it is perfectly obvious to the mind of every one that at this stage of the work there should be money enough on hand to enable the contractor to rapidly extend the length and height of the jetties and stop the useless scour caused by the violent flow of water over their top.

Instead of this, work has been suspended for months every year since the construction of jetties was commenced, the contractor and engineer absent, and the work abandoned to damage or partial destruction.

For the improvement of the bar at the mouth of Saint John's River the aggregate appropriations heretofore made are $375,000, and at least one-third of that amount has been substantially lost for want of sufficient money to keep the contractor or engineer upon the ground and the work on the jetties continuous. The engineers in their last annual report (1883), referring to this work, say:

The scouring current along the sides of the jetties observed during the preceding year had greatly increased in strength, especially on the south side of the work. At several points the underscour caused considerable settlement of the jetty on the main line as well as on the shore branch.

* * * * * * *

The works thus far executed have as yet neither the requisite height nor length to create an improved ship-channel across the bar. * * * There appears to be no doubt that the work will be left in a precarious condition when the balance of the last appropriation is expended under the existing contract.

The balance of the last appropriation was exhausted last December, and since then the works have been in that "precarious condition" of which the engineer's report speaks, and great damage has resulted in consequence.

The bill under discussion gives to this work $150,000, the same amount appropriated in 1882. The amount is wholly insufficient. The engineer in his last report says: "The amount that can be profitably expended in fiscal year ending June 30, 1885, $600,000." The project

of improving this bar from a low-water depth of six or seven feet to fifteen feet at low water, giving twenty-one feet at high water, was estimated by the engineers at a cost of $1,306,409. But if the practice is continued of making small appropriations each year, resulting as it necessarily must in suspension of work each year and consequent damage annually, as I have stated, it is safe to say that $2,000,000 will be expended before the construction of the jetties is completed, and the growth of a large portion of the State is in the mean time obstructed and retarded. The man who would partially construct a building, lay the foundation and erect the frame, and then abandon it to wind and storm until it was damaged to the extent of one-third or one-half its cost before resuming work would be deemed a fit subject for a lunatic asylum. Yet this is precisely what Congress has been doing for years, and it is time this pernicious and extravagant practice was abandoned.

Every principle of economy and every consideration of public interest requires that when a public work has been undertaken it should be pushed to completion as rapidly as possible, and this is especially true in localities where the people are suffering for better commercial facilities as are the inhabitants of the banks of the Saint John's River and tributaries and along the lines of railroads whose termini are on this river.

The increased insurance over that of other ports on the Atlantic coast by reason of the low water on the Saint John's Bar is about three-fourths of 1 per cent., and freight is increased 50 cents per ton, making an annual burden to the commerce of the city of Jacksonville, including the loss by the delay of vessels at the bar, of over $500,000 which the commerce of other Atlantic coast cities do not have to bear. Notwithstanding this burden and these discouragements, the country through which the Saint John's River runs, under the stimulus given and hope inspired by the commencement of this work at the mouth of the river three years ago, has rapidly developed.

The assessed value of property in the counties bordering on the Saint John's River, namely, Duval, Saint John's, Clay, Putnam, Volusia, Orange, and Brevard, has increased nearly 100 per cent. since 1880, and the population in the same counties about 25 per cent. in the last two years. There are now seventy-four steamboats, with a registered tonnage of 8,168 tons, employed upon the Saint John's River in carrying freight and passengers; a greater tonnage, it is believed, than is employed exclusively in local inland traffic upon any other river that empties into the Atlantic Ocean south of the Hudson.

As evidence of the growth of the eastern part of the State of Florida for the last three years and of its assured prosperity in the future, and consequently of the necessity of pushing the public works at the mouth of the Saint John's River to completion at an early day, I desire to have printed in this connection a portion of a memorial with a table of statistics to the present Congress, prepared by a "committee on statistics" composed of some of the most intelligent and prominent business men of the city of Jacksonville and vicinity.

Table of statistics.

Description of commerce, &c.	1880.	1881.	1882.	1883.
SAINT JOHN'S BAR COMMERCE.				
Estimated values of vessels and cargoes arriving and departing	$33,696,101	$38,176,459	$38,270,000	No report.
Upon this amount the increased insurance over that of neighboring ports, caused by the risks of this bar, was three-fourths per cent., or	252,720	286,323	287,025	No report.
The increased freight charges, from same cause, 50 cents per ton, or	161,696	174,622	175,000	No report.
The loss by delays, caused by bad condition of bar, 960 days	No report.	No report	33,600	No report.
The loss of vessels on the bar	20,000		18,500	No report.
Annual burden on the commerce of Jacksonville, which the completion of the improvement of the bar would save	434,416	460,945	514,125	
Feet of sawed lumber shipped	44,719,255	58,837,451	68,041,548	48,510,498
SAINT JOHN'S RIVER COMMERCE.				
Number of steamboats engaged, passenger and freight				74
Tonnage of steamboats engaged, passenger and freight				*8,168
Estimated value				$2,042,000
TRIBUTARY TO SAINT JOHN'S RIVER COMMERCE.†				
From coast States to Jacksonville, for consumption and distribution, tons	28,972	36,005	53,305	No report.
To coast States from Jacksonville, miscellaneous, tons	13,958	17,662	23,676	No report.
To coast States from Jacksonville, fruits, and vegetables, crates	217,685	215,617	316,800	No report.
To coast States from Jacksonville, cotton, bales	26,946	37,440	27,477	No report.
From coast States to Jacksonville, passengers, number	7,744	14,214	27,735	No report.
To coast States from Jacksonville, passengers, number	6,488	11,455	23,184	No report.
Estimated value inward freights	No report.	No report.	6,663,100	No report.
Estimated value outward freights	No report.	No report.	5,081,415	No report.
MISCELLANEOUS.				
Number miles railroads in operation tributary to Saint John's River commerce	303		446	865
Number acres land sold at United States land office at Gainesville (excluding commuted homesteads and other entries)	6,448.32	37,278.28	140,163.45	320,658.05

* This is a greater steamboat tonnage than there was by the last census report of ocean and inland in any Atlantic State south of Maryland except Georgia, and more than is engaged in purely inland local traffic upon any river south of the Hudson. It represents an increase since 1880 of 128 per cent., and by trips both ways a weekly tonnage employed of over 35,000 tons.

†The Saint John's River for 115 miles is from one to seven miles in width, is navigable for large steamers 230 miles and for a smaller class 335 miles, has 450 miles of navigable water and 865 miles railroad tributaries, with 122 miles under construction, being an increase of 185 per cent. since 1880.

The yearly loss to commerce by not having a good harbor of refuge in this river, estimated by underwriters' agent, is $100,000.

The assessed value of property in the counties of Duval, Saint John's, Clay, Putnam, Volusia, Marion, and Orange, which border on the river, has increased since 1880 89 per cent.

Acreage under cultivation in same counties has increased since 1880 35 per cent.

Population in same counties has increased since 1881 22 per cent.

MEMORIAL.

To the Committee on Rivers and Harbors
of the House of Representatives of the United States:

Your memorialists, a committee appointed on behalf of the people of Florida, respectfully ask your consideration of the following facts, showing the necessity for the continuance of the improvement of the entrance to the Saint John's River.

The value of vessels and cargoes arriving at and departing from the port of Jacksonville in 1882 amounted to $38,270,000. Upon this amount the increased insurance over that of neighboring ports caused by the risks of commerce crossing the bar was three-fourths per cent. or $287,025. The increased freight charges averaged 50 cents per ton, or $175,000. The loss by delays at the bar caused by its condition amounted to nine hundred and sixty days, or $33,600, and the losses on the bar to $18,500, making an annual burden on the commerce of Jacksonville, which the completion of the improvement of the bar would save, of $514,125.

The steamboat tonnage, inland and local, upon the Saint John's River now actively and prosperously engaged in its freight and passenger traffic, consists of seventy-four steamboats, of 8,168 tons (registered), representing a value of $2,042,000. This is a greater steamboat tonnage than there was by the last census reports, of ocean and inland, in any State south of Maryland on the Atlantic coast, with the exception of Georgia, and more, as appears by same reports, than was then in service for purely local inland traffic upon any river on the Atlantic Coast south of the Hudson. It represents an employed tonnage by trips both ways of over 35,000 tons weekly, and is an increase since 1880 of 128 per cent.

The freights brought to Jacksonville from Atlantic coast States by railroads for consumption and distribution during 1882 amounted to 53,305 tons, of an estimated value of $6,663,100, an increase of 84 per cent. over 1880. The outward-bound freight from the same city brought down the Saint John's River and by railroad through this State for shipment to coast-line States amounted to 42,000 tons, or $5,081,415 value. The number of passengers brought into Florida by railroad from coast-line States during the same year was 27,735, and carried outward to similar points 23,184, an increase over 1880 of 258 per cent., none of which freight or travel crossed the Saint John's Bar.

In the present condition of the Saint John's Bar there can be no foreign commerce over it. With over 55,000,000 feet of sawed lumber leaving during the year the shipments are restricted to coastwise ports; while cotton and other products must leave by rail lines to seek shipment abroad from ports in other States.

In the counties bordering the Saint John's River, namely, Duval, Saint John's, Clay, Putnam, Volusia, Marion, and Orange, the assessed value of property has increased 89 per cent. and the acreage under cultivation 35 per cent. since 1880. In the same counties the population has increased over 22 per cent. during the last two years.

The railroad lines tributary to the Saint John's River lying within the State of Florida have 865 miles in operation and 122 miles under construction. They have increased 185 per cent. since 1880.

The United States land office at Gainesville shows the following sales at private entry (excluding commuted homestead and other entries): 1880, 6,448.32 acres; 1881, 37,278.28 acres; 1882, 140,163.45 acres; 1883, 320,658.05 acres.

Your memorialists would direct your attention to the fact that the Saint John's River is one of the longest and widest on the Atlantic coast in the United States. For one hundred and fifteen miles from its entrance the width is from one to seven miles. It is navigable for large steamers two hundred and thirty miles, and for a smaller class four hundred and thirty-five miles; has four hundred and fifty miles water tributaries navigable for steamboats, and eight hundred and sixty-five miles of railroad feeders already in operation.

The improvement by the jetties already begun, as the report of General Gillmore, the engineer in charge, shows, is an assured success. The need of a harbor of refuge and a naval depot in the Saint John's River has been recognized, and the improvement deemed one of national as well as local importance.

For these reasons your memorialists pray that a liberal appropriation be recommended for the immediate continuance and completion of the improvements already begun.

Other counties lying west of the Saint John's River, indeed all the eastern and southern portion of the State, has increased in wealth and population in nearly the same ratio as have the counties mentioned in the above memorial.

In fact, the assessed valuation of the property of the State of Florida has nearly or quite doubled since 1880; increasing from $30,000,000 to about $60,000,000. It will be seen from this memorial of citizens that the Saint John's River and navigable tributaries have about nine hundred miles of navigable waters and eight hundred and sixty-five miles of railroad feeders with their eastern terminus on the Saint John's River, and there are more railroads in process of construction. The solicitude of the prosperous people located upon the banks of these waters and upon the lines of these railroads, receiving large accessions every year, can be well understood and appreciated when it is remembered that their nearest outlet to the high seas is over the Saint John's Bar, and that the price of what they sell in markets outside of the State is largely increased and of what they consume not produced within its limits materially diminished by the high rate of insurance and freight and detention of vessels caused by the condition of the bar at the mouth of this river.

While I do not wish to take this occasion to advertise the State of Florida, I do desire to correct a very erroneous impression.

Very many people in this country seem to know but little of the State of Florida, except such information as they have acquired by reading the history of the Florida Indian wars.

The reports of military officers speak of pursuing the redmen into the swamps and everglades to which they fled to avoid engagements with our troops, and the dimensions and character of these resorts of the Indians were doubtless very largely exaggerated, and the impression was naturally left upon the mind of the reader that Florida consisted in the main of swamps and everglades.

This impression of Florida is very erroneous and does great injustice to the State. The truth is, the quantity of waste land and absolutely worthless land is not large. Much of the swamp and overflowed land is of a most valuable character, some of it having a heavy growth of timber and valuable wood, and but little that is not susceptible of drainage.

Like all new countries, the least fertile has been first settled and cultivated, because it could be brought under cultivation at less cost than that requiring drainage and the heavily timbered. The day is not far distant when with a more dense population large areas of land which twenty-five years ago were abandoned to alligators and other reptiles, and which would not have been taken as a gift, will be the most valuable and most productive in the State.

It must not be forgotten in estimating the resources of Florida that the variety of her products are probably greater than those of any other State in the Union. The cultivation of the orange, lemon, lime, guava, pine-apple, and cocoa-nut has been demonstrated to be profitable, and in the production of these tropical and semi-tropical fruits none of the other States can ever be her rival. The character of their climate, which neither art nor science can change, forbids all rivalry in this field of profitable and attractive industry. For these products there is but one Florida in the United States. And for a winter home for the invalid, pleasure-seekers, or those who need rest from business pursuits no other portion of our country can offer equal inducements. And this class of our citizens, numbering from 40,000 to 50,000, who annually visit the State is interested in the improvement of water transportation and in rapid transit.

Another growing city upon the Atlantic coast is the city of Fernandina. At the mouth of the Saint Mary's River, which is the boundary line between the States of Georgia and Florida, the Government has commenced another public work by the construction of jetties to obtain a deep-sea channel. This improvement is known in the report of the engineers as the Cumberland Sound improvement. Before this work was commenced the low-water depth on the bar was from eleven to thirteen feet, with an increase of six feet at high water. The project of constructing jetties here contemplates, when completed, "a low-water channel not less than twenty to twenty-one feet," and the cost of the work was estimated at $2,071,023. This plan was adopted in 1879, and prior to the present Congress $180,000 have been appropriated and expended.

The bill under consideration gives $75,000 to this work for the fiscal year ending June 30, 1885, while the engineers report that $600,000 could be profitably expended. My remarks upon the necessity of sufficient appropriations to continue work upon public improvements without interruption until completed applies to this harbor, though in less degree than at the Saint John's Bar.

The damage to the work during suspension of operation is less at the former than at the latter point, according to the report of the engineer in charge of both. Referring to the Cumberland Sound improvement, this officer says in his report for 1883: "The works are, on the whole, in a satisfactory condition;" while he speaks of that at the Saint John's Bar as being "for some time past, and is still, in a critical condition." While I believe the deepening this bar at Cumberland Sound as proposed is of the utmost importance, and will be of incalculable value to the commerce of the State in future years, there is no substantial impediment to the present volume of commerce seeking egress or ingress over this bar. There is rarely any actual detention of vessels departing or arriving caused by insufficient water, while at the mouth of the Saint John's River a whole fleet of a dozen or more vessels are detained for days, and even weeks, waiting for better weather and higher water in the channel.

For these reasons I have at various times urged upon the attention of the Committee on Rivers and Harbors that there was an actual and pressing necessity of immediate large appropriation for the Saint John's Bar, and that if it was the policy of the committee not to give sufficient money to push both improvements to completion as rapidly as continuous work thereon would accomplish it, that the preference should be given to the Saint John's Bar. There should be given largest measure of relief where there is the greatest suffering.

Where two patients require the attention of medical skill the humane physician will endeavor to first relieve the one that is suffering the most acute pain.

In conclusion I desire to call attention to the fact that the Atlantic and Gulf coast of Florida is over 1,000 miles in extent; her rivers and harbors, requiring aid from the Federal Government in the future, are numerous, and that all the people of Florida, irrespective of party, must, to advance their own interests, be in favor of a liberal river and harbor bill at each recurring session of Congress. Florida's Atlantic seacoast is nearly one-fourth of the entire coast from the most northern point of Maine to the southern point of Florida. The people of the latter State are pressing for large expenditures from the Federal Treasury for only two important public works on her eastern coast. By referring to the appendix I submit, and which I ask to have printed for information, it will be seen that each State north of Florida has received and is receiving Federal aid for a much larger number of objects of improvement, and that the demand made on the part of Florida for the improvement of her two most important Atlantic seaports is not unreasonable and should be complied with without delay. I did not prepare this appendix, but am assured that it is substantially accurate.

APPENDIX.

WHY SHOULD THERE NOT BE APPROPRIATIONS FOR TWO HARBORS ON THE ATLANTIC COAST OF FLORIDA AT THE SAME TIME?

There is no reason why there should not be appropriations for the improvement of two of our Atlantic harbors at the same time; and in view of what is being done for other parts of the Atlantic coast, it can not be considered that Florida indulges undue expectation in hoping that the provision for these two harbors will be liberal.

This State has a longer extent of shore line on the Atlantic coast than any other State, and has fewer harbors appropriated for in the river and harbor bill than any other State.

Florida has nearly one-fourth of the whole Atlantic coast line, measuring from the north boundary of Maine to the southern point of the coast. Only two harbor improvements (Cumberland Sound entrance and Saint John's River) are in progress on her Atlantic border, against one hundred and fifty-one on the other three-fourths of the shore line.

A table showing the Atlantic continental shore line, excluding islands, bays, &c., except Massachusetts Bay, in each State, as furnished by the United States Census Bureau in 1850, with the number of harbor improvements now progressing in each, and their proportion to mileage, is as follows:

States.	Shore line.	Number of harbor improvements in progress.	Proportion as to miles of coast.
	Miles.		
Maine	278	11	1 to 25
New Hampshire	18	3	1 to 3
Massachusetts	286	11	1 to 26
Rhode Island	45	6	1 to 7
Vermont		3	
Connecticut	104	10	1 to 10
New York		15	
New Jersey	120	14	1 to 8
Pennsylvania		8	
Delaware	23	8	1 to 3
Maryland	33	16	1 to 2
Virginia	116	20	1 to 6
North Carolina	320	14	1 to 78
South Carolina	220	7	1 to 31
Georgia	128	5	1 to 25
Florida	472	2	1 to 236

It is observable that about one-half the whole number of improvements in progress are within the States near the seat of Government, comprising 292 miles of the shore line out of the 2,163 of total coast line. The two extremes of the line are not so well served. The New England States lying north of New York, with a shore line of 733 miles, have forty-four objects of improvement in progress; and the States south of Virginia, with a shore line of 1,140 miles, have twenty-eight objects of improvement.

The two States immediately adjacent to the seat of Government, with a shore line of 149 miles, have thirty-six objects of improvement in progress, or, with less than one-fourteenth of the coast line, they have nearly one-fourth of the objects of improvement in progress.

The State which is most remote from the seat of Government fares worst. Florida, which has 472 miles of the Atlantic shore line, has only two objects of improvement in progress, or one for each 236 miles.

That the data upon which the foregoing is based may be scanned, we give a table of details.

Harbors on Atlantic coast for improvement of which appropriations were made by the last Congress.

Maine.—Calais Harbor, Lubec Channel, Jonesport Harbor, Belfast Harbor, Rockland Harbor, Richmond Harbor, Cathance River, Bath Harbor, Portland Harbor, Richmond Island Harbor, Kennebunk River.

New Hampshire.—Lamprey River to New Market Harbor, Exeter River to Exeter Harbor, Portsmouth Harbor.

Massachusetts.—Newburyport Harbor, Merrimac River, Boston Harbor, Scituate Harbor, Plymouth Harbor, Provincetown Harbor, Hyannis Harbor, Nantucket Harbor, Wood's Holl Harbor, Wareham Harbor, Taunton River.

Connecticut.—Connecticut River, Stonington Harbor, New London Harbor, Thames River, New Haven Harbor, Milford Harbor, Housatonic River, Bridgeport Harbor, Southport Harbor.

Rhode Island.—Pawtucket River, Providence River to Providence Harbor, Potowomut River, Newport Harbor, Block Island Harbor, Little Narragansett Bay.

New York.—Port Jefferson Harbor, Hudson River, New York Harbor, Harlem River, Flushing Bay Harbor, Gowanus Bay Harbor, Newtown Creek, East Chester Creek, Echo Harbor, New Rochelle Harbor, Port Chester Harbor, Canarsie Bay, Sheepshead Bay, Plattsburg Harbor, Sumpawamus Inlet.

New Jersey.—South Cheesequakes Creek, Passaic River, Elizabethport Harbor, Shrewsbury River, Rahway River, Elizabeth River, Woodbridge Creek, Manasquan River, Raritan Bay, Matawan Creek, Cohansie Creek, Salem River, Rancocas River.

Pennsylvania.—Delaware River, Schuylkill River, Marcus Hook Harbor, Chester Harbor, New Castle Harbor, Chester Creek, Susquehanna River, Port Warden's Line.

Delaware.—Wilmington River, Broadkiln River, Mispillion Creek, Duck Creek, Saint Jones River, Delaware Bay, Delaware Breakwater Harbor, Broad Creek.

Maryland.—Susquehanna River, Northeast River, Elk River, Chester River, Queenstown Harbor, Patapsco River, Annapolis Harbor, Choptank River, Secretary Creek, Cambridge Harbor, Treadhaven Creek, Deal's Island Passage, Wicomico River, Breton Bay, Pocomoke River, Saint Jerome's Creek, Baltimore.

Virginia.—Onancock Harbor, James River, Appomattox River, Shenandoah River, Neabsco Creek, Nomini Creek, Rappahannock River, Totuske River, Urbanna Creek, Mattaponi River, Pamunky River, York River, Chickahominy River, Staunton River, Norfolk Harbor, Archer's Hope River, Pagan Creek, Blackwater River, Nottoway River, North Landing River.

North Carolina.—Cape Fear River, Dan River, French Broad River, Roanoke River, Currituck Sound, Scuppernong River, Pamlico and Tar Rivers, Neuse River, Trout River, Contentny Creek, Beaufort Harbor, Lellington River, Town Creek, Yadkin River.

South Carolina.—Great Pedee River, Waccamaw River, Santee River, Wateree River, Charleston Harbor, Ashley River, Wappoo Cut.

Georgia.—Savannah Harbor, Savannah River, Saint Augustine Creek, Altamaha River, Brunswick Harbor.

Florida.—Entrance to Cumberland Sound, Saint John's River.

Rivers and Harbors.

SPEECH

OF

HON. ANDREW J. CALDWELL,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. CALDWELL said:

Mr. CHAIRMAN: I have not risen for the purpose of opposing this bill or criticising the action of the committee, but to call attention to what I believe to be an oversight with reference to the Cumberland River, in the State of Tennessee. The committee, it is true, were unable to do entire and exact justice in the premises, arising from the fact that the report which was ordered to be made by the War Department in the fall of last year was detained in the office of the engineer in charge of the Muscle Shoals improvement and the Cumberland River, Major King, at Chattanooga. It was submitted to him by Assistant Engineer Turrill, who made the survey and estimates November 21, 1883, and was not transmitted to Congress until March 15, 1884. I myself made repeated applications at the office of the Chief of Engineers in order to get that information before the committee, but it was only a short time before they reported this bill, and on the day I had the honor to appear before them, that they ever saw the recommendation made as to the new system proposed under act of Congress of August 2, 1882.

The committee have recommended seventeen new works of improvement of the water courses of the Mississippi Valley. The Cumberland River ranks with the foremost of the third-class rivers.

The appropriation recommended by the committee is not one-third of the amount required. The chairman of the committee has stated in reference to some appropriations they have reported three-fourths of what was recommended, while in others they have appropriated from $5,000 to $50,000. You will perceive this appropriation for the Cumberland is a mere bagatelle. Indeed it is little more than throwing the money away. I therefore propose to offer an amendment to increase the amount to $100,000, which will build the first lock of the proposed system and increase the depth of water above it. It will commence the new system which has been demonstrated will open a bright future for the river.

The improvement of this river was commenced by the Government on July 3, 1832, when there was an appropriation made of $30,000. From that time up to July 7, 1838, the appropriations made from time to time amounted to $155,000, of which sum $154,480.08 were expended on the river, the balance of $519.92 being carried to the surplus fund in 1848. From 1838 to 1871 no appropriations were made. Again, $30,000 was appropriated March 3, 1871, and from that time to 1881 the aggregate was $466,000. The engineer's report for 1883 states as follows:

A survey of the Cumberland was authorized by Congress in 1870, and a resurvey of that part of the river embracing Smith's Shoals in 1875. Upon these surveys was based the present project for improvement. A survey of the Falls of the Cumberland was made in 1879 and a reconnaissance of the upper Cumberland in 1880.

The Cumberland has been divided in the different river and harbor acts into a number of sections.

The obstructions to be overcome are of a similar nature on the different sections, and consist of rock-reefs, gravel-bars, snags, bowlders, and overhanging trees, and on that part of the river above the Jellico mainly fish-traps and mill-dams.

The method of improvement consists of blasting out a channel through the rock-reefs, removing gravel-bars and bowlders, and building riprap dams where a contraction of the water way is necessary to secure additional depth; and also the removing of snags and overhanging trees.

The improvement of the river by the construction of locks and dams, which is the only method by which a low-water navigation can be recovered either below or above Nashville, especially for very light-draught boats, has been the project, which is only designed to give such additional depth to the channel as will prolong the season of navigation.

There are now twenty-one steamboats engaged in navigation on this river, having an average registered tonnage of one hundred and eighty-three tons; their individual capacities ranging from one hundred to five hundred tons. These boats run between Nashville and various points on the Cumberland, Ohio, and Mississippi Rivers.

The Cumberland is navigable for all these steamboats for six months in the year from Nashville to the mouth of the river, and from six to eight months for boats drawing three feet and less; and the entire year for boats of sixteen inches draught.

Above Nashville the river is navigable to Point Burnside (the Cincinnati Southern Railway crossing), a distance of three hundred and fifty miles, for from four to six months for steamers of three feet draught, and from two to three months for larger boats. From Nashville to Burksville, three hundred and twenty miles above, the Cumberland is navigable from five to seven months for steamers of three feet draught, and from three to five months for larger boats. From Nashville to Carthage, one hundred and twenty miles above, the river is navigable from six to eight months for steamers of thirty inches draught, and from four to five months for larger boats. The work done on the Cumberland, although not completed, has already had the effect of extending the duration of the navigable period both above and below Nashville.

It is estimated that the following shipments were made on the Cumberland during the past year, namely: Grain, 3,000,000 bushels; tobacco, 14,000 hogsheads; potatoes, 3,000 bushels; iron, 20,000 tons; hogs and cattle, 10,500 head; eggs, 100,000 dozen; lumber (partly rafted), 160,000,000 feet; general merchandise not estimated; passengers carried, 125,000.

BELOW NASHVILLE.

Work on this section was resumed in September and continued until January, when operations were suspended on account of the high water. Work was carried on at the following places, and the condition of the work at the different points as stated below:

At Harper's Shoals, nine-tenths completed; at Checkered-House Shoals, nine-tenths completed; at Elk Creek Shoals, completed; at mouth of river, one-half completed.

In addition to the work at the points above mentioned operations with a snag-boat were carried on during the months of October and November between Nashville and the mouth of the river. The following are the quantities of work done during the year: Rock placed in dams, 3,397 cubic yards; rock excavated from channel, 78 cubic yards; gravel excavated from channel, 1,550 cubic yards; snags removed, 938; old wrecks removed, 2; brush-dam built at the mouth of the river, 740 cubic feet.

The work done on the shoals above mentioned effected an increase in the depth of water at low stages of from six to nine inches.

The work was in local charge of Assistant Engineer C. A. Terrill, with an average force of fifty men.

The funds available and the appropriation herein estimated for can be profitably expended in continuing work upon the shoals below Nashville in accordance with the present plan.

BELOW NASHVILLE.

The original estimate of cost of improving Cumberland River below Nashville was $248,872; amount appropriated, $235,000; amount expended, $229,731.74.

MONEY STATEMENT.

Amount appropriated by act passed August 2, 1882	$15,000 00
July 1, 1883, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	9,545 99
July 1, 1883, outstanding liabilities	185 75
July 1, 1883, amount available	5,268 26
Amount (estimated) required for completion of existing project	13,821 00
Amount that can be profitably expended next year	13,821 00

ABOVE NASHVILLE.

Work on the river from Nashville to the foot of Smith's Island was resumed in September and carried on to the close of the fiscal year. The work of building dams was, however, suspended during the winter months on account of high water. Operations were confined principally to the following obstructions: Old pier removed at Nashville, one-tenth completed; Upper Nashville Island, completed; Priestley's Shoals, completed; Donaldson's horse-ford, one-half completed; Lindsey's Island, three-fifths completed; Belote's Bar, completed; Whitley's Rock Island, completed; Wellman's Bar, seven-eighths completed; Walton's Shoals, completed.

In addition to the work done at the obstructions above mentioned operations with a snag-boat were carried on during a part of the low-water season between Point Burnside and Albany Landing, eighty miles, and Hartsville and Nashville, a distance of one hundred miles.

Under the provision of the appropriation act of August 2, 1882, a survey of this part of the Cumberland River is now in progress, with a view to ascertaining the cost of placing locks and dams on the Cumberland River from Nashville to the Cincinnati Southern Railroad in Kentucky.

The original estimate of cost of improvements from Nashville to foot of Smith's Shoals was	$213,764 00
Amount appropriated	162,000 00
Amount expended	169,611 77
Amount that can be profitably expended in fiscal year ending June 30, 1884	51,764 00

By act of March 3, 1881, a survey was directed to be made "to ascertain the practicability and cost of a canal, with locks and dams, from the head to the foot of Smith's Shoals. The report of February 15, 1882, says:

A strict construction of the act authorizing the survey calls for a "canal with locks and dams;" but such a canal would be enormously expensive if not impracticable, and would be entirely unnecessary, since the locks and dams would give sufficient depth to the river itself.

The river bed is in a gorge from three hundred to five hundred feet deep, which leaves no room for a canal, and at the same time renders it unnecessary, since it is possible to raise the water-level by means of dams to any desired height without overflowing the surrounding country. The estimate has therefore been made for locks and dams, using the river itself as a canal.

The language of the act also limits the survey to "Smith's Shoals," but as the principal object of the proposed improvement appears to be to enable coal mines in the vicinity of Rock Castle River to boat their coal to Nashville, it is evident that the river from the present head of navigation at Point Burnside to the mouth of Rock Castle River should be put in as good navigable condition as Smith's Shoals proper, in order that the improvement may fully accomplish its object. I will, therefore, add an estimate of the cost of extending the improvement as suggested.

There is no doubt as to the practicability of building the locks and dams so as to give any desired depth of water at all points on Smith's Shoals.

The estimated cost is:

The dam at the head of Mill Shoal could probably be built of substantial masonry for	$240,000
And four locks, of 16 feet lift and 55 by 140 feet in the chamber, at $80,000 each, would cost	320,000
Total	560,000

This is the estimate for improving the river "from the head to the foot of Smith's Shoals," but in order to make this improvement available it would be necessary to build—

An additional dam about 25 feet high, and three more locks at or near Shadowen Shoal, the cost of which dam would be	$75,000
And that of the three locks, at $80,000	240,000
Making	315,000
Which, added to the foregoing estimate	560,000
Make a total of	875,000

as the cost of the entire improvement.

* * * * * * *

The advantages of this plan of improvement would be:

1. It would give absolutely safe and reliable navigation for rafts and coal-boats at all seasons of the year and all stages of the water from Rock Castle River to the present head of navigation at Point Burnside.

2. It would allow steamboats to ascend, as well as provide for descending navigation.

3. The improvement would be permament.

On the other hand it should be stated:

1. That even if Congress should make liberal appropriation for the work, say $300,000 for the first year, it would take at least four years to complete the work, during which time no advantage would result to navigation; while at the rate such appropriations are usually made, a much longer time would elapse before the improvement would become available.

2. That the present system of dams appears to give good satisfaction as far as tested, and it is probable that if the coal-mines will make full use of the boating tides, and perhaps make some slight modifications in their temporary barges, they can now market all the coal they can mine, not only safely, but profitably.

3. So far as rafts and loose saw-logs are concerned, it is quite likely that the present arrangement is as good if not better than the locks and dams would be.

4. From the head of the Great Falls to the head of Smith's Shoals the Cumberland River falls three hundred and twenty-four feet, and is so badly obstructed by bowlders that it can never be made navigable for steamboats at any reasonable cost; it is not therefore probable that the improvement, even if completed as herein estimated for, would ever be extended to the upper Cumberland.

In view of these considerations, I would respectfully recommend that the present system of dams be tried for at least one year longer before undertaking the more radical system of improvement.

The act of August 2, 1882, ordered a survey from Nashville to Smith's Shoals, to ascertain the cost and advisability of instituting slackwater navigation by means of locks and dams. It was made by Assistant Engineer C. A. Turrill, of Nashville, in the year 1883. He says of the proposed improvement by locks and dams:

In considering whether it is practicable to improve the upper Cumberland by means of locks and dams, the favorable features to be noticed are, first, permanency of banks and beds.

* * * * * * *

Bed-rock in the river is horizontal in stratification, and in some shoals is almost at the surface at low water, presenting a favorable place for saving expense in lock masonry.

* * * * * * *

Uniformity of fall for any distance greater than ten miles may be mentioned as another favorable feature. Although the fall at low water is principally concentrated at the shoals, leaving long and comparatively level pools, yet taking the amount of fall which could be overcome by one lock of moderate lift, say 10 feet—and this fall is always found distributed in about the same length of river—the rate of fall for the entire length of survey, 327.8 miles, is 222.9 feet, or 8 inches per mile. The change of slope as affected by the slackwater will thus be reduced to a minimum by equally distributing the dam over the entire distance. By this means, also, each lock and dam will benefit its proportionate section of river in extending navigation.

Uniform width of the river may be also mentioned. It varies from 305 feet at low water above the State line to 400 feet below the State line. This causes a generally uniform height of rises, owing to equal cross-sections.

Materials for the construction of substantial locks and dams are abundant. Suitable stone can no doubt be found within less than half a mile of any location. Supplies can be purchased during the boating season, when they can be delivered at the work by steamer.

* * * * * * *

The work which has been already done to improve the upper Cumberland can be made to assist materially in the introduction of the slackwater system. The jetties or training-dams heretofore built will assist in confining the water to a limited channel, and especially in the heads of pools will contribute toward the canalization of the river.

In commenting on this river the engineer, Major King, says as to the former plan of improvement, for which Assistant Engineer Turrill, as we have just seen, recommends the slackwater system (Executive Document 129, page 3):

This river has heretofore been improved by means of wing-dams and channel excavation, with a view to securing an increased depth of channel at medium stages of the river, but without attempting to secure a navigable depth at extreme low water, and while greatly facilitating navigation, it is evident that such a system of improvement is but a partial removal of the difficulty.

It will thus be seen that all the former work and all the previous outlay of moneys have failed to effect anything more than a partial removal of the difficulties of navigation.

Major King then gives a brief résumé of the new project and its estimated cost, as follows:—

The proposed system of improvement by locks and dams will require twenty-three locks, with lifts varying from 6.5 to 11.8 feet at low water, with side walls sufficiently high in each location to permit boats to pass the locks until the water is high enough to allow them to pass over the dams. As it will require from 20 to 25 feet rise to enable boats to pass over the dams safely, it will be seen from the foregoing table that on an average the locks will be used about eleven months in the year, and during one month the boats will have to pass over the dams.

It is proposed to build the locks of solid masonry and found them upon the rock. They should be about 60 feet wide and 250 feet between miter-sills, though perhaps smaller dimensions would answer the purpose.

There will be a dam required at each lock from 260 to 500 feet long, and these should be made of stone and timber, with secure foundations. Each dam will back the water to the next lock above, a distance of from 8 to 19 miles, and give a depth of 5 feet on the lower miter-sill.

The questions suggested in the letter of instructions may be answered as follows, taking them in their order:

1. There is no doubt as to the practicability of the work. A very similar, but more difficult work, on account of bad foundations, has been successfully tested on the Kentucky River, below Frankfort.

2. The probable cost from Nashville to the Kentucky line, as estimated by Mr. Turrill, is	$1,987,536
3. The probable cost from Kentucky line to the Cincinnati Southern Railroad he estimates at	1,215,386
Making a total of	3,202,922
4. The cost of locking and damming Smith's Shoals, as estimated in my report of February 15, 1882, is	875,000
Which, added to the foregoing, makes	4,077,922
The cost of operating the thirty locks, including seven at Smith's Shoals, will be about $1,200 per annum each, or $36,000, which, capitalized at 3 per cent., makes	1,200,000
Making the entire expenditures involved in the project	5,277,922

If undertaken, the work should be begun at Nashville and extended up the river, so that the improvement can be utilized as fast as it is completed. This will benefit commerce, even on the upper river, more than to begin at two or more places, because the upper end of the improved river will always be the base from which boats can safely undertake hasty trips to the upper waters of the Cumberland and its tributaries on short tides in summer. Any attempt to improve intermediate sections would not only add greatly to the cost of the work, but would delay its completion, and the detached locks and dams would be of no use until connected with the completed work below.

This able officer then discusses the question as to whether it is necessary to undertake the new plan at the estimated cost, and prudently weighs every consideration he deems proper to bring to the attention of the Government, whose interests he is evidently conscientiously endeavoring to protect and promote. The best and least expensive plan for the improvement of the river is of course what is desired. The old plan, having been tested by experience, has failed to effect the object. Now, is it advisable to introduce the slackwater system, or may there not be a cheaper and more practicable plan? Certainly we should hesitate to throw away all the work previously done if it can be avoided. But there is no necessity for that, for, as shown, the "work already done will materially assist in the introduction of the slackwater system."

Major King says:

As to whether this "improvement is proper to be made," it may be remarked that some more radical improvement of the Cumberland is evidently demanded by the interests of commerce; and if the necessary depth of water can not be obtained without locks and dams, the expenditure of $5,000,000 for building them may be justified. But before deciding this point it is proper to inquire whether the same amount of money, or even a much smaller sum, may not provide a sufficient depth of water for all commercial purposes. It must also be borne in mind that the system of locks, even if completed in the most substantial manner, would not be an unmixed blessing, since they would at all times cause some delay, and accidents might occasionally stop navigation altogether for several days at a time; but at all times when the river is above, say, fifteen feet at Nashville, navigation would be better without locks than with them. When the river at Nashville is above ten feet, or about four months in each year, there is probably sufficient water for all purposes of navigation, so that the locks may be considered as desirable only eight months in the year, or two-thirds of the time, while during the other third they would not only cause delay and expense for working, but would be practically unnecessary.

This officer is certainly not subject to the criticism sometimes heard in debate, that his estimates and recommendations are recklessly made

and without due circumspection. He certainly here is weighing the proposed advice he shall give with due regard to all interests—the convenience of navigation, its possible effect upon the use of the river as a highway for commerce, as well as its soundness from an engineering standpoint. If he can give us the river free from difficulties cheaper by any other plan than the proposed plan of thirty locks and five millions of expense, he desires to do so. And he says:

As the average fall is only 8 inches per mile, there would be no trouble about rapid currents if the slope could be made tolerably uniform, and the important question would be to get a sufficient depth of water. To determine whether this is practicable the low-water discharge of the river was measured at three points, with the following results, namely:

1. Above the Kentucky and Tennessee State line, 850 cubic feet per second.
2. Above the mouth of Caney Fork, 1,100 cubic feet per second.
3. Near Nashville, 1,325 cubic feet per second.

By computation it is found that if the river at low water were confined in a channel 80 feet wide at bottom and with side slopes of 45° at the shoal places, and the slope regulated by jetties or wing-dams, these quantities of water will be sufficient to give a depth of 5 feet, 6 feet, and 7 feet at the points just mentioned.

In other words, there will be plenty of water if the width and slope are properly regulated, and this can be done by a suitable arrangement of brush and stone dams, so disposed as to narrow the channel at low water and cause the gravel to scour to the proper depth at the shoals and form deposits in the deep places, where it will not only be out of the way, but will assist in backing the water upon the shoal places.

To those not familiar with the subject it might appear that this would simply be a continuation of the improvement on the present plan, and to a certain extent it would be; but it should be remembered that the existing project has cost only $277,000 for the entire improvement from Nashville to the head of Smith's Shoals, or less than one-nineteenth of what it is now proposed to apply to the same portion of the river.

It is thus evident that the engineer is of the opinion that this river can be improved for much less cost and to better purpose than to adopt the lock-and-dam system entire and canalize the river; that is to say, by a combination of the wing-dam and channel-excavation plan, with the locks and dams. Wherever the last judgment of the constructing engineer in charge may determine that the old plan can be helped by the new there he proposes to adopt it; but wherever economy and the needs of navigation can best be subserved by the adhering to the old plan to do so he says:

In order to compare the lock-and-dam system with the jetty system, which, by the way, is something like the original problem of improving the mouth of the Mississippi River, minus most of its difficult and experimental features, Mr. Turrill was directed to make an estimate of the cost of improving the worst or most difficult and the most favorable sections of the river by jetties, with the following results:

Worst section: With locks, $180,951; without locks, $268,700.

Best section: With locks, $168,008; without locks, $121,300.

The cost with locks includes the cost of operating, capitalized, as in the general estimate, and the figures show that in the worst section the locks would be about $88,000 cheaper, while in the best section they would cost also $46,700 more than the jetties.

It should also be taken into account that the building of jetties will not interfere at any time with the free navigation of the river, while the dams can not be built without entirely stopping navigation for longer or shorter periods, according to the stage of water, floods, weather, appropriations, and other circumstances under which they are built.

In some cases it will evidently be better to build locks, while in others jetties will be more advantageous.

In conclusion, this report, which is thus seen to be well considered and eminently worthy of attention, says:

I would, therefore, respectfully recommend that, if this improvement is undertaken by Congress, the following provisions be made:

1. That the appropriation be made without geographical limit, other than that it shall be applied to the "improvement of the Cumberland River above Nashville."
2. That, in order to conduct the work on business principles, the first appropriation should be enough to complete at least three locks and dams next above Nashville, say $400,000.
3. That the law shall simply specify the depth of navigable channel to be secured, leaving it to the Secretary of War to adopt the plan of improvement best adapted to the physical conditions of each section of the river. A depth of four feet, at ordinary low water, say eleven months in a year, would probably be sufficient for all purposes of navigation.

The final discretion is thus left with the Secretary of War to adopt the plan of improvement that is best adapted to secure the best results. Instead of thirty locks it will doubtless prove true that when Congress shall have concluded to go to work in earnest to improve this river, and cease throwing the public money away by parsimonious appropriations that result in failure, the navigation of this important stream will be secured on the plan that science and experience may adopt as most certainly the best to promote that object. Now, the question further is whether this river is one that comes within the definition of streams upon which the Government may under the Constitution justly undertake the work of improving.

Waiving the fact that since 1832, for fifty-two years, the Government has so considered it and recognized this river as a part of the great "inland sea" of the Mississippi and its tributaries that Mr. Calhoun, the strict constructionist, considered clearly of such national importance as to justify the Government in improving, it is of easy demonstration that this river does not belong to the class that is without "the legal definition of the word 'navigable' as defined by the Supreme Court of the United States;" appropriations for which have given cause for much criticism in the past.

It must certainly be conceded that appropriations for rivers and harbors should be restricted to waters over which the courts of the United States have admiralty jurisdiction. And the test of that jurisdiction is the definition of the words "navigable waters." Navigable waters at the common law meant where the tide ebbs and flows. Waring *et al. vs.* Clark, in 5 Howard, is the first case involving the question, and the authorities since hold the jurisdiction to extend to all waters navigable for vessels employed in commerce of twenty tons or upward, whether fresh or salt, or whether the tide ebbs and flows therein or not, when such waters open a communication with other States, whether they lie in one or several States. This doctrine is confirmed in many cases, notably in Genesee Chief *vs.* Fitzhugh (12 Howard), where Chief-Justice Taney delivered a clear and masterly opinion.

In 11 Wallace, 411, the court says:

(1.) A river is a navigable water of the United States when it forms, by itself or by its connection with other waters, a continuous highway, over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water.

And—

(2.) If a river is not of itself a highway for commerce with other States or foreign countries, or does not form such highway by its connection with other waters, and is only navigable between different places within the State, then it is not a navigable water of the United States, but only a navigable water of the State.

Tried by these rules, is this river an object for national improvement? It is navigable for a distance of six hundred and thirty-four miles from its mouth in the Ohio River to the falls and for over two hundred miles above them. It traverses the States of Kentucky and Tennessee. On it is situated the towns of Dover, Clarksville, and Nashville, and scattered along the upper valley are Carthage, Hartsville, Celina, and Burksville. From the falls to the head of Smith's Shoals is thirty-eight miles. Burnsides at the foot of the shoals, at the crossing of the Cincinnati Southern Railroad, is three hundred and fifty miles above the city of Nashville, and from Nashville to the mouth of the Cumberland is one hundred and ninety-two miles. The census of 1880 shows the value of the farm products of the twenty-five counties through which it runs in Tennessee and Kentucky to be over $20,000,000; they contain a population of over a million of souls.

The "Nashville district" within a period of eleven years, commencing June 30, 1872, paid the General Government in internal revenue and customs $6,773,264.75. Numerous steamboats carry freight and passengers through the entire river to the head of navigation the greater portion of every year. Three boats, each of four hundred and fifty tons burden, and seven smaller ones ply the season through in the river above Nashville. During the boating season of 1882–'83 there was carried above Nashville alone, of corn, 1,600,000 bushels; wheat, 300,000 bushels; tobacco, 6,000 hogsheads; potatoes, 35,000 barrels; eggs, 80,000 dozen; hogs, 5,000 head; cattle, 2,400 head; lumber, 1,000,000 feet; passengers, 20,000.

From Nashville to the mouth the freights are many times larger; but I will confine my argument to the trade of the portion of the river for which I seek by the amendment I shall offer at the proper time to increase the appropriation from twenty to one hundred thousand dollars.

With reliable navigation secured by the improvements contemplated the business of the two States of Kentucky and Tennessee would be quadrupled in a few years.

But it is not these things alone, important as they are, that commends this work to Congress.

This river is the natural channel through which the commerce of the country would be increased by the addition of millions of feet of the most valuable lumber left on the continent. Walnut, yellow poplar, white hickory, blue and black ash, red maple, linden, and cherry, as yet untouched for the needs of man, abound.

Professor John R. Proctor, director of the Kentucky geological survey, in his report, 1880, says:

On the slopes of Pine Mountain, to the west, and Cumberland Mountain, to the east, are the timbers usually found on the conglomerate sandstone: hemlock and pitch-pine, yellow pine, and chestnut-oak are very abundant, and of the best quality. Except the clearings in the valleys the timbers of this region remain almost untouched. The difficulty of running logs over the Falls of the Cumberland and Smith's Shoals have been the cause of preservation of this magnificent timber region. According to the best estimate I can make, at least 90 per cent. of this area is yet covered with primitive forest growth.

But it is not the lumber interests that are the chief arguments for the improvement of this river, although in the year 1882 1,700 rafts were brought down to Nashville and beyond and sold for half a million of dollars.

The mineral wealth that lies locked up in this region, if opened up to the interstate commerce of the Union, would cheapen the cost of fuel, of iron, and of steel, and add to the comfort and prosperity of the whole country. In the counties of Wayne, Clinton, and Cumberland, Kentucky and on the banks of the river in Putnam, Jackson, Overton, and Clay Counties, Tennessee, is an immense coal-oil field, that in the opinion of experts will prove invaluable if developed by cheap transportation. The field of coal through which this river flows is stated by Professor Safford, geologist of the State of Tennessee, to extend from a point above Smith's Shoals for fifty miles to the east, over a hundred miles to the northeast, and forty miles to the south. It is as extensive as the coal-field of Pittsburgh. In the counties of Alleghany, Westmoreland, Washington, and Fayette, Pennsylvania, there were produced in 1880 the amount of 11,006,031 tons of coal. This coal, on account

of its fine quality, runs the fires of Pittsburgh, and is sold along the Mississippi Valley.

Professor Proctor, in his report of January 1, 1882, says:

It was discovered that there was just beyond the State line, on the divide between the waters of Powell's River and the waters of the Cumberland, a coal suitable for the production of coke of a superior quality. The importance of such a coal in determining the development of manufacturing in the Ohio Valley is very great. The entire region between Pennsylvania and Colorado is supplied with coke from the Connellsville region, Pennsylvania, and the Quinnemont region, West Virginia. This coal was found and traced over a wide area on the headwaters of the Cumberland, Kentucky, and Big Sandy Rivers, above drainage, and averaging seven to eight feet thick.

These coals, opened by a few weeks' exploration, were analyzed and compared with the best coals of Pennsylvania. They are identical, and as a coking coal it is destined to prove the most valuable coal-bed in America.

The increase of trade, the development of the resources of the two great Commonwealths of Kentucky and Tennessee, depend largely upon the river being opened to commerce, and its effect, it is apparent, would be general, and would dispense public benefits and promote the welfare of the whole country.

It will certainly compare favorably in national importance with the improvement of any river of its class in the Union. It is of similar importance to the Tennessee, for which the State of Alabama gets by this bill $350,000. It is of at least double the importance of the Kentucky River, which gets $250,000. I do not desire to institute invidious comparisons, however, but let the Cumberland River stand on its own merits. Tried by any standard of criticism, whether laid down by courts of law or by a just comparison with other rivers, the necessity and justification for this appropriation asserts itself. It comes fully up to the standard required under the Constitution as interpreted by the Supreme Court. It is a highway over which commerce is carried to other States. By its connections with other waters its navigation becomes a part of that of the great Mississippi Valley. Its waters are navigable, public, not private waters, and yet it is cut off with a pitiful sum, scarcely equal to those given to some insignificant streams, fishing waters, where the landed proprietor owns each bank and his domain extends to the middle of the stream, *ad filum fluminis*, and he hath his common of piscary therein. I hope the House will at the proper time relieve this great improvement from the manifest injustice and neglect that would be done it by cutting it off with this small appropriation.

Brooklyn Public Building Site.

SPEECH

OF

HON. DARWIN R. JAMES,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884.

On the following resolutions, reported from the Committee on Public Buildings and grounds:

"*Resolved*, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury or of some of his subordinates in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn have not been sustained.

"*Resolved*, That the Committee on Public Buildings and Grounds be discharged from the further consideration of the matters referred to them in this regard."

Mr. JAMES said:

Mr. SPEAKER: The honorable member from South Carolina [Mr. DIBBLE], while concurring with the report of the committee which exonerates the officials of the Treasury Department from any collusion or evil purpose, questions as a matter of law the authority of the Secretary of the Treasury, under the three provisions of law which have been made, to expend so great a sum for a site. Not being a lawyer myself, I have asked the opinion of gentlemen in whose legal ability I have confidence whether the criticism of the honorable gentleman is correct. I am assured that it is not. The first act was that of July 12, 1882, and limits the cost of site and building to $800,000.

The second act was that of August 7, 1882, and is in the following words:

To enable the Secretary of the Treasury to purchase a site and to commence the erection thereon of a building for the uses of the Government in the city of Brooklyn, N. Y., as provided by law, $300,000.

Under that act undoubtedly the Secretary of the Treasury would have been obliged to retain some portion of the $300,000 appropriated to commence the erection of the building. He would have had to purchase a site and still reserve from the $300,000 such sum as would have made an appreciable commencement of a building upon the site obtained. It is to be assumed that afterward Congress saw that $300,000 was not sufficient to purchase a site and commence a building, because in the following session, by act of August 7, 1882, they appropriated as follows:

For post-office at Brooklyn, N. Y.: For continuation, $200,000.

When the act speaks of the continuation of the post-office at Brooklyn, N. Y., it must have meant for the continuation of the authorized action of the Secretary under the act of July 12, 1882, and of the whole and of every part of that action, and was tantamount to an appropriation of $500,000 for the purpose expressed in the act of July 12, 1882. Now, what was that purpose? That purpose was to purchase a site and to commence the erection thereon of a building. Well, then, was not $500,000 by the effect of these two acts appropriated for that purpose; that is, to purchase a site and to commence the erection of a building? If $400,000 was needed for a site, and no more was expended, then there was $100,000 to commence a building. Surely $100,000 is sufficient to make an appreciable commencement of the building.

So that, as I am assured by gentlemen learned in the law, and as my own common sense indicates to me, the Secretary of the Treasury did not exceed his authority under these two acts by assuming that the sum of $500,000 was appropriated for the purpose named in the first act, that of July 12, 1882. And so, assuming he had the right also to ascertain or to determine how much would be needed to make a real commencement of the building and to use whatever was over that sum for the purchase of a site, in my opinion, thus formed, the criticism of the honorable gentleman from South Carolina is not well founded.

Mr. Speaker, the question of the selection of a site for a public building at Brooklyn, N. Y., has occupied the attention of this House to some extent this session because of charges of collusion between the sellers of certain pieces of real estate and officers of the Government, whereby an exorbitant price was to be paid for an undesirable piece of property.

These charges were made in writing, are general in character, and were not made by residents of Brooklyn, but originated in this city, and were worked up in the lobby of this House; they were never entitled to the consideration which they received, in fact were entitled to no consideration whatever, and in my judgment never would have received any except that a reputable daily paper or two, notably the New York Journal of Commerce, thinking there must be some truth in the reiterated charges, called upon Congress in a leading editorial to investigate. This editorial was sent to members of the House, and resulted in the drafting of a resolution providing for an investigation.

These charges were all traceable to this city, where there seemed to be a headquarters from which scurrilous articles were sent to journals in New York charging collusion and fraud, and in several instances mentioning the names of Congressmen who were said to be aiders and abettors of the thieves. These charges were outrageous and slanderous in character, were entirely unjustifiable, being void of truth, were put forth by selfish and disappointed persons for selfish ends, and the names of upright and honorable men were held up to the gaze of the public as those of thieves and rogues. Not only were corruption and collusion charged in these newspaper articles, but other articles of a different character got into the journals, giving a political turn to the matter, so that the "fraud in the purchase of the site for the public building at Brooklyn" became a matter of national political importance. It affords a remarkable illustration of what a few unscrupulous persons can accomplish when they diligently set themselves about it. Having access to certain public journals they use them to traduce honorable men, creating a public sentiment against them and the work in which they are engaged, and they even force upon this House of Representatives an investigation of a Government transaction which was absolutely honest and entered upon after deliberate and careful consideration.

In my remarks upon this floor on April 18, when the question of the appointment of a committee to investigate was under consideration, I said: "So far as the purchase of the site for the public building at Brooklyn is concerned I have no reason to doubt that every transaction in connection with it has been upright and honest." To show that my words were founded upon reason I quote from the report of the Committee on Public Buildings and Grounds as published in the RECORD on page 5376:

Every opportunity was offered for the introduction of evidence to sustain the charges, and we unhesitatingly report that there has not been produced before us a scintilla of evidence which in the slightest degree reflects upon the integrity of the Secretary of the Treasury, upon the Supervising Architect, or any other officer of the Government. We therefore recommend the passage of the following:

"*Resolved*, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury or of some of his subordinates in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn have not been sustained."

This finding of the committee disposes of the charge of collusion and fraud—a charge which, as I have already said, never should have been made, for which there was never an occasion, but, having been made, should never have been considered, because it was not made by responsible parties. The matter of the desirability of the site or the price agreed to be paid for the same are subjects which were not reported upon by the committee, although evidence was taken under these heads, for the reason that the resolution under which the committee acted did not require it. The House, therefore, on June 5, recommitted the report, with instructions to investigate these matters, and especially the purchase of the plot from William A. Husted. As to the desirability of the site selected, there is of course a diversity of opinion; both at the first and second hearings before the committee abundant evidence was forthcoming for and against the choice. Some of the most conscientious and careful citizens testified on either side of the question. My

own choice was for the selection of some other site. The other members of the House from Brooklyn preferred another site, the one known as the Dutch church site. Secretary Folger preferred the Boerum place site, which he himself looked at.

The commissioners appointed by the honorable Secretary selected as their choice the corner of Washington street and Myrtle avenue; the citizens who gave consideration to the subject generally accepted the decision of the commission, although there were many who were locally prejudiced in favor of other sites. The mass of the people, as well as the Brooklyn Congressmen, were agreed in this, that the building should be near the City Hall. The question of a suitable place for the Federal building was under consideration as early as 1868, when a commission was appointed to select one. For about sixteen years this matter has been more or less under discussion. Sites which were offered to the commission at that time, desirable sites fronting on the City Hall square, have in several cases been built upon with substantial edifices and have long been out of the market. There were left, however, three sites which could be purchased or had by condemnation, any one of which would have been acceptable to a large number of people. The Dutch church property could have been purchased for $275,000. This, with the Court-street front, would have furnished a site which would have satisfied many, but the Court-street front could not have been purchased at less than about $350,000, if it could have been purchased at any price. It might have been condemned, but it is doubtful if it could thereby have been acquired at a lower price. The Secretary construed the law literally—that he could only acquire the property through purchase. I consider that the price of this site was $625,000.

The Boerum Place site, preferred by the Secretary and recommended by Supervising Architect Hill, in all probability would have cost over $800,000; it contained several plots which the owners did not offer and did not wish to sell at any price. On this plot is the Long Island Savings Bank building, for which $140,000 is demanded. The other site alluded to is the one at the corner of Washington street and Myrtle avenue, the one selected by the commission. This site could have been purchased at $600,000 at the time the commission selected it, as the parties advocating its selection had options for nearly all the plots, the figures aggregating about $600,000. At this present time it is doubtful if the property could be purchased at even $850,000.

It will thus be seen that the Secretary was shut up to two courses, either to do nothing, or to accept a site not so desirable as those mentioned, as the cost of any one of them would have consumed the larger part of the appropriation for site and building. The Secretary decided to wait, but the citizens of Brooklyn were urging action and pressing him to come to some decision. As early as January 9 the Brooklyn members of Congress called in a body upon him and insisted upon something being done. At this interview it was arranged that Supervising Architect Bell and myself should visit Brooklyn to examine the various sites mentioned, as well as other sites, and to make report. The visit was made on January 18. Various sites in addition to those which were generally discussed were looked at. The Johnson street site was not considered on that day, although it was incidentally noticed in passing.

On the following day Mr. Bell examined it alone somewhat carefully, I having returned to Washington the previous night. Nothing definite resulted from the visit except the confirmation of the Secretary in the opinion that the most desirable sites were unattainable, and the securing diagrams of various plots, together with their assessed valuations. The Johnson-street property was offered to the Secretary about February 1 by Mr. Leonard Moody, a responsible real-estate dealer, at the sum of $450,000, and on February 9 the Supervising Architect made a written report to the Secretary recommending it as a suitable site. This property is situated one block north of the site selected by the commission, and is about two hundred feet from the present post-office. The plot is one hundred and ninety-seven feet on Washington and Adams streets, and two hundred and thirty-five feet on Johnson street. It is on the highest ground in that part of the city, and one block from the City Hall plaza. Washington street is the direct street to and from the bridge, and is destined to become a great thoroughfare. The New York post-office and United States court-rooms are but a short distance from the New York bridge landing, about as near as the Johnson-street site is to the Brooklyn bridge landing.

Washington street has seen many changes. Not many years ago it was the place of residence of the wealthy; then the tide of fashion set in another direction, and the property gradually sunk to a low price. Within a few years it has been purchased by far-seeing individuals, who held it for an advance, which was sure to come, as it was to be the outlet to the bridge. I refer to this fact as a reason for the diversity of views as to valuations on the Washington street lots. The price at which it was offered seemed excessive, but the testimony of the witnesses examined shows that no other plot of the same size within the same distance of the City Hall and equally desirable could have been purchased at as low a figure. The purchase was managed with much ability. The Secretary gave an order as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 16, 1884.

SIR: I have decided to select as a site for the public building to be erected in your city the property offered by you at $450,000, consisting of one hundred and ninety-seven feet on Washington street, two hundred and thirty-five feet on Johnson street, and one hundred and ninety-seven feet on Adams street.

In approving this location it is upon the unqualified condition that the Government shall receive a clear and perfect title to the property described at a price not to exceed in any event the amount named above.

Very respectfully,

CHARLES J. FOLGER, *Secretary.*

Mr. LEONARD MOODY,
Real-Estate Agent, Brooklyn, N. Y.

Mr. Moody secured the assistance of Mr. Herman Liebmann, a partner in one of the most reputable business firms in Brooklyn, to enable him to carry the proposition through, as he (Moody) was not strong enough financially to undertake so large an operation. The Liebmanns, for there are two of them (brothers), occupy a large retail store running through from Fulton to Washington streets, and own about half of the block, the southerly half of which was offered to the Government. It will be seen that if the sale could be effected the adjoining property of the Liebmanns would be greatly benefited; it was for this reason that they consented to purchase the lots, some thirteen in number, and turn them over to Moody. Mr. Liebmann proceeded quietly to buy, the sellers knowing nothing about the purpose for which he was buying; but, unfortunately for him, before all the lots had been taken and before certain leases had been gotten rid of, it got into the public journals that the property was being acquired for the Government, the result of which was that prices rapidly advanced.

At this juncture Mr. Liebmann would have withdrawn had he not already purchased so many lots that he was forced to carry through what he had undertaken, and the result was that he paid $501,082.50 for what the Government was to pay $450,000. Meantime he has been losing in interest, at 6 per cent., $75 per day, while this examination progressed, besides being subjected to many other expenses and annoyances, not the least of which was that of being published in the papers as a thief and scoundrel.

The following is an extract from the report of the Committee on Public Buildings and Grounds, as published in the RECORD on page 5376.

Hermann Liebmann (or Liebmann Bros.) being the owner of a portion of the property selected, and also the owner of a large amount of other property in the same block which would be greatly enhanced in value by the erection of the post-office, &c., in that locality, Mr. Moody had recourse to him to assist in securing the different lots in the proposed site.

Mr. Liebmann's connection with the matter gave color to the charge that the purchasing agent of the Government was one of the largest owners of the land to be bought. But there is no evidence to indicate that any officer of the Government had any correspondence or communication with, or even knowledge of the existence of, Mr. Liebmann at that time.

It might have been possible, under the arrangement between Messrs. Moody and Liebmann, for Mr. Liebmann to have speculated upon the Government by securing the property desired at a less sum than the limit authorized. And he himself admits that when he undertook the transaction he expected that the entire purchase would not exceed $425,000. But his expectations were not realized; and he swears that the actual cost to him was $501,000 for the property which the Government is to get, if the sale is consummated, for $450,000.

In suggesting the possibility referred to it is fair to say that there is no evidence that there was any design upon the part of Messrs. Liebmann and Moody to exact from the Government any more than the actual cost to them of the property, even if it had been secured for a sum below the limit imposed by the Secretary, except in so far as relates to the piece of property within the selected plot, which was owned by Liebmann before the site was determined. That piece had cost him $40,000, and he intended putting it in to the Government for $50,000, if that piece with the other purchases should not exceed the limit of $450,000.

It is also fair to say that there is no evidence of any improper motive upon the part of Mr. Moody in securing the co-operation of Mr. Liebmann to effect the entire purchase. The Government would not buy a portion of the ground unless all could be secured. There were thirteen different owners to be negotiated with. Mr. Liebmann was a man of means, and had sufficient interest in adjacent property to induce him to take upon himself the burden of the entire purchase.

I have no question but that, had it been known that the purchase was being made for the Government, the cost would have reached $600,000. One lot, 22 by 100 feet, on Washington street, was purchased by Mr. Liebmann from a Mrs. Titus for $30,000, on which 10 per cent. was paid and an agreement duly signed. When it became known that the lot was to go to the Government Mrs. Titus tendered the 10 per cent. and the agreement and stated that she had sold under a misapprehension, that the property was worth more, and that she would not execute the deed. A suit is now in court to compel compliance with the contract, but meantime the secretary has relieved Mr. Moody from conveying it and the corresponding lot on Adams street, so that the Government plot will be 175 by 235 feet, and the total cost will be $408,500. The public building is to be used for the general post-office, for the United States district court, and for the office of the collector of internal revenue. On February 9 the Supervising Architect filed his report with the Secretary, recommending the purchase of the Johnson street site. On February 16 the Secretary sent the order to Mr. Moody to purchase it. During the week intervening the pressure on the Secretary to purchase other sites was intensified, and at one time he had nearly concluded to purchase the Dutch church property without the Court street front. Presuming that I knew the president of the board of trustees, he requested that I write asking that he communicate with him direct as to price and terms, which was done.

Against this plan the Supervising Architect filed written objections. The size of this plot is 145 feet on Jerolamon street, running through to Livingston street 310 feet; on this street the frontage is 140 feet. After taking off 40 feet on each side for an open space, as the law requires, the plot left would have been very unsuitable. With high walls on either side at a distance of only 40 feet, the light would have been

shut out from the lower story; it would have afforded insufficient accommodation, particularly for the United States courts and attendant offices. The business is so large that two court-rooms, two jury-rooms, and other extra rooms are required; besides, the architect would have no opportunity for architectural display in planning the edifice. The city of Brooklyn is growing with astonishing rapidity; its population is 700,000, and in a very few years, at its present rate of increase it will reach 1,000,000 inhabitants. Probably no other city in the United States is making more rapid progress. It should have a public building commensurate with its importance. If any mistake has been made, it is perhaps that a much larger sum was not available under the law for the site, so that the Secretary could have selected such a one as would have entirely satisfied himself, and in so doing he would beyond doubt have satisfied the larger part of the citizens.

The Johnson street site is the best attainable with the means at his disposal, and is desirable because of its proximity to the City Hall and other city and county offices, its accessibility to New York by way of the bridge and Fulton ferry, its close proximity to Wall street ferry, across which and the bridge the attorneys from New York pass in going to and from New York to practice in the United States courts, and finally its accessibility to the multitude who have business at the office of the collector of internal revenue. It is within one block of the business center, upon a street which must in the nature of things become the great avenue from Brooklyn to New York. The business at the post-office is undoubtedly the most important to the general public, although under the existing system of collecting and delivering of letters by carriers it is not visited so much as it otherwise would be except for purchase of stamps, money-orders, &c. I append a report of the postmaster for the year 1883.

The business at the United States courts is very large in some branches of law, notably admiralty suits, one-fifth of all that are brought to court in the United States being tried in Brooklyn. I append statistics from the annual reports of the Attorney-General. The internal-revenue office located here is one of the largest and best managed districts in the country, and was visited in the month of May by 11,000 people for the transaction of business; its receipts aggregate three millions per annum.

It may not be improper for me to state that I have had no personal interest in the selection of any particular site. My action has been guided by reasons which seemed to me wise at the time. The honorable Secretary himself drew my attention to the Johnson-street site. I objected to considering it, and advised the selection of the property at corner of Adams, Willoughby, and Pearl streets. He then requested me to ascertain its cost. This I did, and it was found to be about $650,000. It was then, after having exhausted every desirable site near the City Hall, and when the Secretary had decided to take the Dutch church property alone, without the Court-street front, that I held it to be far preferable to buy the Johnson-street property and advocated its purchase.

The post-office—Annual report of Postmaster McLeer for 1883—Larger cash receipts than in 1882—Increase in money-order transactions also.

The following report of the Brooklyn post-office for the year 1883 has just been completed:

RECEIPTS.

From sales of stamps, envelopes, &c	$349,767 65	
Box-rents, main office and stations	2,382 50	
Sales of waste	146 39	
		$352,296 54
Money-order drafts	182,500 00	
Money-orders issued	316,467 66	
Postal notes issued	2,101 55	
Fees on money-orders issued	3,676 63	
Fees on postal notes issued	30 00	
Surplus from stations	70,855 00	
Money-orders issued at stations	176,914 17	
		752,545 01
Total		1,104,841 55

DISBURSEMENTS.

Expense account for—		
Salaries	$56,297 50	
Rents	7,500 00	
Telephone	525 80	
Gas-lighting	1,975 31	
Repairs, &c	493 78	
Furniture	274 50	
Stationery, &c	407 79	
Fuel	330 75	
Incidental expenses	1,155 21	
Total expenses	68,960 64	
Free delivery:		
Paid carriers	$124,405 21	
Contingent expenses	3,412 00	
	$127,817 21	
Total expenses		$196,777 85
Money-orders paid	$560,284 59	
Postal notes paid	7,165 83	
Money-orders repaid	1,795 15	
Salaries and expenses	1,657 94	
Remitted to stations	4,390 00	
Total	575,293 51	
Money-orders and notes, paid at stations	177,211 50	
Total		752,505 01
Surplus, showing excess over all expenses		155,558 69
Total		1,104,841 55

TRANSACTIONS OF MONEY-ORDER DIVISION.

	Number.		
Central office:			
Domestic issues	12,334		
International issues	4,891		
Postal notes	2,701		
		$19,926	$575,630 84
Domestic orders paid	31,763		
International orders paid	3,111		
Postal notes and orders paid	3,656		
Orders and notes repaid	121		
		38,651	575,333 51
Total, central office		58,577	1,150,964 35
Stations:			
Domestic issues	7,432		
International issues	2,158		
Postal notes and issues	792		
		10,382	176,914 17
Domestic orders paid	5,242		
International orders paid	801		
Postal notes and orders paid	341		
Repaid orders and notes	13		
		6,397	176,211 50
Total transactions		75,356	1,504,090 02

MEMORANDUM OF MAIL MATTER HANDLED.

Total pieces received and dispatched		75,536,445
Handled by carriers:		
Registered letters delivered		60,462
Mail letters delivered		9,236,380
Mail cards delivered		2,476,677
Drop letters delivered		3,661,523
Drop cards delivered		2,372,373
Newspapers delivered		6,679,010
Letters returned to office		51,448
Letters collected, mail and drop		$8,349,061
Cards collected, mail and drop		3,600,177
Newspapers collected, mail and drop		1,308,458
Total		37,795,569
Total for 1882		32,776,001
15.3 per cent. increase		5,019,568
Registered letters and packages delivered	$60,462	
Registered letters and packages dispatched	54,655	
Registered letters and packages in transit	5,852	
		120,969
Misdirected letters received from dead-letter office		695
Valuable letters received from dead-letter office		440
Valuable letters received from dead-letter office delivered		354
Valuable letters sent to dead-letter office		76
Letters delivered through boxes and to transient callers		501,500
Packages of books received from custom-house on which duties were collected		396
Short-paid letters for which notices were sent		15,200
Short-paid letters delivered and dispatched		15,034
Unmailable letters sent to dead-letter office	$17,212	
Unmailable cards sent to dead-letter office	1,912	
Returned to writer	14,210	
Fictitious letters sent to dead-letter office	304	
		33,638
Second-class matter deposited for mailing, pounds		270,351
Total mails received and dispatched		47,320
Total postal receipts, 1883		352,296 54
Total postal receipts, 1882		318,075 68
Increase, 1883		34,220 86
Money-order business, 1883		1,504,090 02
Money-order business, 1882		1,340,361 45
Increase, 1883		163,728 57

Statistics as to United States Courts.

[From the annual reports of the Attorney-General, 1882-'83.]

CIVIL SUITS TO WHICH THE UNITED STATES WAS A PARTY PENDING IN UNITED STATES DISTRICT AND CIRCUIT COURTS.

Courts held at—	June 30, 1882.	June 30, 1883.
San Francisco, for California	69	91
Chicago, for Illinois, northern district	48	39
Boston, for Massachusetts	193	192
Cincinnati, for Ohio, southern district	27	16
Philadelphia, for Pennsylvania, eastern district	337	185
Brooklyn, New York, eastern district	384	385

CIVIL SUITS TO WHICH THE UNITED STATES WAS NOT A PARTY PENDING IN UNITED STATES COURTS.

Courts held at—	June 30, 1882.	June 30, 1883.
San Francisco, for California	265	355
Chicago, for Illinois, northern district	1,953	1,896
Boston, for Massachusetts	1,364	1,765
Cincinnati, for Ohio, southern district	411	493
Philadelphia, for Pennsylvania, eastern district	849	876
Brooklyn, for New York, eastern district	1,106	1,227

ADMIRALTY SUITS.

Courts held at—	For the year ending June 30, 1882.		For the year ending June 30, 1883.	
	Begun.	Ended.	Begun.	Ended.
Boston, for Massachusetts	72	60	74	60
Philadelphia, for Pennsylvania, eastern district	90	103	94	83
Baltimore, for Maryland	85	61	133	107
Chicago, for Illinois, northern district	67	59	52	58
New York City, for New York, southern district	389	148	294	141
Brooklyn, for New York, eastern district	420	198	372	158

NOTE.—As far back as 1869, in an official statement to the Judiciary Committee of the House, it was said, "The business of the Brooklyn district alone last year exceeded that of both Boston and Philadelphia together."

CRIMINAL PROCEEDINGS TERMINATED FOR THE YEAR ENDING JUNE 30, 1883.

[From the annual report of the Attorney-General.]

	Customs.	Internal revenue.	Post-office.	Elections.	Total.
California	22	112	7	1	142
Massachusetts	11	33	3		47
Illinois, N. D.	6	67	16	7	96
Pennsylvania, E. D.	6	30	29	5	61
New York, N. D.	10	102	17	27	136
New York, S. D.	5	19	19	3	36
New York (Brooklyn) E. D	11	25	1	6	43

AMOUNT OF JUDGMENTS IN ADMIRALTY CASES.

For the year ending June 30, 1883:	
New York city	$11,975 86
Brooklyn	30,960 78
For the year ending June 30, 1882:	
New York city	36,165 87
Brooklyn	36,821 75
For the year ending June 30, 1881:	
New York city	58,327 42
Brooklyn	39,789 33
For the year ending June 30, 1880:	
New York city	$21,906 05
Brooklyn	55,142 84

The total number of admiralty suits commenced for the four years, 1880, '81, '82, '83, in the cities of Boston, Philadelphia, Baltimore, New York city, and Brooklyn, was 4,256.

Of these more than one-third (1,454) were in the United States court at Brooklyn; and one-fifth of all the admiralty business in the United States is done in Brooklyn.

The following is the resolution as adopted June 5, and the report of the second subcommittee of investigation, with the resolutions adopted June 19, 1884:

Resolved, That the report of the Committee on Public Buildings and Grounds on the Brooklyn post-office site be recommitted, and that said committee be instructed to reopen the investigation with open doors, and inquire into the value of the site proposed to be purchased by the Secretary of the Treasury as to its actual market value on the 16th day of February, 1884, and whether the improvements on said site were included in the proposed purchase or were to be removed by the parties making the sale to the Government; also to inquire whether the site selected is a suitable one and the sum proposed to be paid therefor reasonable, and, if not, what site would be more suitable and the cost thereof, and whether the citizens of Brooklyn, N. Y., had any voice in the selection of the proposed site; also to particularly inquire regarding the value of the property owned by one William A. Husted, which is a part of this proposed site, which property is assessed on the map of the assessor's office of the city of Brooklyn, N. Y., at $29,900, for which the Secretary of the Treasury, it is alleged, proposes to pay $185,500; and that said committee be further instructed to send a subcommittee of three of its members to Brooklyn, N. Y., to inquire into all the facts, and be empowered to summon witnesses to testify as to matters herein stated, and to send for persons and papers, and to conduct such examination with open doors, and in such way as in their opinion will secure a fair and impartial inquiry, and to make their report within ten days for consideration; and that the expenses of such investigation, not to exceed the sum of $300, shall be paid out of the contingent fund of the House and be immediately available; and the Secretary of the Treasury is hereby requested to suspend further negotiation for the purchase of the proposed site pending the investigation and until the action of the House upon the report of the committee.

"The resolution adopted by the House on yesterday touching said subject is hereby rescinded."

In pursuance of the authority and in compliance with the instructions thus given, a subcommittee repaired to the city of Brooklyn, where they held open sessions in the presence of a number of citizens, besides counsel for those in favor of as well as for those opposed to the site chosen.

We called before us all the late owners of the different parcels of ground embraced in the proposed site, including those who held leases, and all of the attorneys and agents who had any part in the various negotiations, except one of the owners in fee of one lot, who is an aged lady, Mrs. ——, residing in New Jersey, and whose attorney has died since the execution of the contract, and the owner of one leasehold, Mr. Wahl, who has gone to Europe; and we were confirmed in the statement made in our former report, that in every case the actual amount was paid as stated by Messrs. Liebmann and Moody, except in the purchase of Mr. Husted's property, in which case an agreement was made that the deed of that property should be deposited in escrow, the consideration money to be paid upon the consummation of the purchase by the Government.

Although neither Mrs. —— nor her attorney was before us, we had the check for the full consideration, payable to the lady's order, by her indorsed, deposited, charged in Liebmann's bank account, and duly canceled; and we had the same evidence of payment in the case of Mr. Wahl, with the additional direct evidence of the attorney who saw the check delivered. In every instance the grantors and assignors of leases swore that there was no agreement or understanding by which the consideration was in any way to differ from that named in the written contracts. And all swore that there was no agreement or understanding by which, directly or indirectly, any one was to receive any portion of the consideration named as rebate, commission, or in any other way, except in some cases a broker's commission of 1 per cent. was to be paid.

In Husted's case there was the same emphatic testimony to refute any supposition of a secret agreement to alter or modify the written contract.

There is conclusive evidence that in two or three cases Mr. Liebmann was obliged to pay extortionate prices in order to secure the plot free from incumbrances and leaseholds. But the Government is not the victim, and is not required to pay any portion of these excessive charges. Mr. Liebmann is to convey to the Government a clear and perfect title at the price named, and he must lose the amount paid by him in excess of the limit imposed by the Secretary of the Treasury.

So that the committee reaffirm the statement contained in their former report as to the honesty and good faith of the entire transactions between the officers of the Government and those with whom they dealt.

The additional subjects which the committee were instructed to investigate are:

1. The actual market value of the site chosen on February 16, 1884.
2. Whether the improvements on the said site were included in the purchase or were to be removed by the parties making the sale.
3. Whether the site selected is a suitable one and the sum proposed to be paid therefor reasonable.
4. If the site is not suitable, and the price unreasonable, what site would be more suitable, and the cost thereof.
5. Whether the citizens of Brooklyn had any voice in the selection of the proposed site.
6. The value of the Husted property.

I.

We found it extremely difficult to ascertain the actual market value of the site chosen on February 16, A. D. 1884. One of the boundaries of the property is Washington street, which leads from the City-Hall square to the bridge connecting Brooklyn with New York. This has not hitherto been a business street, but the opening of the bridge has made it a considerable thoroughfare, and has caused the impression that this street will become a great avenue of trade and travel. It is supposed to be in a transition state. Whether because the owners were unwilling to sell or investors unwilling to buy, there had been no sales recently made which could be considered as standards of value.

The testimony upon this point varies so much as to be of but little aid in reaching a correct judgment. The estimates range from $150,000 to $450,000. The average would be about $300,000. And this, your committee think, would be a fair price under ordinary circumstances, taking each lot separately and aggregating the value of all. But in order to secure a plot of this size promptly, and prevent exorbitant demands of those who would realize their power to compel compliance or thwart the project, a liberal advance should be allowed upon estimates made without reference to the purposes and the necessities of the occasion.

While we think the price agreed upon is high, we are not prepared to say that it was exorbitant under all the attending circumstances. We do not believe the entire property could have been bought for a less sum at the time and for the purpose named. This in part answers the third subject committed to us.

II.

The improvements upon the property are covered by the sale, and will belong to the Government if the purchase is consummated. It is estimated that these structures will net the Government from $10,000 to $15,000.

III and IV.

It was agreed between those advocating and those opposing the site selected that the number of witnesses upon either side should be limited to ten. Subsequently another opponent of the chosen site appeared and was permitted to call five witnesses upon this point. Hence while but ten were heard in favor fifteen were heard in opposition to the site. Seven of the witnesses pronounced the site a good and suitable one, some of them saying it was "very suitable," "eminently suitable." One called it a "fair choice," and one had "no special objection to it," and one said it was "as good as any off the square." Nine witnesses declared the site to be unsuitable, some saying it is "very unsuitable," "very objectionable," "inconvenient and obscure." All of the adverse witnesses and some of those friendly to the site preferred other locations; but there was a wide disagreement as to which site should be chosen. Nine prefer the Dutch church property, seven the Myrtle avenue site, six the Mechanics' Bank, and four Flatbush avenue. The conflicting testimony of witnesses equally credible and equally prominent in Brooklyn renders the question very embarrassing.

The committee examined the site referred to, and concur in the belief that while the site is suitable for the purposes contemplated there are others far more suitable. But having already expressed our views upon the market value of the site, we do not know that we are called upon to report upon the alternative proposition set forth in the fourth subject of investigation. But, desirous of giving all possible information to the House upon the subject, we report that either the Dutch church property, with the Court street front, the Myrtle avenue property, or the Mechanics' Bank property would be preferable to the location chosen, namely, on Washington, Johnson, and Adams streets.

The Dutch church property alone can be bought for about $260,000. But, reserving an area of forty feet on either side, as required by law, there could be a frontage of only fifty-nine feet eight inches for the building, and this location would place the Federal building between the stately municipal building on one side and the rear of a row of business houses on the other. But the committee believe that this site would be an eligible one if the width of the lot as above stated should be considered sufficient for the erection of a building which would be adequate for the present and rapidly growing wants of Brooklyn. To purchase these business houses and add the area to the Dutch church property would make an admirable location; but the cost would exceed $500,000. Neither of the other sites designated as preferable to the one chosen (on Washington street) could be purchased for as low a price, and probably not for a sum largely in excess of $500,000.

V.

The committee in their former report stated all the information they had then obtained as to the efforts made to ascertain the wishes of the people of Brooklyn in respect to the site for their Federal building, namely, the appointment of a commission, which held public sessions, inviting offers of property and the views of the people. This occurred in the summer of 1883. Subsequent to that there does not appear to have been any special effort made to learn the wishes of the people. And as to the suitableness of the site finally chosen there is no evidence that the Secretary consulted with any citizen of Brooklyn other than one of its Representatives, Hon. D. R. JAMES.

VI.

The last point we were instructed to inquire into was the value of the Husted property. Upon this, as upon the other questions of value, there is a wide difference of opinion. The estimates range from $85,000 to $150,000. A fair average

would put this property, standing alone, at about $100,000. Inasmuch as it has a frontage on each of three streets, and was absolutely necessary for the completion of the plot, the owner was in the position to insist upon an excessive price. This property sold by itself, without reference to the acquiring of a large plot for a public use, would not have brought much more than half the price agreed to be paid for it.

Having fully reported upon the different subjects we were charged to investigate, we submit the matter to the House for such action as may be deemed proper. But we recommend the adoption of the following:

Resolved, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury or of some of his subordinates in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn have not been sustained.

Resolved, That the Committee on Public Buildings and Grounds be discharged from further consideration of the matters referred to them in this regard.

Rivers and Harbors.

SPEECH
OF
HON. D. H. SUMNER,
OF WISCONSIN,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 12, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. SUMNER said:

Mr. CHAIRMAN: The measure under consideration, the river and harbor bill, always provokes a good deal of discussion in Congress before its passage, and generally a large amount of criticism by the people after its passage. A river and harbor bill is not a general appropriation bill, but is, on the other hand, a special appropriation bill. Its passage is not at all necessary in order to provide for the general and necessary expenses of the Government. Its justification always depends upon whether it is within the policy of the Government to make such internal improvements as are necessary for the maintenance of general internal and external commerce. This always has been and still is the controlling question.

Congress has the constitutional power "to regulate commerce with foreign nations and among the several States." Under the first clause of this provision of the Constitution Congress has the control of external commerce, about which there is generally very little question. Under the second clause Congress has the control of internal commerce. Perhaps the best definition of internal commerce under this provision of the Constitution is that it is interstate commerce; that is, commerce that is carried on by, between, or through two or more States. In other words, it must be of a general and not of a local character. To improve or render available for use all such natural water ways as are needed for the establishment and maintenance of such commercial facilities as will enable the whole people to engage in commerce with foreign nations and the people of each State to engage in commerce with the people of any or all of the other States is clearly within the power of Congress.

The nature of the constitutional limitations on Congress is right the reverse of those upon the States. The General Government is prohibited from taking jurisdiction of such matters as are only of a local nature, and the States are prohibited from assuming jurisdiction of such matters as are of a national character. Such is the theory of our Government. It is what has given us our dual system—the State governments for all local matters and the Federal Government for all general affairs.

From the best information I have been able to obtain, I am led to believe that about one-half of the items for which appropriations are provided in this bill are local, and not general, in their character. By this I mean that they will benefit some one town, city, or locality, and can not be used in the line of general commerce. This I hold will be taking from the general fund provided by the whole people through a system of national taxation for general purposes and applying the same for the advantage of only a few persons, comparatively speaking, located at the place for which this special legislation is asked. Such schemes generally lighten the burdens of the particular locality, and in many cases make a few men rich, without appearing to add very much to the burdens of the masses of the people, and on this account sometimes go through almost unheeded. But this is no excuse for legislation that benefits the few at the expense of the many.

Because of this and other features of the bill I feel it to be my duty to vote against it. We are not allowed the privilege of voting for each separate appropriation, although they range from tens of thousands to hundreds of thousands of dollars, making in the aggregate an expenditure of more than twelve millions of the public moneys. For one, I feel like opposing this vicious system that compels a man to vote for many things that are not approved by his judgment, and are not within the provisions of the Constitution, in order to secure just and necessary legislation.

It will be observed that the power to make internal improvements of this character extends only to improving and rendering available those natural water ways which can be advantageously used in general commerce. In violation of this principle, it is proposed by what is called the "Hennepin Canal" clause of this bill to construct an artificial water way about one hundred miles in length, at an estimated cost of about $7,000,000, but which will in all probability require at least $15,000,000 before fully completed. In opening the discussion upon this bill it was said by those friendly to this provision that we must "remember the wonderful progress of the railroad system, upon whose exactions this is intended to be a check."

This, sir, to my mind is a very strange proposition. We are treated to an eloquent denunciation of what is assumed to be a railroad monopoly of the transportation business of the country, and then told that this bill is an intended antidote for their alleged exactions. This is an assumption that railroads are the enemies of the people, that the cost of transportation is increased by them, and that Government aid must be invoked for the revival of a system of transportation that is now practically only a matter of history. The only injury ever suffered by the people of this country on account of the railroads has been through the Government aid extended to them by grants of the public lands. When that policy was adopted the same men and the same classes of men that now demand Government aid for a system of water transportation with which to fight the railroads were equally loud in demanding land grants for the railroads when that was thought to be the shortest road to speculative riches. The men and corporations most to be feared by the people on account of their monopolistic tendencies are those who seek and obtain Government aid for what are practically private enterprises, under the false and delusive plea that they will be for the benefit of the people. Every act by which Congress extends its aid, so called, to individuals, to corporations, or to localities is in violation of the principles upon which our Government was founded. Dependence upon government belongs to those countries where the sovereign power is held to exist of right in the king and not to be inherent in and derived from the people.

Those persons who believed in Government aid for private enterprises shouted themselves hoarse in favor of land grants to railroad companies. Now, the injustice of such a legislative policy is fully appreciated, and the masses of the people are imperative in their demands for the righting of this great wrong so far as there is an opportunity for doing so upon principles of justice and equity. It is estimated that a hundred millionaires were created by that land-grabbing legislation, and that a million of the working people have thereby been deprived of the opportunity of obtaining desirable homes under the pre-emption and homestead laws. While the principle of all such legislation is wrong and its effects injurious, it would be much less reprehensible if it accomplished the proposed end. But that is very seldom the case. This is clearly demonstrated by our experience with these same railroad land grants. They were given upon the express condition that the roads should be completed within a given time, which was intended to be, and generally was, at a much earlier period than they would have been had their completion been delayed until warranted by the business arising from the natural growth and development of the country.

But the conditions were not fulfilled. The roads were not built according to the terms of the grants. Not even large Government subsidies could induce business men to violate the well-established laws of business. None of these land-grant railroads were built until the companies believed they could be run and operated at a profit. Undoubtedly they would have been constructed and put into operation just as soon without Government aid. In fact, it is claimed by many, and I believe it capable of demonstration, that this legislation practically put all these lands out of the reach of actual settlers, and in that way greatly retarded the growth and development of the country. Thus the intended object of the legislation was defeated by the very means with which it was expected to be accomplished. The results of class legislation are always the same. The principle is wrong. It matters not whether it is for the building of railroads, the construction of canals, or the advancement of any other special interest, it is sure to enrich the favored few at the expense of the masses of the people.

The best and most salutary period of all governments, no matter what the form, has been that which gave to the people the maximum of liberty consistent with the rights of person and property, with the minimum of restraint consistent with the peace and good order of society. When this point is passed and the number and power of the laws are multiplied, the burdens of the people are increased and the liberty of the citizen is absorbed into the power of the Government. Then special legislation is invoked for the benefit of privileged classes, great fortunes are accumulated by reason of such legislation, aristocracy is established upon the basis of wealth, and then popular government loses all its leading features and retains only the form and name. What was once a Government of the people, by the people, and for the people becomes a strong centralized power, and the citizen becomes a mere subject. It is just such legislation as is proposed by this bill that brings

about such results. It calls for large appropriations. Heavy taxation is necessary to meet them. The earnings of the workingman are no longer under his own control. The results of labor are divided into two funds: one for the mere subsistence of the laborer, and the other for the profits of the capitalist employer.

The laborer, who is the original producer of all wealth, is held in abject poverty, while the capitalist, who is a mere middleman and never thinks of earning anything except by handling the earnings of others, lives in luxury and rules the world. Just so long as the revenues of the Government are raised by a system of tariff taxation that increases the cost of the necessaries of life from 50 to 100 per cent., just so long will the workingmen pay not only the greater part of the legitimate expenses of the Government, but also all the special appropriations, no matter what class or classes they benefit.

When we come to consider that we are burdened with a public debt of more than $1,500,000,000, upon which we pay annually more than $70,000,000 interest, and that we are called upon for an annual appropriation of more than $60,000,000 for pensions over and above the ordinary expenses of the Government, which will not be less than $130,000,000 each year, it seems to me to be not only a constitutional but a high economic duty for us to raise our voices and cast our votes for "economy in the public expenditures, that labor may be lightly burdened."

The Count of the Electoral Vote.

SPEECH

OF

HON. JAMES O. BROADHEAD,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 21, 1884,

On the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, and also the substitute bill reported by the House committee.

Mr. BROADHEAD said:

Mr. SPEAKER: There are two propositions before the House on the subject of the Presidential count—one the plan recommended and adopted by the Senate, the other the plan proposed by the committee of this House as a substitute for the Senate plan.

The first—that is the plan proposed by the Senate—provides, that upon the day fixed for making the Presidential count, the two Houses shall assemble in the Hall of the House of Representatives in presence of each other. The President of the Senate shall be the presiding officer; he shall open the certificates; two tellers shall be appointed by each House, who shall read the certificates and make a list of the votes. Upon the reading of the certificates, he shall call for objections. If objections are made, the Senate shall withdraw, and the objections are submitted to both Houses separately; and if there is but one return from the State, the votes contained in the return shall not be rejected, except by the affirmative vote of both Houses. But when more than one return shall be received from any State, then the regularity of the returns is to be decided by the concurrent votes of both Houses; and no vote shall be counted except by the concurrent vote of both Houses acting separately. The plan proposed by the House committee provides for the appointment of two tellers by each House, who, upon the opening of the certificates by the President of the Senate, shall read the certificates and make a list of the votes. If objection be made, whether to a single return or when there are double returns or more returns than one, the objection is to be decided by the vote of both Houses acting together as one body, and the majority shall govern. But all objections must be made before the call of a State.

There are only three provisions of the Constitution relating to the subject of electors for President and Vice-President.

Article 2 provides:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

The next clause is as follows:

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

The next is contained in the twelfth amendment. This article of the Constitution, after providing for the meeting of the electors and their manner of voting, their making a list of the votes cast, and the certificate of the electors to the list of votes, and transmitting them to the seat of Government sealed, and directed to the President of the Senate, declares as follows:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

This is all there is directly upon the subject.

It is very clear that the persons to be present and authorized to act in this final count, and the only persons, are the two Houses of Congress and their presiding officers. In what capacity and how are they authorized to act?

The President of the Senate is to open the certificates—this much is settled and beyond controversy—"and the votes shall then be counted." By whom? If it had been intended that the President of the Senate should count the votes it would have been very natural and very easy to say, "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and count the votes." But I will not discuss this question, inasmuch as both the plans under consideration ignore the proposition and in effect declare that the President of the Senate has no such authority. It is left then to the Senate and House of Representatives. The certificates are to be opened before them; they are assembled together in presence of each other; they constitute the returning board; the votes are laid before them; they are to do the counting contemplated by the Constitution; and up to this point the advocates of both propositions are agreed. But are they to count as one conglomerate body or as separate and independent bodies? Here is the point of difference.

They are spoken of in the Constitution as the Senate and House of Representatives. It is in the presence of the Senate and House of Representatives that the certificates are to be opened. The Senate can only be the Senate as an organized body recognized by the Constitution as consisting of two Senators from each State. The House of Representatives is an organized body consisting of Representatives from each State. The Senators represent the State organism, the several political bodies organized with power to pass laws, levy and collect taxes, and establish police regulations for the government of the society embraced within the limits of the territory which constitutes the State; the House of Representatives represents the people of the States directly. The Senate is federal in its character; it represents the States without reference to population. The House is national in its character, the ratio for a Representative being ascertained by dividing the population of the whole Union or of all the States by the number of Representatives composing that body. The framers of the Constitution designed that these two bodies should be separate and distinct and independent of each other. Powers belonging to one branch of the legislative department of the Government are not possessed by the other. The Senate unites with the President in the making of treaties with foreign powers and in the appointment of officers. The House of Representatives has the sole power of impeachment, and all bills for raising revenue shall originate in the House of Representatives. "Each House shall be the judge of the elections, returns, and qualifications of its own members."

All these provisions show that they are to be treated and considered as separate and distinct bodies, and that in the discharge of their duties and powers under the Constitution they must act separately. If there is an exception to this rule it must be shown affirmatively; and in the absence of any such affirmative declaration, when they are required to act as a Senate and House of Representatives, they must act separately. The Constitution makes no such affirmative declaration in this case; it speaks of them as the Senate and House of Representatives. It is true they are in the presence of each other, but the organization of each remains as it was before they came in each other's presence; besides, the very same article of the Constitution treats them as separate bodies, for if it appear upon the count that no person has received a majority of the electoral votes, the House of Representatives shall choose immediately by ballot the President, and in the same way the Senate is required to choose a Vice-President. It is clear then, to my mind, that the two bodies in making this count must act separately, as there is no warrant in the Constitution for acting otherwise; there is no intimation that it should be otherwise. If it had been intended that they should act as one body, instead of speaking of the Senate and House of Representatives it would have said the members of the Senate and House of Representatives, or have used some words to indicate such intention, but the language is exactly to the contrary.

The objection to the bill offered as a substitute to the bill which passed the Senate is in the proposal to ignore the existence of the Senate and the House of Reprensentatives as separate and distinct bodies, and to constitute a tribunal called a *joint convention*, composed of members of the Senate and the House of Representatives. There is no precedent for any such action, nor do I believe there is any warrant in the Constitution that authorizes it. But the gentlemen on the other side say that if there is no precedent let us make a precedent.

But we can not make a precedent in conflict with the letter and spirit of the Constitution. When I say that there is no precedent for any such occurrence I mean that in every instance in which there has been an electoral count from the foundation of the Government down to the present time no such plan has ever been adopted, and while it will not do to say that there is a settled precedent to the contrary, the fact is that the electoral count was determined either by the President of the Senate or by the vote of the two Houses acting separately and independent of each other, just as they would do in the case of the passage of a law. It requires the separate action of each body to pass a law,

and so it requires the separate action of each body to determine an electoral count.

There are precedents in the history of this country to the effect that wherever a controversy occurred in regard to the counting of the electoral votes the action in regard to that controversy was taken separately by each House. Such was the case in 1817, when the votes of the three electors from the State of Indiana were objected to. The Senate retired from the presence of the House in that case, discussed the question separately, and acted separately, and so it was in all other instances where there was any occasion for action.

The first electoral count in 1789 was made by the President of the Senate. In this case there was no controversy in regard to the votes of the electors from any State; so that while you have precedents that these two bodies acted separately and independently of each other there is no precedent for the plan proposed by the committee. We can make no precedent in regard to so important a matter as this which is not warranted by the provisions of the Constitution. The gentleman will find no clause in the Constitution which authorizes any such proceedings.

When the Constitution declares "that the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted" we all admit that this count shall be made by the Senate and House of Representatives in some way. The power of the President of the Senate to count is, for the purposes of the question now before the House, not to be considered.

The Constitution then in effect declares that the vote shall be counted by the Senate and House of Representatives just as laws shall be passed by the Senate and House of Representatives, it requiring the concurrence of both bodies in either case. How can it be claimed by any just or fair inference from the language of the Constitution that the Senate shall lose its character as a Senate and the House of Representatives its character as a body recognized by the Constitution, and that they should for that purpose alone and on that occasion alone be merged into one body, with authority to form a new organization, elect new officers, and transact business in that capacity?

The Constitution does not even say that they should be in joint session, but only that the certificates should be opened in the presence of the two Houses and the votes counted. And then, if there is a failure to elect a President, the Constitution further declares that the House of Representatives shall choose immediately by ballot a President. And in case there is no choice for Vice-President, the Senate shall choose a Vice-President.

All of these provisions are contained in the same article of the Constitution. Looking to the fact merely of the two bodies being in the presence of each other when the certificates are opened, it would be a plain interpolation upon the provisions of the Constitution to say that, when these two bodies met in the presence of each other for the purpose of seeing the certificates opened and making a count of the votes, they should be resolved into a mass-meeting, and as such determine by a simple majority vote all questions that arose in regard to the electoral count.

By such a proceeding the power of the Senate as such would be destroyed. The authority invested in the Senators as representatives of the States would be annulled, and each Senator would have the same and no more power than each Representative. A Senator in all other cases and under all other circumstances speaks and acts for his State without regard to its population, be it great or small. But under this plan he exercises only the same power that is given to any one Representative in the popular branch of the national Legislature.

The whole theory of our National Government is that it is a government of a mixed character, partly national and partly federative in its features, and this idea is carried out in all the provisions of the Constitution. It is not a government of mere majorities, and this is shown by the fact that it often happens that a President of the United States is legally elected by less than a majority of the popular vote. This feature is necessary to give independence to the different States which compose our Federal Union and stability to the Government itself.

The fifth article of the Constitution declares that "no State shall without its consent be deprived of its equal suffrage in the Senate." This principle is announced and carried out in the various provisions of the Federal Constitution, and in none of these, as it seems to me, is it more distinctly indicated than it is in this clause of the Constitution, which provides for the selection of the Chief Executive of the nation, where it makes the Senate, as such, one of the bodies authorized to make the electoral count. It is very clear to me that in regard to the passage of laws, so, in the determination of the electoral count, it requires the concurrence of action of both of these independent bodies created by the Constitution—one representing the States in their independent character as organized political communities, and the other representing the people of the United States, and that these two bodies are units—acting as two persons—just as two or more officers acting as a returning board—each acts and votes separately, and in this case, there being but two authorized to act, it requires the concurrence of both to produce a result.

And now as to the mode of action in case of objection to the returns. The electors are appointed in such manner as the Legislature of each State may direct; and the only limitation upon this power is that Congress may determine the time to choose electors and the day on which they shall give their votes; all else is to be left to the States; and in this regard the laws of the respective States are to govern. Whatever direction may be made by the laws of each State as to the manner of choosing electors is to govern and control the Senate and the House of Representatives in determining any question that may arise as to the votes from any such State, for the reason that the Constitution gives to each State the same power of providing for the manner of choosing electors. Whatever, therefore, is done by the State officers in pursuance of the State laws passed for such purposes is binding and conclusive upon both Houses of Congress in determining the electoral count.

But in case it is claimed that the law has been violated in choosing electors or where there is a controverted question presenting itself when the certificates are opened as to who has been chosen to the office of elector, the tribunal of ultimate resort, the Senate and House of Representatives of the United States, must determine. How far this tribunal may go behind the return of the State officers it is unnecessary to inquire at this time, but certainly where an objection is made to counting a particular vote or where there are two sets of electors presenting certificates of votes cast, each claiming to have been elected in pursuance of the laws of the State from which they come, or where there is a double return made from the same college of electors, this tribunal may determine and must determine what votes are entitled to be counted, and having the right to determine this question, they must be governed by such evidence as is sufficient in their opinion to enable them to determine it.

It is claimed that the second section of the act passed by the Senate is unconstitutional. That section reads as follows:

SEC. 2. That each State may, pursuant to its laws existing on the day fixed for the appointment of the electors, try and determine at least six days before the time fixed for the meeting of the electors any controversy concerning their appointment or the appointment of any of them. Every such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive evidence of the lawful title to office of the electors who shall have been so determined to have been appointed, and shall govern in the counting of the electoral votes as provided in the Constitution and as hereinafter regulated.

Now, while I do not say that I approve of all the provisions of this section, it seems to me that it is clearly constitutional. It means this and this only: that whenever a State shall make provision by law for determining any controversy in regard to the appointment of electors from such State, and there shall be a determination of such controversy by the State authorities, made six days before the time of the meeting of the electors, such determination on the part of the said authorities shall be conclusive evidence that said electors have been appointed, and shall govern the House of Representatives and the Senate in counting the electoral votes. It merely fixes the rule of evidence, which shall be conclusive in the determination of the electoral count. If the State fails either to pass any such law, or if there is no determination by the State authorities in regard to such controversy, it leaves the matter to be determined by the best evidence which may be brought before the tribunal making the count of the electoral vote. The State is not bound to pass any such law or to determine any such controversy, nor can the Congress of the United States compel the State so to act.

I am not sure but that it would be better to leave the whole question to be determined by the Senate and House of Representatives when they come to make the final count. It would be perhaps wiser that all such questions should be determined by this tribunal, in the face of the whole nation and under the responsibilities which rests upon it at so important a crisis, than to leave it to be determined by separate State action which shall be binding upon them. But however this may be, there is nothing in the section in violation of the Constitution. It is simply a provision for adopting a mode by which questions of dispute in regard to the appointment of electors may be determined by the State tribunals.

The Senate and House of Representatives being organized to count the votes, it follows that they must determine what votes are to be counted and all controversies in regard to such votes. And that in making this count they must be governed by the State laws in force at the time of the appointment of electors, because the Constitution gives to the States the right to direct the manner in which these electors shall be appointed: but of course the Senate and House of Representatives must judge as to whether the State laws have been complied with in each particular case, and how far they have been complied with by the ordinary rules of evidence that prevail in such cases.

According to the well-settled principles of law, international and municipal, in every civilized community, the acts of public officers are presumed to be valid; and whatever papers come before them in the form of certificates purporting to be the acts of public officers of a State under its laws must be presumed to be correct. The power is given to count the votes, and under that clause of the Constitution which gives to Congress the power to make all laws "which shall be necessary and proper to carry into execution all powers vested by the Constitution in the Government of the United States, or in any department or office thereof," Congress has the right to pass a law to determine the manner

of making this count of votes. It has the power to say by law how these two bodies when they meet in the presence of each other shall be organized; how they shall act; how their votes shall be taken upon any given proposition; and also by what rules of evidence they shall be guided in coming to a determination upon any controverted point.

This the bill, the Senate bill and the House bill, have undertaken to do, and there is no material difference in the provisions of the different acts in that respect, except that the Senate bill does in the second section provide for a character of evidence which shall be conclusive on both bodies in making their count. There is this difference, however, in the modes of action under the two plans:

According to the plan proposed by the House committee, whenever an objection is made to a return, or whenever more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, the presiding officer of the joint convention shall submit to the members thereof the determination of the questions involved, which shall be decided by a majority of the votes of the joint convention.

According to the plan proposed by the Senate, upon the reading of each certificate the President of the Senate shall call for objections, if any; and when all the objections shall have been made to any vote or paper the Senate shall withdraw and consider the objections, and the Speaker of the House of Representatives shall in like manner submit the objections for the consideration of that body. But no electoral vote or votes from any State from which but one return shall be made shall be rejected except by the affirmative vote of both Houses. But if more than one return from a State shall have been received, then those votes only shall be counted which the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally-appointed electors of such State.

These provisions proceed upon the constitutional idea that the concurrent action of both bodies is required. When there is but one return, it being the act of a public officer, it is *prima facie* correct, and requires, therefore, the concurrent action of both bodies to overturn it. When there are two returns, the two *prima facie* cases offset and destroy each other, and it requires the affirmative action of both bodies to determine which is the true return.

In this discussion it has been claimed that the House of Representatives is really the body alone authorized to make the electoral count, and upon this ground that:

"Being charged with the duty of electing a President in a defined contingency, of course the House of Representatives alone can judge when that contingency shall arise. To this end it must of necessity examine and count the electoral vote; it must count to ascertain its total number, that it may learn what a majority of that number is."

The answer to this is that the House does count under any theory, but the idea seems to be that if the Senate counts at the same time, the count made by the House amounts to nothing; in other words, the House of Representatives gets no information, can not learn what a majority is, or whether there is a majority by making a count of the votes, if some other body or some other person makes a count at the same time this is simply absurd.

The House of Representatives is an independent body. It must determine for itself when the contingency arises which authorizes it to elect the President from those, not exceeding three, who have received the highest number of votes; and as all the certificates are to be opened in the presence of the House as well as the Senate, I see no difficulty in enabling them to obtain all the information necessary to determine this question. Besides, as has been well argued by the gentleman from Alabama [Mr. HERBERT], the same argument would apply to the Senate, which, in a contingency provided for in the same article, has authority to choose the Vice-President. With all due respect to my friend from Connecticut [Mr. EATON], whose opinion upon these questions I value most highly, I cannot see the force of this argument.

And now, Mr. Speaker, permit me to say that it is all-important that we should at this session adopt some rule by which the electoral votes are to be counted, and we can not expect that the Senate will ever consent to a rule which for the time being puts that body out of existence; which gives to each Senator a voice no more potential than that of a member of this House in determining matters of such vital importance to the people of this country. This is not a party question, and no considerations of party fealty or party supremacy ought to enter into its consideration. The interest of all parties, the peace and welfare of our common country, may be dependent upon the speedy settlement of this question. We have before us a Presidential contest. The forces are already being marshaled for the conflict. That this contest will be fierce, bitter, uncompromising, we have every reason to believe. It may be close; I trust not; but the electoral vote of one State, or one electoral vote, may determine the result.

How important, then, is it that we should determine by law plain and unmistakable how this matter is to be decided. The people will submit to law and to a lawful settlement of almost any controversy when the law is made plain to them—for they know that without law there is no liberty, no security; but be assured that they will not again submit to any questionable device by which the election of President may be determined. Many of us believe that there are more important issues involved in this contest than the mere question as to whether this man or that man should occupy the Presidential chair for the next four years. Behind this and above it, rising far superior to the personal ambition of one man or of one party, are questions that may determine for weal or for woe the destinies of this people for unnumbered generations to come. I hope therefore that we may lay aside all considerations other than those which look to the determination at this time and during this session of some plan which will leave no doubt as to how and by what tribunal the Presidential count is to be made.

Contract Labor.

Service shall with steeled sinews toil,
And labor shall refresh itself with hope.
—*Shakespeare.*

SPEECH

OF

HON. JAMES H. HOPKINS,

OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884.

On the bill (H. R. 2550) to prohibit the importation and immigration of foreigners under contract to perform labor in the United States, its Territories, and the District of Columbia—

Mr. HOPKINS said:

Mr. SPEAKER: The power to prohibit the introduction into this country of an undesirable element of population is simply the natural right of self-defense. The fathers of the Republic declared one great purpose of the formation of the Government "to be to secure the blessings of liberty to ourselves and our posterity." This was not intended to restrict the enjoyment of these blessings to the framers of the Constitution and their direct descendants, as is evident from the fact that provision is made in that instrument itself for the naturalization of foreigners. But it is also evident that fears were entertained that too many involuntary immigrants might be brought here. And hence the power was given to Congress to impose a heavy tax upon such imported persons, and to entirely prohibit their admission to the country after the year 1808. Undoubtedly the steady importation of slave labor was the special evil to be guarded against. And the petitioners for the pending bill allege that a system of servile labor is now being introduced into this country in violation of the spirit, if not of the letter, of the prohibition. And the evidence taken before the Committee on Labor, to some extent, sustains this allegation.

But if this were not so, it is not only the right but the duty of Congress to interpose its power to prevent the introduction of persons whose presence would prove injurious to the "general welfare." It is our first duty to protect our own citizens against the pauperism, disease, and immorality of aliens. An examination of the testimony clearly shows that there are just grounds of complaint against certain classes which have within the past few years been brought into our midst.

It must be remembered that these objectionable people are not voluntary immigrants. They have not sought homes here because of attachment to our free institutions. They indicate no intention of becoming citizens; they manifest no respect for our Government; they do not assimilate with our people; they do not endeavor to conform to our customs; they do not strive to rise from the degraded condition in which they were found in their native country; they show no appreciation of freedom or the advantages and opportunities it offers to manly endeavor; they pay no taxes; are not subject to military service; in short, they bear no portion of the burdens of the Government, and are, therefore, entitled to no share of its benefits.

We have justly boasted that this country is an asylum for the oppressed of all lands. Our doors have always been open and a cordial welcome has ever been and ever will be extended to all who flee hither to escape oppression and enjoy constitutional liberty. The very act of making this their home by voluntary adoption shows a knowledge of our institutions which caused the exercise of volition. Such immigrants promptly take the necessary steps to secure the rights and assume the duties of citizenship. So far as I have heard in the investigation of this matter there is no one anywhere disposed to interfere with, or in the slightest degree obstruct, this class of incomers. But there are others actuated by no such motive, having no such purpose, who are influenced solely by a mercenary consideration to come here temporarily, gather what they can, and return to their homes. Such people have no claim upon our consideration. While this country is an asylum for all, it is not a field for all to raid over and ravage and then abandon, bearing away their spoils.

Almost every argument which has been used, and used effectually,

against the admission of the Chinese will apply with equal force against those from whom this bill is particularly designed to protect us. It has been proved that the Sclavonians and debased Italians who are brought here under contract have no family ties; they have no sacred shrine called home; they have no religious emotions or impulses; they kennel together like brutes, are disgustingly filthy in their habits and bestial in their appetites; they treat women with the utmost cruelty, and that is an unmistakable evidence of barbarism.

Mr. Speaker, no one can read the testimony taken by the Committee on Labor without a sigh for humanity and a shudder for those of our citizens who may be brought in contact with such revolting objects. Such an element is as dangerous as dynamite, as loathsome as leprosy. While philanthropy would prompt us to minister to these creatures, patriotism impels us to protect our own people from their demoralizing presence.

It is true, Mr. Speaker, that this Republic has grown in strength and wealth and glory by the commingling of different types of civilization; but all of these had elements of assimilation and readily blended together in a homogeneous whole. Each contributed something to the common stock of physical power and mental vigor; and in a generation or two all traces of the diversified origin disappear, and all are distinctly recognized as one great family, knowing but one nationality, and connected together by a common interest and a common hope. And in order to perpetuate the Republic and secure its prosperity we must see to it that we have a congenial and homogeneous people. It is our duty as legislators to exclude from our midst all who give no promise of patriotic fellowship.

Ireland, Germany, France, Sweden, Switzerland, England, Scotland, and Wales have sent of their best blood to mingle and grow richer here. Our priceless mines, our boundless acres, our wealth of forests, our varied industries, our liberal Government extend an open and cordial invitation to all of these and other countries who come to live with us and become part of us. This bill stands in the way of none such. But it says to those who may be lured by hire alone, there is no room here for aliens seeking to snatch the bread from our hungry citizens and recross the ocean to eat it in their native hovels. To permit this would be unjust to our own people who help to support the Government. And besides its injustice I have showed its demoralization in so far as those are concerned whose character, habits, and manner of coming have aroused the fears and prompted the present agitation of this subject.

I have already said that the class of immigrants referred to is dangerous to our institutions. They are so debased and ignorant as to be on the border line of barbarism. The only idea they have of government is that force is the dominating power. They have no conception of free self-government by a people, and hence we find they mistake liberty for license and abuse the privileges of domicile. I speak from the facts disclosed by the testimony, and of course speak only of the classes described. Doubtless there are in these classes individuals of character and energy and ability, who have come and would still come here under contract without intending to become naturalized; but we can only legislate for classes, not for individual exceptions.

It is also true that there have been classes of workmen far above the Sclavs and Italians alluded to who have been brought to this country under contracts made abroad. The objections to the presence of the brutalized and degraded do not apply to those now referred to. But even as to them this bill will prove a benefit. Mr. Martin, Mr. Morgan, and Mr. Leach, intelligent officers of the Amalgamated Association of Iron and Steel Workers, gave to the Committee on Labor detailed statements of the importation under contract of large bodies of foreign workmen induced to come by delusive stories and false representations, the real purpose of their employers being to supplant their former employés or coerce them into acceptance of lower and unremunerative wages. The American laborers need the protection of this bill against such unfair competition; and foreign workmen need this protection against the imposition which may be practiced upon them by those whose avarice might prompt their importation, but whose heartlessness would turn them out friendless and homeless in a strange land when they had served the purpose of their coming.

It seems to me, Mr. Speaker, that all classes of political economists can support this bill. The protectionists can not oppose it without avowing that their professions have been hypocritical. To exclude the products of pauper labor and admit the pauper labor itself is inconsistent and illogical. And the revenue reformers can support this measure, because it is intended to protect our own citizens against the capitalist as well as the foreign pauper; and in doing so it levies no tax upon our own people.

Mr. Speaker, I venture the assertion that in the whole course of our legislative history there never has been received such a mass of petitions in favor of any measure as has come up from all corners of the country demanding the passage of this bill. The signatures can be counted by the tens of thousands and the petitions can be measured by the mile. The various labor organizations have spoken in no uncertain voice in demanding the passage of this bill; and these organizations will command that respectful attention which their numbers, intelligence, and character deserve.

Mr. Speaker, I have discussed this question without indulging in any demagogy and without any attempt to make political capital. In that spirit I think all economic, humane, and patriotic questions should be considered in this legislative body. We may well question the sincerity of those who, professing to support this just measure, pervert the discussion into partisan harangue, and display a greater anxiety to secure political success than to promote the interests of our working people.

I have been amazed at the remarks of the gentleman from Michigan [Mr. CUTCHEON] in pretended advocacy of this bill, but full of adverse criticism and unwarranted comments. That gentleman's eulogy of the Republican party in connection with labor legislation is ill-timed and unwise, because it is not based upon historic truth. In the boastful assumption of credit to the Republican party for the passage of the homestead law, the gentleman must have forgotten that the first homestead bill was introduced into the House of Representatives by Stephen A. Douglas in 1849, and in the Senate two weeks later by Andrew Johnson, both honored members of the Democratic party. The agitation of this great question was begun by these great Democratic leaders long before the Republican party was born.

And the gentleman was no more fortunate in his allusion to Chinese immigration. It was his own party which opened the doors, invited and encouraged these people to come, and when they became a nuisance and a danger to our civilization, and their exclusion was imperatively demanded, a Republican President vetoed the first bill that was passed; and of the votes cast against the bill which became a law a majority of them were by Republicans. And during the present session of Congress, upon the bill to perfect the former law, every one of the opposition votes came from Republican Representatives.

The gentleman from Michigan [Mr. CUTCHEON] supplements his own groundless boast by copious extracts from the recently adopted platform of his party. But that is a bold and bald assumption of virtues which the party does not possess. For more than twenty years that party held undisputed power to pass any measure which they desired. Year after year the laboring people of the country cried out for some recognition, for the enactment of some laws in their interest; but their demand was unheeded, and now when a Democratic committee has reported and a Democratic House has passed a bill to establish a bureau of labor statistics this Republican party, which persistently refused to pass it, seeks to steal from the Democracy the credit of that measure. And the same is true of the pending bill. The evils to be guarded against have existed for years. The Republicans when they had the power to give relief refused to exercise it. Now that the Democracy have interposed and are about to enact the needed law, the attempt is again made to snatch from them the honor.

Further than this, in his imprudent zeal in behalf of his party the gentleman from Michigan suppresses the fact, of which he certainly is aware, that his party in 1864 passed an act to encourage the importation of labor under contract, and provided for the mortgaging of the laborers' wages for twelve months.

The reckless disregard for consistency and for the truth of history of the Republican party is further shown by its declaration in regard to the public domain. After ruthlessly despoiling the nation's patrimony to enrich gigantic corporations, after giving away about 200,000,000 acres, they have the unblushing effrontery to proclaim that they are in favor of preserving the public domain for actual settlers.

While the Democracy are laboring to wrest from the corporations unduly favored by the Republicans the vast areas of lands illegally held, because unearned, distinguished Republicans have stood in the breach opposing the effort. And yet the national convention of that party hypocritically declares in favor of the forfeiture of the very grants which in their profligacy they made.

I regret, Mr. Speaker, the attempt of the gentleman from Michigan [Mr. CUTCHEON] to divert the discussion of the pending bill from its legitimate course into a partisan channel. It seems to me it would have been in better taste, if the gentleman really favors the bill, to criticise it frankly and fairly rather than to sneer at its author and misrepresent and abuse his party. I have no doubt the author of the bill [Mr. FORAN] and the Committee on Labor would have been glad to receive any suggestions from the gentleman which would tend to perfect the bill. But his main purpose seems to have been to bring discredit upon the bill and glorify his party at the expense of the measure he pretends to favor.

The gentleman from Ohio [Mr. FORAN] has labored long, conscientiously, and intelligently in behalf of the working classes; and the slur sought to be put upon him is unprovoked and unmerited. The assailed will suffer less than the assailant, and I may further remark to the discomfiture of the gentleman from Michigan that this identical bill has received the approval of the labor organizations.

Nor will the Democratic party suffer from the groundless abuse heaped upon it. No one of intelligence can be deceived upon these questions. The Democratic party has ever been the natural and consistent friend of the poor man. It has watched his interests with jealous care; it has always stood between him and the arrogance of capital and the heartlessness of corporations; it has encouraged and promoted his prosperity, and strengthened his arms and cheered his heart in the hard battle of life. The Democratic party's devotion to the interests of labor does not ex-

haust itself in shallow resolutions and empty declarations, which are but delusive words; but it verifies its sincerity by acts. It distinguishes its accession to power in this House by the passage of practical measures of recognition and relief of the working classes; and it will move straight on in this path of pleasant duty despite the snares and obstructions of its opponents. And its reward will be not only the grateful appreciation of "the sons of toil," but the consciousness that it is elevating manhood and is thus strengthening and adorning the temple of liberty.

Rivers and Harbors.

SPEECH

OF

HON. THOMAS J. HENDERSON,

OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. HENDERSON, of Illinois, said:

Mr. CHAIRMAN: I did not expect to address the committee at this time, and would not have done so but for the remarks of the gentleman from Wisconsin [Mr. JONES], which perhaps demand some reply from the friends of the so-called Hennepin Canal.

The gentleman from Wisconsin says that if this canal is of interest to any portion of the country it is to the people of the Northwest. I say that it is as much to the interest of the people of the Eastern and of the Middle States to build this canal as it is to the people of the Northwest. If it is of interest to any portion of the country to construct this canal it is for the reason that it will secure cheaper transportation to the people in connecting the lake system of navigation with the upper Mississippi River. This canal will give a continuous line of water transportation from Quincy and Saint Paul to the city of New York. And I say to the gentleman from Wisconsin and to the gentlemen from New England and New York that in my judgment this canal is a national work, and will benefit the East as well as the West in maintaining our commercial relations and promoting our commercial interests.

It has been frequently stated here and urged against the building of this canal by the United States that the Erie Canal was built by the State of New York. But while it is true the Erie Canal was built by the State of New York, it is also true that it has been paid for by the people of the East and the people of the West, who have shipped their commerce over it, and who have not only reimbursed the State of New York for every dollar expended in the construction of the canal, but have paid into the treasury of the State of New York, over and above the cost of construction, maintenance, and repairs, according to the official reports, more than $41,000,000. Mr. Chairman, no one who has not investigated the subject knows or can have any idea of the great benefit which the Erie Canal has been to the commerce of the country. I say without hesitation that in my opinion the State of Illinois alone could afford to maintain the Erie Canal for the benefit it is to that State, saying nothing about other States of the Northwest, in cheapening transportation upon her products and her commerce.

Mr. POTTER. Then let Illinois build this canal.

Mr. HENDERSON, of Illinois. The gentleman from New York says, "Let Illinois build this canal." That would be very well, Mr. Chairman, if Illinois alone were interested in the building of this canal. But the truth is that Iowa and other States are really more interested in its construction than is the State of Illinois. Any member who will take the pains to look at the map of the United States will see that this proposed canal is in the northwestern portion of Illinois, and that the people of the State living east and south of the Illinois River are not so much interested in the Hennepin Canal as are the people of Iowa and the Northwest. But, Mr. Chairman, I put this question upon broader grounds. It is a national work and of national importance. It will benefit many States and many sections of the country; and therefore it should be constructed by the United States and in the interest of all the people, East as well as West and North as well as South, for whatever benefits a part of the States of this great country must add to the glory and prosperity of the whole. The gentleman from Wisconsin has said that there was not much consideration given to this question in the committee. I do not know how he obtained his information. But the truth is Congress has had its attention directed to this measure for many years. This canal was projected fifty years ago. John C. Calhoun, when Secretary of War in 1819, I think, made a report in favor of the construction of a canal to connect Lake Michigan with the Mississippi River, urging it at that time, among other reasons, because a national armory and arsenal would probably be located at its termination, which will be the fact if this extension is made from the Illinois River to the city of Rock Island.

It is true that since that time the conditions of the country have changed. We have railroads to-day and had none at that time. But if you are going to give the benefits of cheaper transportation to one portion of our country by constructing locks and dams to improve rivers otherwise wholly useless for navigation, do not deny improvements like this, which will be a hundred times more beneficial to the commerce of the country. Do not improve rivers in other parts of the country, when in so many cases but few people and but little commerce are benefited, and then say to the millions of people interested in this improvement, "You must construct this canal yourselves, or the State of Illinois must construct it for you."

If money is to be expended out of the national Treasury for internal improvements to give the people greater facilities and cheaper transportation in shipping their commerce, I am sure there is no work in this bill now under consideration that will benefit so many people and so much commerce, in cheapening transportation, as this proposed canal; and certainly there is none more worthy of such expenditure.

The gentleman from Wisconsin has also said that this canal does not go on the most available route. Mr. Chairman, so far as I am concerned, it is known that I am not tenacious about the route of this canal. I am anxious to have the canal built somewhere, and will be satisfied with any one of the routes surveyed; but I will say to the committee that this canal is proposed by this bill to terminate at the city of Rock Island, where there are three cities with perhaps 50,000 inhabitants, where railroads converge from various portions of Iowa and Illinois. The other route mentioned by the gentleman terminates on the Mississippi River, where there is at present no town, no city, and where no railroad terminates.

Besides, sir, on Rock Island there is located the largest armory and arsenal in our country, if not in the world. This canal, if built to Rock Island, may therefore be of great interest to the Government itself. I have said that there are at that point three cities of 50,000 inhabitants—Rock Island, Davenport, and Moline.

I wish to call the attention of the committee to some of the statistics of these three cities, and perhaps no better statement can be made to show how the people of Pennsylvania, how the people of New York, and how the people of New England, as well as the people of the West and Southwest, may be interested in the construction of this canal.

I read from the report of the engineer who had charge of the survey of this canal.

A single locality may here be specifically mentioned as furnishing significant illustration of the general fact thus urged to attention. The tri-cities of Moline, Davenport, and Rock Island (to name each in order of its manufacturing importance) have had their respective business interests carefully revised, in statistical form, at the close of each year, for the columns of the Davenport Gazette. The last of these reports, that of January 1, 1883, for the year 1882, presents some noteworthy figures: A single plow manufactory establishment at Moline (Deere & Co.) consumed in 1882 1,110 tons of steel, 3,000 tons of wrought iron, 900 tons of pig iron, 300 tons of malleable iron, 2,000,000 feet of oak and ash lumber, 400 tons of grindstone—

And grindstones come from New England, I believe—

thirty tons of emery, and two hundred and fifty barrels of oil and varnish, employing weekly seven hundred men. Another establishment (the Moline Company's plow works) used only a less aggregate of similar material, the value of the product of these two establishments footing up to $2,500,000 for the year. The Moline Wagon Company manufactured goods to the value of $625,000, the Deere Planter Company to the value of $600,000, the two malleable iron companies to the value of $280,000, the machine, engine, and boiler shops to the value of $480,000, the paper mills to the value of $150,000, the pump factory to the value of $125,000, while the saw-mills and other establishments aggregated a yield of products exceeding in value a million dollars more.

That is the information relating to only one of these three little flourishing manufacturing cities (Moline), which get their supplies largely from Pennsylvania—certainly of iron, steel, and coal—and who also get their hard lumber from other parts of the country. They send their manufactures, the plows and other agricultural implements and machinery, throughout the country by water or rail.

We come now to what is said of the other two of these three cities, Davenport and Rock Island. I again read from the report of the engineer:

In Davenport the enumerated manufactures of the year—agricultural implements, lumber, flour, oatmeal, glucose, carriages, woolen goods, cigars, clothing, &c.—aggregated a value of $5,864,876, and the value by jobbing houses the sum of $8,046,730; the shipments of local freight by three railroads, 17,536 car-loads, and the receipts, 16,653 car-loads. In Rock Island the plow works manufactured goods in excess of a million dollars in value, the glass works to the value of $200,000, stove works to the value of $100,000, the saw-mills 80,031,566 feet of lumber only, and 18,328,750 shingles, 16,653,000 laths, and 198,650 pickets. If to this partial exhibit of the manufacturing interest of Rock Island city were added those of the United States arsenal on Rock Island the aggregate of railroad shipments would be 17,982 car-loads shipped, and 18,258 forwarded by four roads, including the receipts and exports of coal, largely mined from the extensive coal-fields lying within an area of fifteen miles east and northeast of Rock Island.

There we have an exhibit of the three cities of Davenport, Rock Island, and Moline, at the western terminus of the route, as provided in this bill. And it seems to present forcible reasons for the termination of the canal at Rock Island.

It must be remembered that the Mississippi River runs west and south from Rock Island, and that you are constructing this canal, if it

shall be constructed, for the benefit of those who live below as well as above its termination on the Mississippi River. But, Mr. Chairman, let this canal be built somewhere. I ask it in the name of the 2,000,000 people in Iowa, who are deeply interested, and who through their governors and Legislatures have for many years been by joint resolutions and memorials urging Congress to construct this canal. I ask it in the name of the State of Illinois with her 3,000,000 people, whose Legislatures have also repeatedly urged Congress to construct this work, not only for the benefit of the commerce and people of Illinois, but of the entire country. These two States contain more than 5,000,000 people and more than one-tenth of the population of the United States. They contribute their full share to the revenues of the General Government, now being appropriated in this bill for works of much less importance to the commerce of the country than this canal; and not only that, but they contribute their full share to all that makes this country great and prosperous.

The Calumet River and the City of Hammond.

SPEECH

OF

HON. THOMAS J. WOOD,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repairs, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. WOOD said:

Mr. CHAIRMAN: I have an interest in this bill on account of the proposed improvement of the Calumet and Wabash Rivers in the northwestern part of the State of Indiana. My first duty is to my constituents, to whom I must account for my conduct here, and I would fail in the duty of a Representative if I neglected to support their interest or their rights upon this floor. The Calumet River has come into prominence in the last few years as a navigable stream from the splendid harbor at South Chicago on Lake Michigan, to the city of Hammond, in Lake County, Indiana. I ask in this bill an appropriation for the final survey and estimates of the cost of the improvement of this stream for a distance of about fourteen miles, and for the reason that heavy business enterprises are begun and projecting all along its banks that promise a magnitude not known at any other point in the West.

Hammond has grown from a small village in 1870 to a growing city in 1884. Her increase in population, in volume of business, and substantial growth in the few years past stands without a parallel in the Northwest. Hear me for a moment while I state some of its advantages and enterprise as a coming commercial and manufacturing city. It is located on the Grand Calumet River, near the west line of the State of Indiana, and about eighteen miles from the center of business in Chicago. Her railroad facilities are not excelled anywhere. I give a list of them, and the varied regions they penetrate, to show the easy access to materials used in every branch of industry:

Michigan Central, through Southern Michigan, and gives connection with the pine lands in the North.

New York, Chicago and Saint Louis (Air Line): East to New York through Cleveland, Buffalo, &c.

Chicago and Atlantic (Western Erie system): Opens up entirely new hard-wood country.

Louisville, New Albany and Chicago (North and South): Gives direct connection to all Southern points, and penetrates Indiana block-coal region.

Chicago Belt Line Railroad, connecting with and giving us Chicago shipping rates over the following: Chicago and Northwestern, Illinois Central, Baltimore and Ohio, Chicago, Milwaukee and Saint Paul, Chicago, Burlington and Quincy, Chicago, Rock Island and Pacific, and others.

In the near future railroad-car building shops will be completed upon land purchased for the purpose, which will employ hundreds of laboring men and skilled workmen.

The great slaughter establishment on the margin of the Calumet River has grown to many times its original capacity through the skill, care, and energy of M. M. Towle, the founder of this substantial young city. I believe I am correct when I say that there are slaughtered from 800 to 1,500 cattle per day in this establishment, and the dressed beef is shipped in refrigerator-cars to New York, Boston, and over the sea to Liverpool.

I can not take the time of the House in giving in detail the business of this fast growing city, but will say there are first-class lumber-yards, many large and active manufacturing establishments there, employing many hundred men. The lumber and building material, coal, and other heavy freight coming from Lake Michigan down the Calumet River to this city amounts to a large sum annually, and is carried over the numerous railroads to all parts of the country. In fact, lumber can be bought $1 per 1,000 feet cheaper here than it can be bought at the lumber yards or docks in the city of Chicago, and it can be shipped to all points south by convenient railroad, including Louisville, Evansville, and southwest to Saint Louis and Kansas City.

The lumber trade bids for wonderful growth here, for the reason $1 per thousand feet saved is a wide difference in the purchase-price of large cargoes, every foot of which will come down the Calumet River to this city. This water way opens up the lumber trade of the great lakes, where the supply at present is inexhaustible. All light and heavy freight can be shipped cheaply on this river to any point on the great lakes without any change of vessels. The extensive coal and lumber yards, grain-elevators, iron and steel mills, and other manufacturing establishments must leave the city of Chicago at no distant day and locate on this Calumet River at or near the city of Hammond.

I make no unwise prediction when I say that in the near future this enterprising city will reach 20,000 inhabitants and have few, if any, equals in the Northwest as a business and manufacturing place. I am proud of this young city. She is in my own county of Lake. Indiana will feel a deep pride in her marvelous growth and claim its thousand wheels of busy industry as her own. I present her claims to-night and ask for a friendly recognition. She asks that this river be improved. Under the law I can only ask now for a survey and final estimates made by the civil engineers of the Government, which I want done early this summer, and at the next session of Congress I shall ask for $75,000 to be expended in widening and deepening this river to make it equal to the growing trade and increasing commerce of this prosperous city.

I also ask for a preliminary survey of the Wabash River between Logansport and Delphi. I want the report to Congress of the Government engineers as to whether this river can be made navigable between these two cities by the modern system of slack-water navigation and the probable cost thereof. I am asking something for my own people which has never been asked before; but that is no reason for a denial now; it is a modest demand, and I hope the House will grant it.

Contract Labor.

SPEECH

OF

HON. JAMES LAIRD,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884,

On the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. LAIRD said:

Mr. SPEAKER: The gentleman from Missouri, who seemingly arrogates to himself the right to speak for all the political virtues, embodied or not, advocates the passage of this non-partisan act by attacking an absent person and assailing the Republican party, whose representatives have so far only spoken in its favor. Is the gentleman so surpassingly sensitive that he will not permit us to argue with him. Must we sue for the privilege of voting for the measure? The reference of the gentleman to the now repealed act of July 4, 1864, in aid of immigration, is unfortunate. It invites an appeal to a history which he and all the balance of the party he invokes to aid in the passage of this act might wish buried in oblivion. Not defending the action of the party then in power in passing the act referred to, it will be remembered that the then supply of labor was reduced by the absence from its ranks of 2,500,000 of its best men, who were at the front fighting to free 5,000,000 other human beings from the slavish chains of the party to whom he now turns for protection to American workmen against the slavish competition of imported contract labor.

With the sentiment and principle that this bill seeks to transmute into law no man who loves his country and his kind can contend. To me it strikes at this evil: People are imported here from the lowest human levels of the earth under a contract the gist of which is that they yield to another all their volition as to what they are to do when they get here, who to do it for, and what they are to receive. This may be said to be equal to slavery, and as such not only dangerous to independent labor but to free government as well, and as such obnoxious to national right and voice, being against public policy. But the bill should be further guarded so as not to prevent any person from coming to this country with or without the aid of others when such person comes in good faith to make this land his home and become one of its citizens. This is the logic of the law of protection to things applied to men; and being opposed to the employment of Hessians, either in peace or war, I shall vote for the passage of this bill.

The Count of the Electoral Vote.

SPEECH

OF

HON. JOHN V. L. FINDLAY,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 21, 1884,

On the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, and also the substitute bill reported by the House Committee.

Mr. FINDLAY said:

Mr. SPEAKER: This, in my judgment, is the most important bill which has come before the House this session. It is impossible to consider the clause in the Constitution which provides for the counting of the electoral votes for President and Vice-President without being confronted at every stage of the investigation with the thought that either the framers of the Constitution nodded or else deliberately cast the provision in this skeleton form for the purpose of removing the subject beyond the jurisdiction of Congress. It is true that the Constitution is not a code but an enumeration of powers. And yet this theory of constitutional construction will scarcely account for the naked simplicity—I might almost say the looseness—in which one of its most important provisions has been conceived. This provision is thus briefly and dryly expressed:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

There are three things made perfectly clear by this provision. First, that the President of the Senate shall open the certificates containing the electoral votes; second, that this shall be done in the presence of both Houses; third, that the votes shall then be counted. When there is no dispute this is all that is necessary; but whenever a controversy arises over an electoral return it is obvious that the provision is singularly defective in not providing the means by which the controversy shall be determined, if it was intended that Congress should be the determining tribunal. Such disputes have arisen—once in the memorable Jefferson-Burr controversy in 1801, once in 1821 over the vote of Missouri; once in 1857 over the vote of Wisconsin, and at other times of more recent date when the question was of no practical moment, as there was a choice by the people, whether the disputed vote was counted or not.

Once, however, and so recently that it is not only in the memory but in the immediate presence of us all, this question assumed the most serious and threatening aspect, from which the country was only relieved by a dangerous experiment, not likely to be repeated. I shall not refer to that humiliating period of our history further than to say that no true American can recall the scenes then enacted without a shudder of mingled disgust and apprehension. The spectacle is only worthy of remembrance now and upon this floor for the admonition it contains, and no man ought to refer to it here, whatever he may do elsewhere, except for the purpose of emphasizing the importance of clearing away an obstruction which more than all others threatens wreck and disaster to the Government.

There are two bills before the House which propose different plans for the settlement of this perplexing question: one, the Senate bill, of which the distinguished Senator from Massachusetts [Mr. HOAR] is understood to be the author, and the other by the venerable statesman from Connecticut [Mr. EATON]. The Senate bill proposes that a disputed count shall be settled by the two Houses, sitting separately, and by the concurrent affirmative action of each in the case of a single return, without which the vote of no State shall be rejected. If the two Houses disagree the vote shall be counted, except in the case of a double return. The House bill, on the other hand, proposes that all disputes arising over the count in the case of a double return shall be settled in joint convention of both Houses, to be presided over by the President of the Senate, by a per capita vote of Senators and Representatives.

Between these two plans the House is now called upon to make choice. Is it better that the Houses should separate and, as distinct bodies, determine questions of this sort, or is it wiser to keep them together in one collective body and thus resolve these questions without a separation? Regarded in any light the subject is full of difficulties, and the inclination of my mind was at first on the question of constitutional power against the proposition of Mr. Eaton's bill, and like himself I have been brought to its support with considerable reluctance and misgiving. It is perfectly clear that the Constitution makes to express provision for the creation of this joint convention with the power of per capita voting. The language of the Constitution is, that the President of the Senate, in the presense of both Houses, shall open the certificates. Both Houses are to be in one meeting-place, usually the Hall of the House of Representatives, but they are there in their distinct capacity as Houses.

By what authority, then, shall you decompose these distinct legislative bodies into units of membership, each invested with a vote and to be erected into a new and distinct body called a joint convention? This is the question which gave me doubt and about which my mind is not yet clear. But the Constitution provides expressly for the execution of all granted powers, and even without such express grant it would follow by necessary implication. The President of the Senate, in my opinion, has no power to count the votes. His duty is merely a ministerial one and is confined to the duty of opening the certificates. The requirement, then, is that the votes shall be counted. By whom? Clearly I think by the two Houses. If they have the power, then, to make the count, have not they the power to provide by law the mode by which the count shall be conducted, disputes settled, and the result ascertained?

If the Houses have not this power and the President of the Senate is not invested with it then it resides nowhere; it is in the clouds, and the consequence would be that nothing short of a constitutional convention could supply the defect. To accept this consequence would be to abandon the case, for the emergency is upon us now and must be met, and can not and will not wait for the tardy relief of a convention or an amendment to the Constitution. In such a case I am prepared to give the country the benefit of the doubt and vote for any measure which will put to rest this disturbing question.

It will be observed that the question of constitutional power over the subject is assumed by the Senate bill. If that bill should become a law, then we declare that there is power to legislate upon the subject. I am inclined to think that the power exists, and if it does, then the question is resolved into one of modes by which it shall be exerted. If the two Houses separately may settle a disputed return by virtue of a law of their making as the Hoar bill proposes, then what reason can be given why, by a similar law, the members of the two Houses may not in joint convention settle the same question?

If to this it be replied that the two Houses are bodies expressly recognized by the Constitution and the joint convention is not, still I think the rejoinder may be made with considerable force that the two Houses as such, except in the joint exercise of the law-making power, have no jurisdiction over the subject, and that in providing by law for the exercise of the power to count it is just as constitutional to do it in one way as the other. The question is, does the power exist; for if it does, then the choice of means is only limited by the consideration whether they are appropriate and plainly adapted to the accomplishment of the end. Considering the case then as a question of expediency rather than power, what is to be said in favor of the Eaton as against the Hoar bill?

I go for it because the President of the United States is an officer chosen by the vote of the people, through the intermediate agency, it is true, of the electoral college, but still none the less is the object of popular choice. The States as such, except in a given contingency, do not elect the President, and when this is done in the case of the contingency referred to, it is accomplished by the votes of the representatives of the States constituting this House, who are themselves selected by a direct vote of the people. The choice is not made by the Senate. In either case it is apparent I think that the framers of the Constitution intended that the President should be the representative of the people of the several States rather than of the States themselves. The Constitution provides for the establishment of two branches of the legislative body, one of which should be chosen by the people of the respective States and the other by the States through their own Legislatures. The executive head of the Government was intended to be the representative of the people of the United States as distributed among the several States, and not of the State organizations as such, although of course there is a mild infusion of the federal principle in the election of President, by the equivalent of Senatorial representation in the electoral college. If there ever was any doubt about this proposition it seems to me to have been settled by the fourteenth amendment to the Constitution.

Before the adoption of this amendment there was much discussion and dispute whether there was a people of the United States as distinguished from the people of the several States. It was claimed that there was no such status as original and underived citizenship of the United States; that the primary citizenship was that of the respective States, and that through this medium and by this genesis alone was a citizen of the United States created. I think there is very good authority to the contrary, and to be found in a very singular quarter. If it were not now a matter of curious speculation rather than of substantial moment, I think it would not be difficult to show that Chief-Justice Taney was of this opinion and boldly proclaimed it in the famous Dred Scott case. But, however this may be, all doubts upon the subject have been set at rest by the fourteenth amendment and by the decision of the Supreme Court in the Slaughter-house cases construing that amendment. There is a people of the United States, and that people is composed, in the language of the amendment, of "all persons

born or naturalized in the United States and subject to the jurisdiction thereof."

This being so, and the President being elected by this people indirectly by the popular vote, it seems to me that all the analogies of the case point to the resolution of any disputed point growing out of the returns of that election by that body which is nearest to the people and their more immediate Representatives. It would follow from this proposition that this House should determine all such controversies, and the argument certainly would not be weakened by the further consideration that in the case of a failure to elect by the people the duty of making an election of President immediately is conferred by the Constitution on the House of Representatives. The practice, however, has been different, and the Senate has always insisted upon its right to have a voice in settling Presidential electoral disputes, and it would be impossible at this day to induce the Senate to yield its asserted jurisdiction altogether.

The Eaton bill proposes a compromise. It proposes that Senators, not the Senate, shall have an equal voice with the Representatives of the people in determining all questions in dispute arising out of the returns of the electoral votes. A majority of the votes of the members of the two Houses, not sitting as such, but in joint convention, shall determine all such questions. As it was under the twenty-second joint rule the disagreement of the two Houses would result in the rejection of a disputed return. As it is under the proposition of the Hoar bill such a disagreement will result in the counting of the disputed return where there is only one return, and so far the Hoar bill is an improvement on the twenty-second joint rule. In either case it will be observed that the Senate can defeat the popular will as represented by this body, to which, in the last resort, the duty of electing a President is confided.

If the House should be of opinion that the vote of a particular State should not be counted, and the Senate that it should be counted, the return in the case of a single return would have to be accepted under the Hoar bill, as it requires the joint affirmative action of both Houses to reject a vote in such a case. If there should be two returns, however, and two State tribunals have made contradictory adjudications, or if there should be two returns, without any judicial action on the part of the State from which they came up, then by the provisions of the Hoar bill in case of a disagreement between the two Houses there could be no count of the vote of the State giving rise to the dispute, but it would have to be rejected, as under the provisions of the twenty-second joint rule. To make this clear let me suppose a case. Suppose that two returns come up from the State of Massachusetts, and connected with them an adjudication by two tribunals of that State, each in favor of a different return. At the same time there are two returns from Florida upon which there has been no adjudication by her courts. Objection is formally made in the manner provided by the Hoar bill to the counting of these returns, and the two Houses separate for the purpose of considering and determining the matter in dispute. The House is in favor of one of the returns from Massachusetts as presented by one of her tribunals, and the Senate is in favor of the other return. The House votes for one of the Florida returns, and the Senate for the other. What would be the law in such a case if we should pass the Hoar bill? Neither returns could be counted, because in the case put both Houses must agree or the vote is lost. It seems to me it would be a most dangerous experiment to allow in such a case one House to have a negative upon the action of the other. The temptation to disagree when the Houses represented different political parties would be so great that but few members, if any, would be able to resist it.

It has been demonstrated time and again that the political conscience is a flexible and elastic rule of action that readily yields to the slightest pressure of party exigencies. Rarely if ever is a contested election upon this floor settled upon its real merits, and Lord Macaulay somewhere says, that no impeachment for a political offense has ever taken place in England, when the result from the complexion of parties could not be as safely predicted from the beginning as at the close of the trial. When the great office of President is at stake, with the immense patronage at its disposal, it would be expecting too much of human nature, under the tyranny of party, to omit any opportunity to accomplish its ends, more especially under that loose code of morals which teaches that all is fair in politics, as in war or in love. The late Senator Morton, in his elaborate report to the Senate upon this subject, denounced in vigorous terms this very proposition; and in the debates in the Constitutional Convention the language of some of its members upon the same subject was equally strong.

There were seven different propositions before that body for the election of President—by the people, by the Legislatures of the States, by the governors of the States, by electors chosen by the people, by electors chosen by lot, by the national Legislature on the nomination of three or two candidates by each State, by the national Legislature on the nomination of one candidate by each State. At one stage of the deliberations it was voted by seven States to four that the Chief Magistrate should be elected by joint ballot by the Senate and the House of Representatives.

Before this vote was reached, however, the smaller States, jealous of their rights, proposed that the vote should be taken, not by joint ballot but by both Houses, which is very much the proposition of the Hoar bill. But to this it was replied that delay and confusion would ensue if the two Houses voted separately, each having a negative upon the choice of the other.

Mr. Wilson, of Pennsylvania, observed "that the Senate might have an interest in throwing dilatory obstacles in the way if its separate concurrence should be required." So Bancroft, in his History of the Formation of the Constitution, says:

> In every stage of the proceeding the convention suffered no chance for the failure of an election, and had specially guarded against the failure of an election by the negative of one House upon the other, leaving the rules for the conduct of the electoral colleges, or of the two Houses, when in the presence of each other, to be supplied by the familiar experience of the States. (Volume II, page 182.)

Hamilton said that "the mutual connection of the President and Senate will perpetuate the one and aggrandize both. I see no better remedy than to let the highest number of ballots, whether a majority or not, appoint the President." When to this is added the fact that the eventual election of President is vested in the House of Representatives, the argument seems to me overwhelming that the Senate can have no separate voice whatever in the election. The fact that this eventual election is conducted in the House of Representatives by States does not at all weaken the argument to any one familiar with the historical development of the Constitution.

There was from the beginning a jealousy on the part of the smaller toward the larger States, the most conspicuous manifestation of which is found in the establishment of the Senate itself. Another is found in the constitution of the electoral college, where each State has as many representatives as it has in both Houses of Congress and where both States and people are represented. Accordingly, when it was agreed to repose in the House of Representatives the final duty of electing the Chief Magistrate, the smaller States demanded that they should have an equal voice in making this choice, and it was conceded. But while this is so, it is also true that the direct Representatives of the people, although voting by States, are charged with the ultimate responsibility of electing the President of the United States. That part of the governmental organization which is more peculiarly the representative of the States, the Senate, is denied the power of interfering with this choice. The whole case is summed up by Bancroft as follows:

> The language of the Constitution is a concise, clear, and imperative demand: "the votes shall then be counted." The convention is left with no one but itself to interpret its duties and prescribe its rules of action. No power whatever over the counting of the votes is devolved on the House of Representatives or on the Senate. Whatever is granted is granted to the two Houses in the presence of each other, representing the States and the people according to the compromise adopted for the electoral colleges.—*Formation of the Constitution*, volume 2, page 184.

It is perfectly clear from this that a joint convention of the two Houses is to do the counting, and that the idea of a resolution of this body into its two constituent elements for the settlement of disputes wherever they arise never entered into the contemplation of the framers of the Constitution.

But can not these two bodies, the House and the Senate, in advance of the assembling of the joint convention of which they are the constituent parts, agree upon a mode of action by which they shall be governed in making this count, either in execution of a power necessary to carry out a granted power or by mutual consent? If the two Houses in the presence of each other in joint convention may adopt rules by which the count shall be conducted, what is the objection to their agreeing to these rules before they meet? Surely none, on the score of convenience and sound policy. If there is power to do it, all will admit, I think, it ought to be done.

I know that it was contended by no less an authority than Mr. Abraham Baldwin, of Georgia, himself a member of the grand committee of the Constitutional Convention which had this very matter in charge, that there was no such power in Congress under the eighth section of the Constitution. His contention was that all the power over the subject was vested in the electoral colleges, and that the two Houses had nothing to do but to see that the returns were properly authenticated. Nothing short of a constitutional amendment could remedy the defect, if defect there was, which he stoutly denied. And of this opinion also was Mr. Charles Pinckney.

At the same time Mr. Baldwin also contended that the joint convention of the two Houses must count the votes, and that there was no such power vested in the Houses as Houses sitting separately. And so he voted in the Jefferson-Burr controversy in 1801 along with Langdon and Pinckney, both of whom had also been members of the convention which framed the Constitution thirteen years before. The historian of the Constitution very properly observes that the student must carefully ponder the constitutions of the several States and the provisions they contained for the election of public officers if he would rightly understand the provision under discussion. The States elected their officers at that time by joint ballot of the legislative branches, some in joint convention, as Massachusetts, and others, as Virginia, by a concurrent vote, with a provision for the count of the ballots by a

committee appointed by both Houses. When, therefore, it was provided that the votes should be counted after the certificates had been opened by the President of the Senate, the meaning of the clause in the presence of the Senate and House of Representatives was that the counting should be done in accordance with the Massachusetts rather than the Virginia plan. There is no power, in my judgment, for the two Houses to separate after they have met for this purpose, unless it be for a recess, but the work of the joint convention must be fully performed and completed before the body is dissolved. The underlying theory of the House bill is that the two Houses are under the same roof as Houses. Hence either can withdraw at its pleasure, and must withdraw for the purpose of considering and determining any question which gives rise to controversy. The theory of the framers of the Constitution was that the identity of the two Houses, for the time being, was merged in a joint convention of both, and that it was the duty of this convention, and not of the two Houses as such, to do the counting.

The Eaton bill is framed upon this theory. The fundamental proposition underlying it is that the counting is to be by joint convention of the two Houses, and it does not recognize the right of separation for the purpose of considering or determining any question arising during the course of the count by the concurrent action of the Senate and the House, either in the case of a single or a double return, and this being the fundamental idea, of course some rule as to the mode of voting must be adopted. This is fixed upon the per capita basis, not only because it is the natural and usual basis adopted by joint conventions, but also because there is an obvious propriety in determining disputed questions arising out of the count in close analogy with the method by which the electoral college is composed.

The States have in the electoral colleges the same representation which they enjoy in the Congress of the United States. Each State appoints as many electors as it has Senators and Representatives. When a dispute arises as to the choice made by these colleges there is an obvious propriety in determining it by a per capita vote in the joint convention of both Houses, where both States and people are represented. As before observed, one of the modes proposed for the election of President was by joint ballot of the two Houses. This was finally succeeded by the adoption of a body of electors, to be elected in such wise as the Legislatures of the States should appoint, each State having the right to appoint as many electors as it had Senators and Representatives in the national Congress.

As a part of this scheme it was proposed that all the electors from all the States should meet at one point, and there elect the President and Vice-President, under such rules as to voting, ascertaining, and authenticating the result as the college might adopt. Owing to imperfect communications between distant parts of the country, and the consequent difficulty in bringing the electors together, this scheme was abandoned, and separate colleges, sitting in each State, took its place. It was a part, too, of the original conception of these bodies that they would divest themselves of all partisan feeling, and, imbued with a lofty sense of patriotism, cast their ballots, themselves the best men in the country, for the worthiest men in the Republic.

It is not necessary to remark that this part of the scheme has been a conspicuous failure. The electors have not been the best men in the country, and have never exercised any choice except that of the party which elected them, and indeed it would not be considered honorable to do so. It was never contemplated, however, that such puzzling questions as confronted Congress in 1877 would have to be met and settled. It does not seem to me that the framers of the Constitution ever considered a contingency such as is provided for by the measures now under discussion.

Double returns or contradictory adjudications upon such returns or a doubtful single return do not seem to me to be within the purview of that instrument. It is almost inconceivable if such was the case that some other provision should not have been made than the simple requirement that the certificates should be opened in the presence of the two Houses and that the votes should then be counted, more especially when we remember that the twelfth amendment to the Constitution, which was adopted for the express purpose of correcting defects in the mode of electing the President, makes no change whatever in the original provision prescribing the method of passing upon the electoral returns. That is left precisely where it was originally; that is, in the words so often quoted, "the votes shall then be counted."

It is true that the word count does not mean mere enumeration, but involves also the idea of discrimination, as the counter of money has the right to reject the bad and accept the good; yet still, if the convention had been in session after the troubles in 1877, I think it quite clear that it would have provided in distinct and unmistakable terms not only for the counting of the votes, but who should do it and how it should be done. Reading the instrument in the light of contemporaneous debate, it seems to me quite clear that its framers would never have remitted the settlement of a disputed electoral return to the separate action of both Houses. Whether they would have considered it wiser to have provided for a final adjudication by the States themselves upon the election for President, and so left nothing for Congress to do but the mere ministerial duty of opening the returns and in some solemn manner declaring the result, is a matter of pure speculation and conjecture.

It is quite probable, however, that they would have rejected this plan upon the ground that the integrity of the United States should not be reduced into absolute dependence upon the good faith of each of the States; that there should be lodged somewhere in the Government of the United States, representing all the States, a power to protect itself, in the exertion of which it would necessarily protect its constituent bodies against the fraud of any single member. The simulated voice of a State, echoed by a false and fraudulent return, not only does violence to the people of the particular State which it misrepresents, but involves the whole federative system of States in discord and confusion.

The other States are powerless to remedy this evil by separate State action, and there is, therefore, an absolute necessity why this protecting power should be vested somewhere in the General Government, which represents all the States as well as all the people of the States. For this reason I think it would be doubtful statesmanship to allow any State to determine the policy of all the other States by an election for President which these other States in their united capacity could not scrutinize and impeach. If, then, the States in their separate capacities can not finally adjudicate upon this question, if it would be bad policy to permit the two Houses sitting separately to act as final arbitrators in view of the almost certain negative each would exert upon the action of the other whenever they were politically opposed, there would seem but one possible way of escape out of the difficulty, and that would be by adopting the compromise proposed by Mr. Eaton's bill. But, Mr. Speaker, I quite agree with him that it is far more necessary that something should be done than that any particular measure should receive the sanction of this body. So fully impressed am I with its importance, that I do not think I am stating the case too strongly when I say that it would be positively criminal for this House to adjourn without taking some action upon the subject.

Food-Fishes and their Protection.

"They take up all of them with the angle, they catch them in their net, and gather them in their drag; therefore they rejoice and are glad."—*Habakkuk*, i, 15.

A table richly spread in regal mode
* * * all fish from sea or shore,
Freshet or purling brook, for which was drained
Pontus, and Lucrine bay, and Afric coast.
—*Paradise Regained.*

THIRD FISHERMAN. Master, I marvel how fishes live in the sea.
FIRST FISHERMAN. Why, as men do a-land: the great ones eat up the little ones.
—*The Tariff—Trismegistus.*

Why should not an acre of water become as productive as an acre of land?
—*Bertram's Harvest of the Sea.*

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 12, 1884,

On the bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

Mr. COX, of New York, said:

Mr. SPEAKER: As to this bill, there is no question of our paramount authority to legislate. It is intended to prohibit as unlawful fishing in the Potomac, and in this District, with certain nets, both stationary and floating. The second section provides a penalty, namely, a fine and a forfeiture of nets, boats, and apparatus. It saves angling with the "out-line," and allows the United States Commissioner of Fish and Fisheries, or his agents, to take fish of any kind from the waters of the Potomac, in any manner desired, for scientific purposes or for propagation.

THE PENDING MEASURE.

This bill proceeds on the idea that the valuable shad and herring fisheries in this District should be preserved from extinction. The report of my colleague [Mr. SPRIGGS] reveals the fact, in regard to the catch of these fish, that there has been a constant decrease from 1868 up to 1879. The catch in 1868 was—of shad 219,205, of herring 689,392; and in 1879, of shad 21,498, and of herring 222,887.

Now, what shall Congress do to save this fishery once, and even yet, so valuable? This is the main question. It is answered by this bill, which has been drawn, as I understand, by Professor Baird, the Superintendent of Fish and Fisheries. There is no doubt that it will pass; and, in so far as the disuse of nets can, under such penalties, protect the fisheries of the District, this much will be effected.

The proviso in the bill recognizes the importance of the scientific experiments made here under the auspices of the Fish Commissioner of the United States, and the utility of the special efforts for propagation.

In this bill, therefore, a vast and progressive range is mapped out, as well for the local interests of this District as for the entire country. Scientists and economists at home and abroad regard the experiments carried on here as ensamples for their guidance, instruction, and welfare.

NEW ENGLAND INTERESTED.

The fishery interest is one which the last census shows to be of immense importance. Perhaps it is most important to New England considered in its deep-sea bearings, and for purposes of commerce; but since the plans of the commission have replenished and multiplied food-fishes in our estuaries, bays, and streams, it is of great importance to the inland as well as to the coastwise States.

I confess, Mr. Speaker, to being specially interested in this subject. In legislation here, as my former colleague on the Foreign Affairs Committee from Massachusetts [Mr. RICE] remembers, we did our part to give what "protection" we could from the Dominion fish, which under the treaty were allowed to come in free. I did not, on economic reasons, urge the revocation of that treaty. I urged it because of the swindle confessedly perpetrated on this country in the fish award of $5,500,000. That award was made under false data. The money should have been repaid to us. Its possession by Great Britain is a burning disgrace and shame. After the proofs of forged books and documents which were tendered by her own citizens, it is the monstrosity of international ethics and courtesy to retain this money. Massachusetts protested through her representative here (General Butler) against the premature payment of the award. That and my own urgent protestation remain indelibly recorded.

THE GOOD PURITAN FOLK.

It was especially fitting that the sons of Massachusetts should have made a defense of our fishing interests upon that occasion. The escutcheon of that Commonwealth is a "codfish." The early culture of her aristocracy was fish-culture. Indeed, her religion is allied with the piscatorial calling. Adventurers to New England of the "Northern Company" were not altogether inspired by the promised yield of gold and silver, though visions of bonanzas were not wanting. Their fancied treasures lay in the sea. Their divining rod held its hook, line, bob, and sinker. It is of record that when the Pilgrims went to King James for their charter, they said to him that they desired to go to the New World to worship God—and catch fish. "What profits do you intend?" asked the king. On being told—"those from fishing," he replied ironically: "So God have my soul, 'tis an honest trade; 'twas the Apostles' own calling." These good Puritan folk expected to find miraculous argentiferous draughts in the mouths of the fishes. They have ever since "sacrificed to their net and burned incense to their drag; because by them their portion is fatness and their meat plenteous." No wonder then, that this godly class broke forth into hymning praise to the Creator for the blessings they received from the sea:

> Ye monsters of the bubbling deep,
> Your Maker's name upraise;
> Up from the sands, ye codlings peep,
> And wag your tails always.

SACRED ASSOCIATIONS

However irrelevant to this discussion the connection between piety and angling, it does not detract from the dignity of this calling to know that it has high authority, great antiquity, and sacred associations. Was it not the Psalmist of Israel who said, "They that occupy themselves in deep waters see the wonderful works of God"? Did not our Saviour choose for the great work of the Gospel the prudent, peaceable, and devout fishermen? Of the Twelve, were not four of this simple craft? While reproving scribes and moneyed men for their peculiar employment, the Savior gave to these simple disciples the power to speak all tongues, to persuade by their quiet manners and sincere eloquence, and to perform wonders unheard of before upon the chosen soil of Palestine. Peter, Andrew, James, and John, the four fishermen, as the good Izaak Walton has said with great felicity, were men of mild and sweet and peaceable spirits, as, indeed, most anglers are—

And it is observable that these our four fishermen should have a priority of numeration in the catalogue of the twelve apostles. And it is yet more observable that when our Savior went up into the mount, when he left the rest of his disciples and chose only three to bear him company at his transfiguration, that these three were all fishermen. And it is believed that all the other apostles, after they betook themselves to follow Christ, betook themselves to be fishermen too, for it is certain that the greater number of them were found together fishing, by Jesus after his resurrection, as it is recorded in the twenty-first chapter of St. John's Gospel.

The Bible has many references to this quiet, contemplative calling, to which it is not necessary here and now to refer.

Whatever may be the controversy between theology and science, or revelation and reason, it is certain that in early New England revelation and science met on common grounds—the fishing-grounds! Practicalness went hand in hand with science, and Science meekly worshiped at the shrine of Faith.

FISHING AN ANCIENT CALLING.

Fishing and fish-culture are not new discoveries; nor are the present modes, especially by line and spear, novel. Necessity was the mother of these as of other arts. It is said that Deucalion, just after the flood, invented angling for food to save his starving family. Seth taught it to his sons. It is believed by some that Japan and China early understood artificial propagation. Fishing runs into mythology; for, is not the trident of Neptune the fish spear, thrice armed? As an ancient and most fishlike muse sings:

> Then darts the trident, and the briny flood
> Is crimsoned with the incautious victim's blood.

Do we not read in the Bible about putting a hook into the jaws of Leviathan? Is not this a clear reference to angling on a large scale? The Ichthyophagi are as old as Strabo who records them.

The fishermen of the past may have been poor, but they were never cowardly. They may have been ignorant, but they had an eye for beauty, which was improved by the iridescent hues of the finny tribes, and by the rare views of nature on sea and shore. They may have been simple, but it was from their humble guild that the grandeur of the New Dispensation came to a sinful world, to improve and bless.

We may go back to Egypt—that ancient mother of spiritual and temporal empire, and read upon her monuments and paintings, the designs and modes by which fish were taken and preserved for the chief butlers and bakers of the Pharaohs. Worshiping, as they did, animals of various kinds, it was not infrequent that one tribe in Egypt declared war against another for eating up her deities! Even the fun on a fishing excursion which our urchins now enjoy, Cleopatra herself practiced on Antony, in her frolicsome mood, when she ordered her divers to put a salted fish on his hook, whereat he pulled with vehement agitation.

> Thus she was used to take delight with her fair hand
> To angle in the Nile.

PISCINE LORE AND LUXURY.

I have made a pilgrimage to the tomb of Izaak Walton in Winchester Cathedral, and have made my homage to that "grand old man" and rare old fisher. I found that his remains were under a large black slab, in a chapel in the south aisle called Prior Silkstead's Chapel. It was evening when I endeavored to decipher the poetic tribute to the ancient angler—"crowned with eternal bliss."

The cheerfulness of his disposition and the serenity of his mind gave to him ninety years of felicity, in the midst of great and good and yet sportive scholars and churchmen. I honor him as well for his pen as for his hook and line; as well for his grace of diction and genial muse as for his many-colored flies; and, above all, for that lesson of equipoise which he teaches in his rambles after his favorite recreation. He teaches the contemplative as well as the sportive quality of the art.

But if any one should think that the literature of fishing began with Izaak Walton let him read classic lore. It is as full of the details as it is of the fun and poetry of fishing. Arion rides upon a dolphin as easily as the bold Viking darts out of the Norse *fjörds* in his war *jægt*. But neither the classic nor the romantic past has any history or fancy equal to the reality of our deep-sea fishing, or to our artificial reproduction from the *ova*. It is said by a clever writer on this theme, that the luxurious Romans achieved great wonders in the art of fish-breeding, that they were able to perform curious experiments with the piscine inhabitants of their aquariums, and that they were well versed in the arts of acclimatization. This writer alleges that "the value of a Roman gentleman's fish-pond in the palmy days of Italian banqueting was represented by an enormous sum of money. The stock kept up by Lucullus was never valued at a sum less than £35,000! These classic lovers of good things had pet breeds of fish, as gentlemen in the present day have pet breeds of sheep or horned cattle. Lucullus, for instance—to have such a valuable stock—must have been in possession of unique varieties derived from curious crosses. Red mullet and fat carp, which sold for large prices, were not at all unusual. We can ascertain that £60 were given for a single mullet, and more than three times this sum for a dish of that fish. Enormous sums of money were lavished in the buying, rearing, and taming of the mullet; so much so, indeed, that some of those who devoted their time and money to this purpose were satirized as "mullet millionaires." These old Romans are the archetypes of our codfish aristocracy. Social life repeats itself.

ICHTHYOLOGICAL MYTHOLOGY.

How fancy has sported with the fishes! Strange stories about sea-monsters fill the pages of ancient lore and modern fish-gossip. These stories culminate in the mysterious kraken, the apochryphal sea-serpent, and the real octopus. These narratives of sea-monsters are not

surprising when we think of such oddities of the sea as the cuttle-fish and other armed brigands of the deep. The inhabitants of the sea are, perhaps, more curious, if not more numerous, than those upon the land. Our deep-sea dredging is bringing to the surface and light such *outré* forms of marine life as to make the prehistoric monsters respectable in fashion and form.

The heavens in their remote and strange phases declare the glory of the marine life. Are not the four principal constellations called after the marines? Does not the zodiac connect astronomy with sea-monsters? In one of the tractates of the London Exhibition Mr. Phil Robinson thus revels in the imagery of sea-things as translated to the sky:

What antiquities, then, they are, these sea-myths of our stellar hemispheres! Tumbling in open space, the happy Dolphin, belted with stars, the gift of grateful Olympus; the luminous Sea-lizard; Cetus, the shaggy whale, spangled from twinkling snout to twinkling tail, that, but for the strong, bright-fronted Ram that intervenes, seems agape to swallow the suppliant Andromeda; Hydra, dripping stars as it goes, and trailing its gem-lit convolutions across the hemispheres; the Flying-fish, feathered and beaked, darting its brief flight from the pole of the southern ecliptic; the austral Fish, with radiant eyes uplifted to the grateful flood that the Waterer forever pours upon it; the Sword-fish, cleaving its bright way to encounter in the ocean of the firmament its hereditary foe; the Tortoise, that in its starry concave holds the lyre whence Mercury first struck the music of the spheres.

Above all, the Fishes of the zodiac,

"The double Pisces, from their shining scale,
Spread wat'ry influence and incline to sail,"

foster the sailor-spirit in men and teach navigators to be boldly self-reliant, preside over sea-fights, and are the patrons of fishermen.

But the children born under the sign are, by a poetical extension of the Venus tradition, hot-blooded, given to jealousies and strife; for the tradition is that "when the skies grew weak and giants strove, and snaky Typhon shook the throne of Jove," Venus fled the tumultuous scene, and hiding herself in the Euphrates as a fish, inspired the scaly tribes with new passions, "and with the ocean mixt her fire." So, too, the Southern Fish claims Aphrodite's favor, for the legend says that it saved her daughter from drowning in the Lake Boethe; and yet another claims for it that it is the progenitor of all the fishes in the firmament.

Next "glowing" Cancer,

"As close in 's shell he lies, affords his aid
To greedy merchants and inclines to trade."

But over births his influence is hardly more auspicious than the Fishes', though in omen it is happy—

"The dream's good;
The Crab is in conjunction with the sun."

These whimsies of astrology still keep their place in our astronomies. They show how the unknown has ever been regarded as the supernatural or marvelous.

From gems taken from the heads of fishes rare wonders were worked by the Magi. Helen won suitors by a jewel out of the belly of a fish. Amphitrite rode about at her own sweet will in a sea-shell. And a thousand other figments indicate that in the twilight of history the unknown above the earth was in strange association with the marvels beneath the sea. As the gentle Elia says:

Gorgons, and Hydras, and Chimeras dire—stories of Celæno and the Harpies—may reproduce themselves in the brain of superstition, but they were there before. They are the transcripts, types—the archetypes are in us and eternal.

—— Names, whose sense we see not,
Fray us with things that be not.

Lamb's fancy ran strong upon marine spectra:

Methought I was upon the ocean billows at some sea nuptials, riding and mounting high with the customary train—of tritons and nereids gamboling around—sounding their conchs before me, and jollily we went careering over the main, till just where Ino Leucothea should have greeted me with a white embrace.

IMMENSITY OF THE NUMBERS OF FISH.

Figures of speech and arithmetic fail to show the immensity of the numbers which the sea gives us of its finny life. Juvenal said that the sea was overfished. This may have been true of Lavinian shores, as it is of some of our rivers, like the Potomac, when swept with destructive nets. But Juvenal had not seen or heard of the banks of Newfoundland and their opulence of fish, nor of the Lofoden Isles with their mountains of piscatorial wealth. The teeming Arctics were unknown to the Roman conquerors of the world. Could Juvenal have heard Professor Huxley dilate on the cod mountains—one hundred and twenty to one hundred and eighty feet in vertical thickness, in and around those waters, or the strōms of Norway which affrighted our youthful fancy, he would have modified his own poetic idea as to overfishing the sea.

THE CENSUS OF THE SEA.

A shoal of codfish one mile in superficial extent contains 120,000,000 fish! Yet not more than half of that number of codfish are taken in one year on the coast of Norway. The cod lives on herring, hence such a shoal will eat 840,000,000 herring in a week! The idea that sea-fisheries are being overworked is almost a joke, when we remember what science reveals. Science tells us that our fixed fisheries contain only five per cent. of the fish of the sea.

Nor is this swarming of marine life a marvel, when we know how fish yield their eggs by millions. The queen bee, it is said, has her 50,000 eggs a season. But the fecundity of fish might as well be expressed by some algebraic formula as this—$x + y = \infty$—. Bertram in his Harvest of the Sea says that he counted the separate eggs in the roes of some of our fish. He counted exactly 7,000,000 eggs in a sturgeon. In codfish he gives 3,400,000; in flounders, 1,250,000; in soles, 1,000,000; and in mackerel, 500,000!

We can not too much admire the nice accuracy of scientific scrutiny and enumeration. Let us take a glance at these strictly accurate figures. We will estimate the value of herrings—in the raw state—at $1 a hundred. We have to pay at retail in the markets 5 or 6 cents each for the manufactured (smoked) article. At a dollar a hundred, a little school of codfish of the area of Rhode Island consumes in one year herring to the value of $473,928,000,000! Gentlemen can see at a glance that the annual appropriations made by the sub-marine directors of schools must exceed this sum many thousand times for the codfish establishment alone! What has Congress done that is in any degree comparable with this encouragement of fish-culture? We call ourselves a wealthy nation; yet we spend less than $80,000,000 a year for our schools—while one little codfish school costs for its support every year, nearly thirty times the assessed valuation of all our real and personal property! But I will not mortify you with any more humiliating calculations. Let these give you some incentive toward the important work of fish-culture.

Where do the fish go? Comparatively few of them reach our tables as food. They have the delight of eating each other. The smaller pass their time in guarding against being eaten by the larger fish. If one-half survived there would be no need of restoring our shipping—navigation would cease.

FISH AS ICHTHYOPHAGI.

This reminds me, Mr. Speaker, that fishes are cannibals, as my motto indicates. Fish prey on fish, and live fish like live fish; so that we need have no compunction when preying on them.

Professor Rice, of the New York commission, has designated the kind of fish on which different fish feed. Some are select, like the striped bass; others omniverous, like the bluefish; and all are enormous feeders. Eight alewives, of three-quarters of a pound each, were found in a sixty-six-pound striped bass! Forty mullets were found in a thirty-pounder! I have seen in the *fjörds* above the Arctic Circle, in the swift tide-currents, endless flocks of birds, ready to devour the fish which congregate to destroy other fish. Sharks, porpoises, and other fish of prey know when and where to find the weak "Innocents Abroad."

SPORTIVE ELEMENT.

No Bergh has yet appeared to prohibit the fish in their gambols after other fish or to enjoin men from gamboling after them. Indeed, a part of the sport of fishing consists in decoying the wriggling beauties upon the hook. In the North Sea they double the sport, for they have a hook so shaped as to catch a small fish, whose wriggling and struggling attracts the larger fish. It is said that the first admirer of American beauty, the traditionary husband of the original Mrs. John Smith—*née* Pocahontas—who settled the earliest English colony on this continent, often fished in the waters of this District; and that he assisted greatly to develop the fishing industry of the rivers round about Jamestown. He fished along our sea-shore as far up as Maine, and gave to his occupation its useful and delightful harmony when he said:

And is it not pretty sport, to hale up two pence, six pence, and twelve pence as fast as you can hale and veare a line?

The sportive element which comes out of the same game of chance, with which statesmen of former days pursued horse-racing or poker, gives through its uncertainty and luckiness to the toiler of the sea the charm with which no other laborious pursuit attracts. Is it not a sort of gratification to watch the unwary fish, to entrap and entice him, not merely by studying his habits and migrations, the weather influences, and the nature of the ground, but by copying the qualities of the fish, its courage, vigor, velocity, and cunning? Thus the sportsman may render his pursuit exciting. With nicest skill and judgment he "tackles" the subtle salmon and the wary trout, whose pluck makes the sport so gameful and the flesh so toothsome.

THE GENTLE ART.

I have had some experience in fishing. May I be pardoned if I refer to the fact that I have fished under the shadows of our Sierras in Tahoe, lake and stream; that I have followed the mountain rivulet Restonica in Corsica, where the waters blanch the boulders into dazzling whiteness, and the associations of the vendetta and the Bonapartes give a ruddy tinge to the adventure; that I have caught the cod in the Arctic around Cape Nord, under the majestic light of the midnight sun; that I have angled in the clear running Malaren Saltsjön, which circulates healthfully amid the splendid islets of stately Stockholm; that I have flecked the waters of the Bosphorus, in sight of the historic Euxine and the marble palaces and mosques of two continents; that I have been tossed in shallops along with the jolly fishers of the Bay of Biscay; that I have sauntered near the pillars of Iskanderoon which were erected by a grateful Mediterranean people on the spot where Jonah was thrown

ashore by the whale; but where'er I wandered, whether I cast my line—

——— under hanging mountains,
Or by the fall of fountains,

my thoughts have always bounded o'er the main to ride the league-long rollers on the shores of New Jersey along with my favorite life-savers—to see and feel the "bluefish wriggling on the hooks." But, Mr. Speaker, notwithstanding these widespread endeavors, I am not prepared to say that there has been any perceptible diminution of the quantity of fishes in the waters of our planet!

ADVANCEMENT IN FISHING.

Marine fishing, from small beginnings in upon the rock-bound coast made its way down to the Chesapeake and James River, where the mollusk helped to swell the gains of our ancestors of eight generations ago. The ventures for cod, mackerel, and whale carried the pioneers of this trade far out upon the banks of Newfoundland and into the waters around Nantucket.

But it was not until after our civil war that the fisheries began to grow with steady increment. Professor Goode estimates the value of our products now at more than $100,000,000. Our census bulletins amplify and specify, by States and localities, the products of our fisheries. They show the capital invested in 1880 to be $37,955,349; and the number of persons employed at 131,426. For the variety of this and kindred industries, I refer to the table prepared by Professor Goode, which I shall append to my remarks. Its figures are more significant for our legislative action than any ancient, classic, or hallowed relations which the curiosities of profane or sacred literature may furnish.

NEW INVENTIONS.

Beyond all the dreams of poetry, the fables of mythology, or the enthusiasm of such dreamers as Izaak Walton, has been the progress of our fishing industry under the advanced conditions and inventions of our time.

It was a great step when Jacquard made his famous net. It astounded the dullards of the age, and made him for a time a demi-god among the astonished fishermen of France and England. But it was only a step compared with the strides now being made by the improved, and less expensive, apparatus invented to capture, preserve, and transport fish. Our newly fashioned trawling nets, recently on exhibition in South Kensington, are marvels. Our unrivaled fishing-schooner, with its special advantages, captured the admiring thousands who gazed at her model in the British exhibition. The steam-vessels rigged for the whale-fishing; the purse-seine and its machinery; the new and deadly explosive harpoon and bomb-lance for the monsters of the deep and the deeps below the depths, which our scientific plummets are sounding—all these new modes of force, thus harnessed by mechanism, have received incentive, inspiration, and aid from the efforts of voluntary and State associations, as well as from home and foreign exhibitions under Federal patronage and appropriations.

MARVELS OF TRANSPORTATION.

We may not indulge in the dainties of the Roman epicure who displayed his many-hued beauties alive to his guests, before cooking and serving; but for abundant food and plucky game, for marvelous breeding and wonderful distribution, no devices compare with those of our own time and country. By new modes of transit, frozen mullet are brought from New Zealand to be sold in old England, and live carp are sent in tanks over car-wheels from Washington to Dakota and Texas. Under the name of Kennebec salmon, large quantities of salmon from rivers of the Pacific Slope are being sold at this moment in New York, and even by dealers in Washington markets. The little blue-back (*Oncorhynchus nerka*) and the quinnat (*Oncorhynchus chonicha*) are now sold in this city at the price of 50 cents per pound. These are brought in refrigerator-cars from the Columbia River, Oregon, and are in such a good state of preservation as to pass readily for Maine salmon.

By telegraph to-day we learn that a car-load of 20,000 salmon from the Dalles, Oregon, is *en route* for New York, and is to arrive in eight days. This is what may be called the fruit of an enterprise by means of water frozen and water vaporized—ice and steam—for the preservation and transportion of this rarest of fish, fresh from the grand river of our Pacific coast.

OTHER ELEMENTS OF ADVANCEMENT.

The demand for fish-food has been greatly increased by the enhancement in the minds of people of fish as a healthful diet, by the extension of railroads in our country, and by the utilization of ice in transportation and of cans for preservation. I need not refer to the manufactories for oil and guano, now grown into a great business on the Long Island and New England coasts. Even the skin of the fish taken is made into glue and isinglass, and has resulted in a large and valuable trade.

FISH CULTURE PRE-EMINENT.

But after all, sir, the practice of fish-culture has been the grand motor and factor. It was started by Dr. Garlick, of Ohio, in 1851—Ohio, where so much of utility emanates. It was improved upon in New York, I am proud to say, where, if anywhere, Ohio is outdone. The report of the fish commissioners of New York for this year is intensely interesting, as showing the practical progress of fish-culture. Not the least interesting part of it is the dissertation by Mr. Mather on the methods and results at Cold Spring Harbor, the new hatching station. It deals with the food of fishes, the spawning of sea fish, and the artificial culture of shell-fish. Already this commission has, without emolument, hatched out and placed in the rivers of New York 85,000,000 young shad. An astonishing return is coming year by year. A simple apparatus has secured the oyster, after artificial propagation, until he settles down to steady living. All honor to this disinterested enterprise! All honor to Seth Green, Hon. R. B. Roosevelt, Mr. E. G. Blackford, and their New York associates, who, as artificial breeders of fish, have aided nature in her efforts to multiply and replenish the waters of our land with this food for the million! All honor to the United States Commission, which, inland and outland, by investigation and experiment has inaugurated a new era of fishing and fish multiplication, and has thus added so immeasurably to the sum of human comfort! All honor to the Congresses which have forwarded the work of the commission by furnishing funds for the deep-sea soundings, the sea-shore fisheries, and the distribution inland of fish suited to the localities and wants of our people!

RANGE OF THE INTERESTS.

From Cape Hatteras to the Gulf of Saint Lawrence, where mackerel and menhaden are taken; from North Carolina to Massachusetts, where the oyster and other mollusks abound; about the keys of Florida, where the red snapper is caught in abundance; from the fur-seal fishery of Alaska to the North Pacific, which our whalers penetrate; from the waters where rolls the Oregon that once heard no sound save its own dashing, but now hears the hum of men engaged in a great industry, to the great lakes, where white-fish play around the isles made memorable by Perry's victory; from one end of our land to the other, over one hundred thousand of hardy men pursue this interesting and adventurous industry. A million of souls depend upon the pursuit. Their fleet is nearly 7,000 vessels and 45,000 boats. Even upon such a small bill as this, Mr. Speaker, we may signal from this Capitol and District to these toilers of the sea our interest in their avocation, and elevate and protect it without detracting from or burdening other interests. Here there can be no "overproduction."

POPULAR AND SCIENTIFIC NOMENCLATURE.

I sometimes wonder whether we would not popularize the interest in this industry more if we could only interpret to the people the remarkable names of the fishes we catch and consume. The dead Latinity of their nomenclature is more terrific than some of the monsters of the deep of which poetry and fable are full. I hold in my hand a treatise by Professor Goode and Mr. Bean. It is a part of the proceedings of the United States National Museum. It says that in a paper on the fishes of Nova Scotia and Labrador, Mr. R. H. Storer described a species under the name of *Platessa rostrata*. "This species," it is said, "has been a puzzle to ichthyologists." Dr. Gunther, in 1862, ventured to remark that it appears to be allied to the *Pleuronectes rostrata*. Professor Gill, in 1861, referred it to his nominal genus *Myzopsetta*, and in 1864 to *Limanda*. All of which is quite puzzling to those who are not ichthyologists; but the classification appears clear when we find out that the fish thus clad in this bewildering Latinity is—a flounder! But it is none the less a delight to know when one is tasting the luscious shad at this its season that it is of the *Anadromous* kind, of the herring family, known as *Clupea sapidissima;* or that we may alternate our worship in Martha's Vineyard in midsummer with a quahaug bake of the *Venus mercenaria!* What a joy to know, when meandering around Tom's River, in New Jersey, that we can perceive the backward movement and shadow in the water of the *Callenictes hastatus!*

Perhaps this refinement in terminology is the rebound from the peculiar patois of the fishmonger from earliest times. In Greece and Rome, later in Italy and Spain, the fishermen or fish dealers—especially mongers of the gentler sex—were noted for their uncontrollable vivacity of tongue. Billingsgate has survived the demolition of other famous gateways into London. It is to-day an illustration of a business that runs up to £120,000 and is growing beyond precedent. How picturesque is the description given of this famed locality:

If without the trouble of taking a long journey we desire to witness the results of the British fisheries, we have only to repair to Billingsgate to find this particular industry brought to a focus. At that piscatorial bourse we can see in the early morning the produce of our most distant seas brought to our greatest seat of population, sure of finding a ready and a profitable market. The aldermanic turbot, the tempting sole, the gigantic codfish, the valuable salmon, the cheap sprat, and the universal herring, are all to be found during their different seasons in great plenty at Billingsgate; and in the lower depths of the market buildings countless quantities of shell-fish of all kinds, stored in immense tubs, may be seen; while away in the adjacent lanes there are to be found gigantic boilers erected for the purpose of crab and lobster boiling. Some of the shops in the neigborhood have always on hand large stocks of all kinds of dried fish which are carried away in great wagons to the railway stations for country distribution. About 4 o'clock on a summer morning this grand piscatorial mart may be seen in its full excitement—the auctioneers bawling, the porters rushing madly about, the hawkers also rushing madly about seeking persons to join them in buying a lot, and so to divide their speculations; and all over is sprinkled the dripping sea-water, and all around we feel that "ancient and fish-like smell" which is the concomitant of such a place.

There has ever been a deal of satire against the frugal and hard-worked fish-wives; not merely those who congregate in Billingsgate, but in

all fisherland, and in every market where grostesque repartee, "shapely shanks" and dulcet voices are at a premium. We know how the humorous sally of Daniel O'Connell silenced the furious fish-hawker of Dublin. He called her a "parallelopipedon," a regular solid, a prism, whose base was a parallelogram! She succumbed before his transcendent power of vituperation. Had he been compelled to go through the ordeal of a whole fish market as I have seen it in France, where all—

> Were mad to speak, with none to hearken,—
> They set the very dogs to a-barking,

he would have prayed for the extension and advancement of a scientific nomenclature, rather than endure a jargon of Babel and Bedlam combined.

A NEW CLASSIFICATION.

It would seem, sir, a safe remark for a layman in this fishing business to say that fish live in water. But when I meet with the fact that a species is found in Ceylon that lives in the earth or exists in mud, not to mention others that fly in the air and perch on trees, it will be confessed that a classification under the head of water-animals is less scientific and certain than under that of vertebrate. Perhaps I may say that fish are the only animals, except the rhetorical man, whose breathing apparatus requires to be kept moist by fluid saturation!

REASONS FOR LEGISLATION.

We find in Bertram's Harvest of the Sea this very pertinent question: "Why should not an acre of water become as productive as an acre of land?" If this is suggestive for Europe, how much more suggestive as applicable to our own country! The answer given on this point with reference to France, Germany, and England is that fish-culture in those countries is essentially practical, hence it is not much wonder that in France it has been taken under the protecting wing of the state.

Calling to its aid learned men and humane, the English parliament enacted, after much investigation, the sea-fisheries act of 1868. A prolonged inquiry by a commission, of which Professor Huxley was a member, led to this. The act repealed obsolete laws, established liberty to fish in any part of the sea, bays, and estuaries; and in various ways it gave the impulse of good regulations to this industry in Great Britian. It did not go so far as the Roman precedent, when Domitian ordered a special session of the Senate to discuss the cooking of a turbot; but it displayed a wise foresight as to the catching and preservation of the British herring and other fish.

A legislator, caring for the common weal, should not only look at the economic value of fish as food for the people, but he should also regard the fisheries as a fostering element in seafaring and training for maritime adventure and hardship, with a view to the humanities of life-saving on the coast and the possibilities of international conflict.

What wonderful advancement we have made since the beginning of the seventeenth century in gathering the harvests of the sea, the census returns will demonstrate. This was best seen at the Berlin and London exhibitions, where to the eye of mankind our progress was made conspicuously manifest. A similar display is now about to be made here. What place more fit than our own museum? Under the efforts of Professors Baird, Goode, and others, this industry has received fresh momentum and gained grand results, "known and read of all men." But all their efforts would have been in vain for the advancement by scientific methods without the aid and countenance of the Federal Legislature.

HONORS OF OUR LAND.

In conclusion, I may be allowed to say, that it is a matter of peculiar gratification that even as late as the 9th of February, 1871, Congress passed a general and generous law providing for investigations as to the diminution of our food-fishes; and that at the same time it took measures for their increase and distribution. It is also a matter of congratulation that the resolution establishing the office of Commissioner of Fish and Fisheries led the way to the selection of Professor Baird, who has not only assisted, as Secretary of the Smithsonian Institution, in the increase and diffusion of knowledge among men, but who has also increased and diffused both fish and the knowledge thereof among men, women, and children in forty States and Territories, not to speak of what he has done in the way of international exchange.

That he carried off the highest of the honors at the Berlin exhibition, that our country won the highest prizes in London, and that these glories have inured to the general welfare, is not the least among the benefactions which science in its practical application has showered upon the people of this country, and which they have gladly shared with the millions of other lands. Let the good work go on! Let Congress appropriate its generous aid to the hatching stations and ponds where science is doing this grand and useful work! Let the eulogy of Professor Huxley upon the ingenuity, energy, and scientific knowledge of Professor Baird and his assistants find a general echo in our homes, as well as here and now, to the end that something of that praise which comes after our labors are done may greet these fishers in the waters of science while they are in full hope, faith, and life to enjoy our laudations!

APPENDIX.

Statistics of fisheries in the United States in 1880.

[Prepared for the Tenth Census, under the direction of G. Brown Goode.]

States and Territories.	Grand total.			Persons employed.		Apparatus and capital.						
						Vessels.			Boats.			
	Persons employed.	Capital invested.	Value of products.	Fishermen.	Shoremen.	No.	Tonnage.	Value.	No.	Value.	Value of minor apparatus and outfits.	Other capital, including shore property.
The United States	131,426	$37,955,349	$43,046,053	101,684	29,742	6,605	208,297.82	$9,357,282	44,804	$2,465,393	$8,145,261	$17,987,413
New England States	37,043	19,937,607	14,270,393	29,838	7,205	2,066	113,602.59	2,562,131	14,787	739,970	5,038,171	9,697,335
Middle States, exclusive of great lake fisheries	14,981	4,426,678	8,676,579	12,584	2,397	1,210	23,566.93	1,382,000	8,293	546,647	774,951	1,822,480
Southern Atlantic States	52,418	8,951,722	9,602,737	38,774	13,644	3,014	60,886.15	2,375,450	13,331	640,508	1,145,878	4,789,886
Gulf States	5,131	545,584	1,227,544	4,382	749	197	3,009.86	308,051	1,252	50,173	52,823	134,537
Pacific States and Territories	16,803	2,748,383	7,484,750	11,613	5,190	56	5,463.42	546,450	5,547	404,695	467,238	1,330,000
Great lakes	5,050	1,345,975	1,784,050	4,493	557	62	1,768.87	183,200	1,594	83,400	766,200	313,175
Alabama	635	38,200	119,275	545	90	24	317.20	14,585	119	10,215	7,000	6,400
Alaska	6,130	447,000	2,661,640	6,000	130				3,000	60,000	7,000	380,000
California	3,094	1,139,675	1,860,714	2,089	1,005	49	5,246.80	535,350	853	91,485	205,840	307,000
Connecticut	3,131	1,421,020	1,456,866	2,585	546	291	9,215.95	514,050	1,173	73,585	375,535	457,850
Delaware	1,979	268,231	997,695	1,662	317	69	1,226.00	51,600	839	35,227	70,324	113,080
Florida	2,480	406,117	643,227	2,282	196	124	2,152.97	272,645	1,058	28,508	39,927	65,037
Georgia	899	78,770	119,993	809	90	1	12.00	450	358	15,425	18,445	44,450
Illinois	300	83,400	60,100	265	35	3	209.73	8,500	101	2,000	11,900	61,000
Indiana	52	29,360	32,740	45	7	1	21.90	2,500	15	1,650	20,210	5,000
Louisiana	1,597	93,621	392,610	1,300	297	49	539.69	20,821	165	4,800	18,000	50,000
Maine	11,071	3,375,994	3,614,178	8,110	2,961	606	17,632.65	633,542	5,920	245,624	934,593	1,562,235
Maryland	26,008	6,342,443	5,221,715	15,873	10,135	1,450	43,500.00	1,750,000	2,825	186,448	297,145	4,108,850
Massachusetts	20,117	14,334,450	8,141,750	17,105	2,952	1,054	83,232.17	3,171,189	6,749	351,736	3,528,925	7,282,600
Michigan	1,781	442,665	716,170	1,600	181	36	914.42	98,500	454	10,345	272,920	60,900
Minnesota	35	10,160	5,200	30	5	1	33.59	5,000	10	900	3,760	500
Mississippi	186	8,800	22,540	100	76				58	4,600	1,600	2,600
New Hampshire	414	209,465	176,684	376	38	23	1,019.05	51,500	211	7,780	60,385	89,800
New Jersey	6,220	1,492,202	3,176,589	5,659	561	590	10,445.90	545,900	4,065	223,963	232,339	490,000
New York	7,266	2,629,585	4,380,565	5,630	1,616	541	11,582.51	777,600	3,441	289,885	390,200	1,171,900
North Carolina	5,274	506,561	845,695	4,729	545	95	1,457.90	39,000	2,714	123,175	225,436	118,950
Ohio	1,046	473,800	518,420	925	121	9	359.51	38,400	487	29,830	253,795	151,775
Oregon	6,835	1,131,350	2,781,024	2,785	4,040				1,360	246,600	245,750	639,000
Pennsylvania	552	119,810	320,050	511	41	11	321.99	10,500	156	13,272	40,538	55,500
Rhode Island	2,310	596,678	880,915	1,602	708	92	2,502.77	191,850	734	61,245	138,733	204,850
South Carolina	1,005	66,275	212,482	964	41	22	337.32	15,000	501	9,790	25,985	15,500
Texas	601	42,400	128,300	491	110				167	15,000	4,400	23,000
Virginia	18,864	1,914,119	3,124,444	16,051	2,813	1,446	15,578.93	571,000	6,618	292,720	560,763	489,636
Washington	744	30,358	181,372	729	15	7	216.62	11,100	324	6,610	8,648	4,000
Wisconsin	800	222,840	253,100	730	70	11	220.25	26,700	319	24,975	145,165	26,000

Statistics of the value of products of fisheries of the United States in 1880.

States and Territories.	Value of products by fisheries.						
	General fisheries.	Whale fishery.	Seal fishery.	Menhaden fishery.	Oyster fishery.	Sponge fishery.	Marine salt industry.
The United States	$22,405,018	$2,323,943	$2,289,813	$2,116,787	$13,403,852	$200,750	$305,890
New England States	10,014,645	2,121,385	111,851	539,722	1,478,900	.....	3,890
Middle States, exclusive of great lake fisheries	2,882,294	.....	.....	1,261,385	4,532,900	.....	.....
Southern Atlantic States	2,217,797	408	.....	315,680	7,068,852	.....	.....
Gulf States	713,594	.....	.....	.....	313,200	200,750	.....
Pacific States and Territories	4,792,638	202,150	2,177,962	.....	10,000	.....	302,000
Great lakes	1,784,050	.....	.....	.....	.....	.....	.....
Alabama	74,325	.....	.....	.....	44,950	.....	.....
Alaska	564,640	500	2,096,500	.....	.....	.....	.....
California	1,341,314	201,650	15,750	.....	.....	.....	302,000
Connecticut	383,887	32,048	111,851	256,205	672,875	.....	.....
Delaware	309,029	.....	.....	941	687,725	.....	.....
Florida	426,527	.....	.....	.....	15,950	200,750	.....
Georgia	84,933	.....	.....	.....	35,000	.....	.....
Illinois	60,100	.....	.....	.....	.....	.....	.....
Indiana	32,740	.....	.....	.....	.....	.....	.....
Louisiana	192,610	.....	.....	.....	200,000	.....	.....
Maine	3,576,678	.....	.....	.....	37,500	.....	.....
Maryland	479,388	.....	.....	11,851	4,730,476	.....	.....
Massachusetts	5,581,204	2,089,337	.....	61,769	405,550	.....	3,890
Michigan	716,170	.....	.....	.....	.....	.....	.....
Minnesota	5,200	.....	.....	.....	.....	.....	.....
Mississippi	12,540	.....	.....	.....	10,000	.....	.....
New Hampshire	170,634	.....	.....	.....	6,050	.....	.....
New Jersey	949,678	.....	.....	146,286	2,080,625	.....	.....
New York	1,689,357	.....	.....	1,114,158	1,577,050	.....	.....
North Carolina	785,287	408	.....	.....	60,000	.....	.....
Ohio	518,420	.....	.....	.....	.....	.....	.....
Oregon	2,776,724	.....	4,300	.....	.....	.....	.....
Pennsylvania	132,550	.....	.....	.....	187,500	.....	.....
Rhode Island	302,242	.....	.....	221,748	356,925	.....	.....
South Carolina	192,482	.....	.....	.....	20,000	.....	.....
Texas	81,000	.....	.....	.....	47,300	.....	.....
Virginia	602,239	.....	.....	303,829	2,218,376	.....	.....
Washington	109,960	.....	61,412	.....	10,000	.....	.....
Wisconsin	253,100	.....	.....	.....	.....	.....	.....

Backbone Railroad Land Grant.

SPEECH

OF

HON. CARLETON HUNT,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1884,

On the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. HUNT said:

Mr. SPEAKER: By the twenty-second section of the act of Congress of March 3, 1871 (16 Statutes, 579), there was a grant made *in præsenti* to the New Orleans, Baton Rouge and Vicksburg Railroad Company, a then existing corporation under the laws of Louisiana, of every alternate section of land designated by odd numbers within twenty miles of the line of road, to be thereafter fixed on the ground, and in case any of such lands were so affected by adverse rights or equities at the time of such definite fixing that the grant could not directly attach to the same, then a further grant was made of the right to select in lieu thereof other lands of like quantity outside of said twenty-mile limit, but within thirty miles from the line of the road, provided such lieu lands should be designated likewise by odd numbers and be subject to grant at the date of final fixing of the line of road.

From these grants, first of lands in place within twenty miles of the road on each side, and, second, of indemnity lands outside of twenty but within thirty miles, have arisen the terms "granted limits" and "indemnity limits."

The New Orleans Pacific, as assignee of the New Orleans, Baton Rouge and Vicksburg Company, has selected, within the "granted limits" in the New Orleans land district, 252,176.63 acres; in the Natchitoches land district, 355,266.72 acres; making a total of selections within the twenty-mile granted limits of 607,444.35 acres. The same company has also selected lieu lands within the "indemnity limits" in the New Orleans land district, 173,552.09 acres; in the Natchitoches land district, 234,997.32 acres; making a total of indemnity lands, 408,549.41 acres. Add to this the selections of granted lands, 607,444.35 acres; and we have a grand total of 1,015,993.76 acres. But of this total, as I am informed, some 47,000 acres must ultimately be deducted as in conflict with the grant made to the State of Louisiana by section 1 of the act of June 3, 1856 (11 Statutes, 18), to aid in the construction of the road from Vicksburg via Monroe to Shreveport. There will also, as I understand, be 100,000 acres more rejected on account of other claims than those of the company (see letter from the Land Office to E. B. Wheelock of January 2, 1882, page 2, Senate Document 31, &c.), leaving a net residue liable to patent of about 869,000 acres. In no event is it likely that the company, if the grant is not forfeited, will obtain more land than is here indicated, although it may obtain patents for a trifle less.

It is probable, then, that if patents ever issue they will not exceed 870,000 acres for lands in place and indemnity lands. Some of these lands, according to my information, may be worth $2 or $2.50 per acre, while by far the greater quantity are not worth $1 per acre. I am told by those on whom I rely, that if the company, with patents in its hands, can sell all at an average price of $1 per acre and make the conversion within two years after the issue of the patents, it will be fortunate. If the proposition to forfeit this grant about three years after the entire completion of the route in aid of which alone it was made were addressed upon the instance of proper parties to a court sitting in the State of Louisiana, it is not impossible that the demand might be sustained. In the proceedings of such a tribunal the much-criticised transactions attending the transfer involved; the merely nominal consideration paid therefor; the ratifications by the respective companies, and the speedy withdrawal of oppositions in the case in the United States court at New Orleans—all these and many kindred proceedings might perhaps fall under rigid judicial scrutiny, and the company insisting on title to so large a quantity of land by virtue of them be held to a strict reckoning.

I am not prepared to say how far, if at all, the case in this view would be one which would commend itself to a judge. But Congress is not hampered by strict rules of law. It may respond to broad suggestions of natural justice and public policy. It ought to consider, I think, the leading motive of a preceding Congress in making any grant at all, and if that motive has been fully gratified and within a time not wholly unreasonable under all the embarrassing circumstances of the grantee, then I consider Congress ought not to forfeit the grant, on the very faith of which alone, as it well appears, the object involved has been actually attained. In such connection Congress ought to inquire what would be its course had no road at all been built and no grant ever been made, and whether it would not, in the case here supposed, now make the grant to any responsible company willing to build a road in order to connect the Gulf with the Pacific coast? If the necessity for a road in 1871 justified and required a grant, can it be denied the necessity would be even greater in 1884? If, then, a grant in 1884 of these lands would be justified to secure such a road as has been built on the faith of a grant already made, upon what ground of right reason and public policy can that be taken back by Government which would be given again?

It is matter of wonder to skilled and practical men, familiar with the difficulties of building and maintaining railways in the alluvial swamps of lower Louisiana, that so good a road as that here concerned was constructed at all, and the wonder is increased when one takes into account the ravages of late overflows and crevasses. It is likely, according to my best information, that the entire proceeds of the grant, as previously estimated, will not more than repair the direct and indirect losses from the present flood on a large portion of the line. It is questionable, indeed (so writes me an experienced civil engineer and independent gentleman), whether even with the grant any good railroad can be maintained between New Orleans and Shreveport unless the United States shall build the levees along its route. Without this grant it certainly could not be, unless aid was drawn from extraneous sources independent of the mere earnings of the road.

Rivers and Harbors.

SPEECH

OF

HON. ELZA JEFFORDS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. JEFFORDS said:

Mr. CHAIRMAN: The beginning of our history as a nation is more strange than even the fabled story of the founding of Rome. Bands of exiles and outcasts from the Old World formed the nucleus which has been transformed into the foremost nation of the earth in all that constitutes true greatness. No gift of speech however matchless, no powers of description however marvelous, can adequately portray the rapid growth and unparalleled development of this nation. History teaches us that all the other nations, from the first foundation of human government under the patriarchal system down to this time, have grown slowly and gradually into greatness, advancing feebly step by step, and between each intervening step a century elapsed; while our nation by a single colossal stride has reached the very pinnacle of national grandeur.

When one reflects that a century has not come and gone since our Government was founded, that less than one hundred years ago we were but thirteen feeble colonies, thinly populated, stretching along our Atlantic seaboard, with less than 3,000,000 inhabitants; that we are now thirty-eight States and seven Territories, extending entirely across the continent from the Atlantic to the Pacific Ocean, with a population of nearly 60,000,000, it is with swelling pride that we point to the record of our development as the most marvelous in the annals of time.

We have to a great extent been the architects of our own great fortunes, although nature has bestowed upon us unequaled advantages. We have every variety of climate to be found between the frigid and torrid zones. We have the largest and longest rivers, and more of them; the greatest lakes, and more of them; the broadest valleys, and more of them; the richest mines, and more of them, than any other nation on the habitable globe. These are some of our natural advantages, and of these we have not been entirely unmindful, but we have not made the most of them. For more than a quarter of a century greater attention has been given to artificial means of development than has been bestowed on our natural resources.

This brings me to a discussion of the measure now under consideration. No question of greater magnitude nor of more widespread importance nor of more universal interest to the welfare of the whole people of this nation can ever come before a Congress of these United States for its consideration. The improvement of our rivers and harbors is of direct interest to every citizen—to every man, woman, and child in the United States.

The river and harbor bills have been a fruitful theme of discussion ever since the foundation of our Government. Able and well-meaning men, with undoubted sincerity of conviction, have antagonized these bills step by step, and, with a recklessness of statement that still prevails, have denounced them as schemes of public plunder. It was only the other day that an honorable gentleman stood upon the floor of this House and flippantly described the present measure as the "annual plunder bill." I have no quarrel with these gentlemen. Sneers and denunciation are not the weapons of thoughtful minds. This question must be treated and disposed of on its merits. The friends of the bill under consideration are disposed to discuss it fairly and honestly, but they are not to be frightened by threats or alarmed by denunciation. We will meet argument with argument and fact with fact, but the cry of "steal" and "plunder" will not frighten us from the course we have marked out for ourselves.

It is not a little remarkable that the bulk of the opposition to this bill comes from States that are bountifully provided with every conceivable method of cheap and convenient transportation. New York with her network of railways and her magnificent canals can well afford to oppose these appropriations. Doubtless New York can well afford to do without river and harbor appropriations. It might not be unsafe even to hazard the opinion that New York would be immensely pleased if the Mississippi River were rendered entirely unnavigable. There would then be no fear of rivalry from the Southwestern seaboard, and New York would have things entirely her own way. Fortunately, however, the South and the West have a voice in these matters, and unless I mistake the drift of public opinion in those sections the time is coming when the question of cheap water transportation will override all others in this Hall of legislation, and when the advocates of river improvement will be in sufficient numbers here to demand and enforce the utmost liberality of expenditure by the National Government toward the improvement of national and local water ways.

The river convention that was assembled here a few weeks ago gave voice to this sentiment with no uncertain sound. That convention was no ordinary body of men. The wealth, the intellect, the commerce, the manufactures, and the agriculture of the Mississippi Valley were represented there by men worthy of the great mission intrusted to them.

Their deliberations were marked by great ability and singular unanimity. There were no two opinions in that body. Thirty millions of people spoke there through their accredited representatives, and with one voice they declared—

That it is the manifest and imperative duty of the Government of the United States to cause to be made such improvement of the Mississippi River and its navigable tributaries as shall permanently secure the safe and easy navigation thereof, thereby cheapening freights and reducing insurance and other burdens and expenses, thus promoting the vast inland commerce of the nation, and creating new avenues of foreign trade, and not only inviting increased production and population, but assuring greater prosperity to the whole people. Especially is this duty obvious and our demand justified in view of the donations already made by Congress in land, amounting to nearly 200,000,000 acres, and in bonds, issued or guaranteed, nearly $100,000,000 more, in aid of artificial highways, the property of individuals, and which even at lowest rates must furnish the most costly form of transportation on a large scale—as compared with appropriations not yet one-tenth so great in all, for the improvement of more than 15,000 miles of natural water ways, whose freedom from tax or monopoly is protected by constitutional guarantees, while in cheaper service and unrestricted competition they afford the most effectual check upon exorbitant charges by any other route to the sea.

The improvement of the Mississippi and its navigable tributaries, not only its principal tributaries, but all of its navigable tributaries, is the question of paramount interest in seventeen States and three Territories of this great nation. All that vast and fertile region of country lying between the western slope of the Alleghany Mountains and the eastern slope of the Rocky Mountains is known as the Mississippi Valley. This is subdivided into what is termed the Ohio River basin, with its tributaries, with its 241,000 square miles of territory. The Missouri River basin, with all its tributaries, with its 520,000 square miles of territory, and the Upper and Lower Mississippi River, with all its tributaries, with its 1,403,000 square miles of territory.

Within this region just described lie the very seat and center of empire in this nation. It contains within its embrace more than half of the population and wealth of the nation. It pays, and largely pays, more than one-half of the internal-revenue taxes which are paid into the Treasury of the United States.

This is not only a national river, but so far as trade and commerce are concerned it is international in its character, as it bears upon its mighty bosom the commerce of almost every nation of the earth. This is not a State river, it is a United States river. There are ten States bordering upon the Mississippi River. Neither one of these riparian States has, nor have all of them combined, any jurisdiction over this river. From its source to its mouth the United States Government has exclusive jurisdiction over it. If any one or all of the riparian States were to attempt to exercise jurisdiction over this great river for the purpose of controlling its waywardness or curbing its eccentricities to the exclusion of the other States, with what alacrity would the other States rise up in opposition to any such assumption of power. If the improvement of the Mississippi and its navigable tributaries is not undertaken by the General Government, then it must be undertaken by the riparian States.

It needs no Daniel come to judgment to foretell that any combination of States with a view to forming an association of such a continuous work as would be requisite to accomplish the desired result would be fraught with the most serious political danger. This would be a confederation and combination in the central part of the nation for their mutual and common protection, which the National Government had failed and refused its aid. This could not fail to weaken the common bond of sisterhood among the States; the reciprocity of interest would be wanting, the obligation of mutual benefits would no longer be felt or recognized, and the very worst and most fatal phase of sectionalism would be evolved.

Let the idea once become prevalent among the people that the vital interest of each locality or section must be looked after and cared for by an association of States—that moment will the bonds of the Federal Union become loosened. The moral effect of the adoption of such a sentiment would be to pave the way to political disintegration. Who is

bold enough to deny that such neglect on the part of the National Government would be a sufficient warrant for such action on the part of the neglected States? Let it be distinctly understood that no such action is contemplated, because there is a much better alternative suggests itself, and that is that the States and Territories interested hold in their own hands a far better remedy. It will not be many years before the people of the States and Territories directly interested in this question of the improvement of the Mississippi River will decline to send any man to the Senate of the United States, to the House of Representatives, who is not avowedly in favor of voting all the money that may be needed for this grand work.

The time is near at hand, and my individual belief is that it has already arrived, when no man can be elected President of the United States who has not pronounced views in favor of the improvement of the Mississippi and all of its navigable tributaries. It is entirely safe to predict no political party can ever carry a national election which does not announce itself in favor of improving the navigation of this greatest of our national water ways, including the building of levees and to use all the methods necessary to secure the alluvial lands of the Mississippi Valley from inundation. It is as much the duty of the National Government to control the angry and destructive floods of the Mississippi River and to protect her citizens against their ravages as to repel the invasion of a foreign foe or suppress a domestic insurrection which had passed beyond the power of State control.

In the preparation of this bill the committee have, in my opinion, acted with an undue amount of timidity. The estimates of the United States engineers for the Mississippi River are $7,741,000. The committee has only appropriated $3,400,000, a reduction of over 50 per cent.; and this amount is intended to cover not only the cost of improving the channel of the river, but all the harbors along its line, including Memphis, Greenville, Vicksburg, Natchez, and New Orleans. I am at a loss to determine upon what principle the committee acted unless it was the principle of horizontal reduction which seems to find much favor on the other side of the House this session. The amount is totally inadequate to the necessities of that great channel of internal commerce. In my district alone there are two harbors upon which half a million of dollars could be profitably expended this year.

The town of Greenville, a town of 4,000 inhabitants, and containing property valued at two millions, is daily yielding to the encroachments of the mighty Mississippi and is in momentary danger of being engulfed in its mad waters. It has no resources of its own to ward off this calamity, and its only hope is that the Federal Government will reach out its powerful arm and save it from destruction. You ask upon what principle can such outlay be defended. I answer, upon the principle that if this town is destroyed the aggregate wealth of the nation is decreased by two or three millions, and that it is wise economy to spend $150,000 to save three millions. I defend it also upon another principle.

Greenville is an important point of Southern commerce. Almost the entire cotton crop of five counties seeks an outlet there for reshipment to the commercial world. The products of the West are landed there by the boat-load and distributed to points in the interior, and the cotton comes back in exchange. The value of its commercial transactions would sum up more than five millions annually. Its railroad connections extend for miles into the interior and new lines are being projected constantly, so that both as a commercial point and a source of national wealth it is entitled to the protection of the General Government. The city of Vicksburg, as you are doubtless aware, is cut off from the main channel by a diversion of the river from its former course. When the water is at its lowest stage it is impossible for steamboats to reach the city and there is great danger that unless something is done and quickly, too, that the city will be left high and dry.

Appropriations are annually made to correct this evil, but they are uniformly insufficient to accomplish material results. If all the money appropriated for four years had been expended in one year Vicksburg would be to-day beyond the necessity of aid. It is this shortsighted economy, this penny-wise, pound-foolish system which prevails everywhere in the construction of these bills that in nine cases out of ten renders the appropriation unproductive of satisfactory results. Why not approach the question boldly and fearlessly? The harbor of a city or town is either a proper subject for appropriation or it is not. If not, reject it entirely. If it is, appropriate a sufficient amount of money, so that the most desirable results will follow. If $250,000 is needed, give it at once and finish the business; do not dole it out by the thimbleful so as to render its application practically futile. Such a practice is radically wrong, and is doubtless due to the prevailing prejudice against liberal appropriations in river and harbor bills; but I look forward to the day, not far distant, when public opinion will have so changed on this subject that the River and Harbor Committee will not be hindered in its action by the fear that the bill may be too large.

There is much diversity of opinion as to whether levees are safe barriers to inundation. I think I speak the sentiment of ninety-nine hundredths of the people who dwell on the banks of the Mississippi when I say that there are no two opinions on the subject in that locality. The very best proof that the people of Arkansas, Mississippi, and Louisiana believe in levees is that they have poured out their money like water in building them. Ever since the war the counties in the State of Mississippi bordering on the river have associated themselves in levee boards and have spent countless thousands in the construction and repair of levees. And they are doing so yet, to-day.

The last Legislature of Mississippi authorized the issuance of bonds to the amount of $500,000, all of which is to be applied to the construction and repair of levees in one district. They ask no favors of the National Government in the way of levee building, and they do not expect to see their private property protected at public expense, as is claimed here. What they do ask is simply this: that wherever the building of a levee is found necessary to channel improvement, that the work be done by the Government under the direction of its officers and at its own expense. But it would not be an unreasonable request if the people who suffer from annual inundation by this great river should ask the Government to relieve them from the burden of levee building. The cost would be trifling compared to the benefits that would ensue from such a policy. The annual damage from overflow can not be numbered by thousands. I am within safe limits when I place it at millions; but be it what it may, it is so much cut off from the wealth of the nation. Will anybody deny that it would be wise policy to check this drain on the nation's resources?

Do the gentlemen who talk so glibly of the unconstitutionality of levee appropriations and protecting private property at public expense ever stop to think that the land that is washed by the waters of the Mississippi furnishes the largest source of our national wealth? Did it ever occur to them that the cotton crop brings one hundred millions more gold into the country than wheat and corn combined? Here are the figures:

Cotton, raw	$247,328,721
Cotton, manufactured	12,951,145
	260,279,866
Iron and steel manufactures	19,165,321
Corn	27,756,082
Flour	54,820,459
Wheat	119,879,341
Bacon and hams	38,155,952
Lard	26,618,048
Pork	6,192,268
Butter	2,290,665
Cheese	11,134,526
Petroleum and coal-oil	40,998,138
Tobacco, leaf and manufactured	22,095,229
Wood, and manufactures of	26,783,708
	395,903,937

So that our cotton crop supplies nearly 40 per cent. of our annual productive wealth, and the percentage threatens soon to increase to 75; for England is refusing our grain and looking to India for food, and Germany has closed the door to our hog products, so that the time is not far distant when cotton will once more be king. To this result it is your duty to contribute by protecting the soil where cotton is raised from all danger of overflow. The money can not be more judiciously expended. It is wise statesmanship to do so.

It is the opinion of the leading engineers of the Army and the most eminent engineers in civil life that the construction of the levees are an aid to channel improvement, and as most of the members of this House are familiar with the reasons assigned for this opinion it is not necessary that I consume your valuable time in reproducing them, but shall content myself by referring you to their reports on this subject. If the opinion of these experts, the very ablest in the land, is to be relied upon at all we are bound to believe them when they tell us that the levees are an aid and a material aid to the improvement of channel navigation.

If this be true, and I do not see how any reasonable or sane mind can doubt it, then to that extent and for that purpose it is just as legitimate and wise and just as any other means, not more expensive than the building of levees.

The objection that levee building is an expenditure of public money for the protection of private property or that it is an expenditure for local benefit only is not well founded. All improvements of rivers and harbors must of necessity be local as to the place of expenditure; and while all such improvements are local, yet the benefits arising from them are national and in some instances international. For instance, the improvement of the harbors of New York, Boston, Philadelphia, Baltimore, and other seaport cities and of the Mississippi River may be regarded as works which are international in their benefits, as they are connected with the trade of all the commercial peoples of the earth. The improvement of each of these places when considered separately is local, as before stated, but when considered in conjunction with each other and as part of one system they are each national and redound to the national welfare.

The building of levees it is conceded is a material aid to the improvement of channel navigation. The protection afforded thereby is incidental, but this incidental protection it is estimated will reclaim, between Cairo and the mouth of the Mississippi River, at least 35,000,000 acres of the most fertile lands on this continent, worth at a low estimate $500,000,000. This will increase the actual wealth of the nation billions of dollars. Is there any one within reach of my voice that is prepared to say that the money spent with such a possibility in view would not be well spent? This is not a local nor a sectional

question. It appeals to the patriotism of every man, woman, and child in the land, and even the political economist who takes no sentimental view of things will concede that money spent in such a cause would yield a rich return.

There is another phase to this question that I desire to touch upon before I conclude, although I am aware what a mountain of prejudice I will have to overcome in the effort to make you see this thing as I see it. It is the fashion here to ridicule appropriations for small streams, and even gentlemen who ordinarily would not be suspected of making any pretensions to wit can not resist the impulse to poke their cheap humor at small streams. They are called by one honorable member "mud creeks, mountain brooks, and frog ponds." Another gentleman is pleased to disport his fancy with playful reflections on creeks and steamboat landings; and really I can not find fault with him, for the author of these excruciating witticisms is, I am informed, a railroad president; and I am free to say the friends of river and harbor improvement do not expectmuch support from that direction. In fact it is an unanswerable argument in our favor that the railroad interests are opposing us so bitterly.

I confess that I see little cause for ridicule in the fact that people should seek to improve their facilities for carrying their products to market and bringing home supplies in return. Steele's Bayou is in my district. The committee has appropriated $2,500 to render it navigable. My railroad friend on the other side thought this very funny, and went into convulsions of humor over it. Perhaps if he lived on the banks of that stream and had to drive an ox team ten miles over impassable roads to the Mississippi River to get a barrel of flour his hilarity might gradually check itself. The people along its banks are not burdened with wealth. The majority of them are hard-working colored men and women, who make their living by the sweat of their brow and never saw a railroad in their lives. A steamboat with one chimney and a 10 by 4 cabin is good enough for them, but they can not have even that because the stream they live on is full of obstructions and dangerous to navigation.

I am here to represent them and their interests, and I consider it my duty to serve them as faithfully as I would those of the nabob railroad president in the district if we had one. They are citizens and taxpayers, and their welfare and interests are as worthy subjects of legislation as that of the citizens of the proudest city of the land. As long as I have a voice here it shall be heard in their behalf, and neither sneers nor ridicule shall silence me.

I do not wish to be regarded as an opponent of railroads. On the contrary, I hail them as indispensable factors in the progress of civilization. The magnificent strides that this country has made on the road to wealth and prosperity is largely due to their instrumentality. My voice and my vote shall at all times be ready to encourage new lines of enterprise in that direction. My language is simply intended to remind gentlemen that in their championship of the railroads they are too prone to ignore the merits and advantages of a well-connected and well-developed system of national water ways.

One word more and I have done. The people of the South are particularly entitled to the liberality of this Congress. As I have pointed out, they contribute the greater portion of the wealth of the country. It has cost them much to attain that point of productiveness. The war left them poor, bankrupt in money and hope. No people were ever so sorely stricken. But their recuperative energies were strong and invincible. With no resources but the rich soil that was theirs by inheritance, they proceeded slowly to rebuild their shattered fortunes. They had much to contend against—misrule, oppressive taxation, flood, and plague, but they did not succumb. It would be impossible to describe the privations they endured, the obstacles they had to overcome; but they have survived them all, and are to-day a brave, strong, self-reliant people. They ask no unreasonable favors; they simply demand their rights and a just share of those revenues they help to supply.

Rivers and Harbors.

SPEECH

OF

HON. EBEN F. STONE,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. STONE said:

Mr. CHAIRMAN: The time at last has come when the question of a river and harbor bill, which shall recognize the duty and the policy of the establishment by the General Government of a system of water transportation, coextensive with our vast domain, is conceded by all parties to be a proper subject for legislation. The constitutional scruples, which troubled Jefferson and Madison and their immediate successors, have disappeared under the drift of great forces, and the policy which they admitted to be urgent, but only possible by an amendment of the Constitution, has been worked out by the operation of natural causes, which have silently and gradually, but none the less effectively, so changed our Constitution that to-day,—not idealists, not speculators, who by some ingenuity of construction can always find in that instrument what suits their purpose,—the Supreme Court of the United States, whose special function it is to preserve our political system, by compelling a strict observance of our organic law, has recently, in the Legal-tender case, in effect, decided that this General Government of ours, which, even Hamilton in 1802 declared to be a "frail and worthless fabric," is clothed with all the power that may be needed in our national career for the common defense and general welfare.

The doctrine of this decision is that the General Government is sovereign, and, by virtue of its sovereignty, will be held to have every power needed to deal with the exigencies of empire, unless it be expressly prohibited by the Constitution. If the people had anticipated this construction of the Constitution, which is now judicially established, it would never have been adopted. But happily for the country, it was our good fortune to have had, in the early history of the Government, a man who not only had the judicial temperament but the prophetic eye, whose figure in bronze now sits within the shadow of this Capitol, apparently lost in thought, and brooding over the great questions of constitutional law which he can see looming up in the future. It is to Marshall that we are indebted for the doctrine of implied powers, which invests this Government, substantially, with all the attributes of sovereignty.

Jefferson was right when he said, in a letter to Madison, that if the power to build a light-house were conceded, upon that infraction would be built a second, and upon that a third, until the Constitution were made to comprehend every power of government. The same thought was expressed by Madison in his veto of the act to set apart certain funds for internal improvement in 1817, in which he denied that the power to regulate commerce included the power to construct roads and canals and to improve the navigation of water courses, and contended that the construction claimed would render nugatory and superfluous the careful enumeration of powers in the Constitution, and have the effect of giving to Congress a general power of legislation embracing every object within the purview of a legislative trust. This message is interesting, because it predicts with clearness exactly what has taken place. To-day, without violence or forced construction, in obedience to a natural law of evolution, this Government is exercising, with the consent of the people, nearly all the powers, that naturally reside in a great nation, essential to the proper organization and administration of its public affairs.

This is no longer a union of States, bound together by a single interest, and, for the most part, separate and independent, as was the case when the Constitution was formed, but a great nation, with that assimilation and correlation and solidarity of interests that constitute national life. It was never accurate under our Constitution to define State rights as State sovereignty. But the term was used for some years, not inappropriately, because it expressed the popular idea of the relation between the State and the General Government, which it was not convenient to dispute. But that time has passed. The sacredness of State rights is essential to the integrity of our political system, but the dogma of State sovereignty has lost its force and is no longer applicable to our affairs. Our leading industries are all national, and demand a theater for their enterprise as wide as the continent. And it is not too much to say that, in the future that is before us, the great cities, in which are concentrated the energies and ambitions of our national life, are destined to play a more important part than the States in which they are situated.

It would be easy to show, by a review of the history of this question, how the strict construction of the Constitution which so generally prevailed at the time of its adoption has gradually yielded to the force of circumstances and to the logic of events, till the doctrine of Adams and Gallatin and Clay and Webster, and other public men of the liberal school, has become the opinion of the whole country, received everywhere without modification or dispute. It is now admitted that, under the commerce power of the Constitution, it is competent to deal with any subject, which can be fairly construed as legitimately belonging to our foreign or interstate commerce, and the idea that once obtained, that the power to regulate did not include the power to facilitate and to promote commerce, seems so narrow and so pedantic and so inconsistent with the natural meaning of the terms, that it is difficult to understand at this day how such a construction was ever received by those whose opinions were authority on questions of constitutional law.

But, as I have said, constitutional obstacles no longer obstruct the open pathway of our national career. Under the view now held by the Supreme Court of the Constitution there is no difficulty in finding adequate power in our General Government to deal with any question of administration that may arise, and State governments and institutions will give place to a spirit of nationalism, which, unencumbered with constitutional scruples, will rule over the national councils and shape the destiny of the Republic. The question of the improvement of the rivers and

harbors becomes simply a question of expediency, to be decided by general considerations of public policy, and by these alone. There is reason to think that, in the past, the constitutional argument has sometimes been invoked from motives of policy, not so much for the purpose of preserving the sacredness of that instrument untouched, as to serve the wishes of some sections of the country, whose interests would be unfavorably affected by the improvements proposed.

It is interesting to know that, when the Constitution was adopted, all the States of the Union were seaboard States, dependent largely for their prosperity on their coasting and foreign trade, and equally interested in the establishment of a general policy which should control and regulate navigation by the imposition of uniform rates of taxes, and avoid the evils and embarrassments which had existed under the Confederation. By virtue of the Constitution the entire revenue to be derived from taxes on foreign commerce was to be paid into the United States Treasury, and the States relinquished the right to charge tonnage duties without consent of Congress. It is undoubtedly the fact that the commerce power was put into the Constitution to avoid the evils and inconveniences of State legislation, inspired by local jealousies and rivalries, by the establishment of a general policy which should protect and promote the interests of the whole country. It is no exaggeration to say, that it was the exigencies of marine commerce, for which State legislation was altogether inadequate, which made the Constitution. In the resolutions of the Virginia convention, which led so directly to the adoption of the Constitution, this is the only argument urged in support of it. It is now, I say, simply a question of expediency, and upon this question there has been a remarkable unanimity of opinion on the part of the eminent public men of the country of all schools from the time of the adoption of the Constitution to the present.

In his last annual message, in 1808, Jefferson says:

> The probable accumulation of a surplus of revenue beyond what can be applied to the payment of the public debt * * * merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced, or shall it not rather be appropriated to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union under the powers which Congress may already possess or such amendment of the Constitution as may be approved by the States?

Madison, in a letter to Van Buren, says:

> I have never considered the power—

Referring to internal improvements—

> as within the grant of the Constitution. But such improvements being justly ranked among the greatest advantages * * * and having the peculiar recommendation of binding the several parts of the Union more firmly together, I have always thought the power ought to be possessed by the common Government, which commands the least unpopular and most productive sources of revenue, and can alone select improvements with an eye to the national good.

Government roads—

Said Hamilton—

> canals, and navigable rivers, by diminishing the expense of carriage, put the remote parts of a country nearly upon a level with those in the neighborhood of the town. They are upon that account the greatest of all improvements.

And this opinion has been ably advocated by Clay, Calhoun, Benton, Webster, Seward, and others, who foresaw the future of this country, and the importance of easy and rapid intercommunication to its growth and prosperity. In 1808, Albert Gallatin, then Secretary of the Treasury, prepared and submitted to Congress an elaborate report of a system of internal improvements, in which he proposed inland navigation, with the aid of canals, of sea-going vessels from Massachusetts to North Carolina, a great turnpike road from Maine to Georgia, improvements of the navigation of four of the principal Atlantic rivers, connecting them by canals and turnpikes with the Western rivers and the Mississippi, and a continuous line of water transportation from the western extremity of Lake Michigan by the way of the lakes and the Saint Lawrence to the seas—a great scheme, worthy of his genius and statesmanship. The estimated cost was about $20,000,000, and it was thought that the General Government could accomplish it in ten years by an expenditure of two millions a year. Foreign complications which took place about this time, and the war of 1812, postponed indefinitely the execution of this plan, and the construction of public works of any description for many years. Then the subject of internal improvements became a political question, which, for a long period, extending even to the time of the commencement of the civil war, was one of the principal issues between the Democratic and Whig parties. The suppression of the rebellion worked a radical change in the temper of the people, and extinguished that idea of State sovereignty which was so hostile to national prosperity and glory, and to-day the people of this country are not simply citizens of their respective States, but, first and specially, citizens of the United States, bound together by that community and solidarity of interests and by that passion for glory and empire which are essential to the life of a nation composed, as this is, of an aggregation of States, whose jurisdiction, in regard to their domestic matters, is original and exclusive.

To-day, the spirit of nationalism pervades our people. Doctrines of constitutional law, which were suited to our former condition, and were justified by the letter and the history of the Constitution, have given place to a more liberal construction, that gives scope and room for the exercise of all the powers of government. Loyalty to the State is subordinated to loyalty to the nation, and the power of the General Government to deal with any subject of legislation that may arise in the exigencies of our national career, unless it be expressly prohibited in the Constitution, will not in the future be either questioned or denied.

But with the possession of power comes the responsibility of power, and, if it be competent for the General Government to make provision for public works, and such works are needed for the general welfare, it is the duty of the Government to do it. No narrow policy should limit the action of the Government in this respect. No local jealousy, unworthy of a great nation, should demand liberal appropriation in one place and deny it in another. All parts of our country should be recognized as worthy of attention, and a system of internal improvements organized and adopted liberal and comprehensive, conducted wisely and economically, but equal to the demands of a great nation, with its large resources and opportunities, and its possibilities in the future.

But I have dwelt too long on general considerations, and will come now to the bill before us. It appropriates $12,619,100 for the improvement of rivers and harbors, being a little more than a third of the amount recommended by the estimate of the engineers, which was $35,301,885.

This sum is distributed as follows, namely:

One hundred and thirty-five rivers	$7,684,000
One hundred and four harbors	3,812,100
Twelve channels and inlets	390,000
Five ice-harbors	61,600
Four breakwaters	165,000
One canal	300,000
Four special surveys	57,000
Examinations, &c	125,000
	12,619,100

Distributed geographically it will stand as follows:

New England:		
Rivers	$211,000	
Harbors	437,500	
		$648,500
Atlantic coast and Gulf:		
Rivers	2,004,600	
Harbors	1,802,500	
		3,807,100
Lakes:		
Rivers	1,273,500	
Harbors	914,000	
		2,187,500
Mississippi and Western rivers		5,303,400
Pacific coast:		
Rivers	$377,500	
Harbors	295,100	
		$672,600
Total		12,619,100

All the money is to be expended in the continuation of improvements already commenced with the exception of $247,500, which is appropriated for the construction of new work, not including herein the Hennepin Canal.

The largest appropriation in the bill is for the Mississippi River, for which the committee have allowed $2,400,000. It is believed that the commission in charge of this work have discovered the true method of controlling the waters of this immense stream, and that, in a few years, by a simple process, they will have a channel of a minimum depth of water of sixteen feet from New Orleans to Cairo. The work heretofore has been limited, for the most part, to Plum Point reach and Providence reach, but the success of this part of the undertaking has, in the judgment of the engineers, made it reasonably certain that the object in view can be accomplished, and the committee have recommended the appropriation, without restriction on the discretion of the commissioners in its application.

Of the entire amount appropriated $7,684,000 is for the improvement of river navigation, and the major part of this is for the improvement of that great system of rivers which terminates in the Mississippi. It is our magnificent rivers which make it possible to establish a system of cheap water transportation equal to the demands of our great and increasing commerce. The Missouri River drains an area of 524,000 square miles; the upper Mississippi of 162,000; the Ohio of 241,000, and the lower Mississippi of 314,000; total, 1,241,000 square miles—more than a third of our whole territory. The Columbia River, with its tributaries on the Pacific coast, whose valley is destined to be the home of an active and prosperous and enterprising people, drains an area of over 300,000 square miles.

It has been the habit in the past to criticise the river and harbor bill as if it were the duty of Congress to distribute the amount appropriated equally among the different States; and Gallatin, in his scheme of national improvements, submitted in 1808, proposed that those States, which did not receive their full share of recognition in his general plan, should be indemnified by a gift from the Treasury for purely local purposes. This was when the States were sovereign, or thought that they were, and, by virtue of their sovereignty, claimed to be on an equality. But to-day the States are lost in a spirit of nationality and subordinated to the demands of the general welfare. It is not a question of what each State shall have, but of what the country needs; and the money appropriated is no longer misapplied to make an equal dis-

tribution between the States. If misapplication takes place, it is for other reasons.

Of the new works which have been inaugurated by the committee, I wish to speak of the harbor of refuge at Sandy Bay, Massachusetts. It is proposed to establish at Rockport, at the extreme end of Cape Ann, a national harbor of refuge of the first class. There is only one national harbor of refuge of any pretension on the Atlantic coast, and that is at the mouth of Delaware Bay, called the Delaware Breakwater Harbor. This was commenced more than fifty years ago, and has been of great service to commerce; but it is now confessedly inadequate to accommodate all the vessels that may take shelter there, and is gradually shoaling up by reason of the accumulation of the silt which comes down the river. To remedy this, it will be necessary to close the gap separating the two portions of the breakwater, which will somewhat impair the accessibility of the harbor. Sandy Bay is formed by the angle which separates the shore lines of the bay at the extreme end of Cape Ann. It lies directly in the highway of commerce between Boston and Portland and all the seaports on the northeastern coast, to the Bay of Fundy and the British provinces.

It is estimated that more than fifty thousand vessels pass Cape Ann every year, and the importance of a harbor of refuge at the extreme end of this cape was so urgent, that more than fifty years ago, the General Government expended about $60,000 in the construction of a seawall, which afforded a partial shelter to vessels in distress. Of late years, the attention of the public has been directed, by considerations of humanity, to the importance of life-saving stations and harbors of refuge for the protection of human life; and foreign governments have expended large sums for the construction of national harbors, which shall afford all the protection possible for the safety of life and property, and are now doing everything possible for this purpose. The French Government has of late years appropriated 6,686,000 pounds for the improvement of its harbors, and has expended 4,928,000 pounds on the five ports of Dunkirk, Havre, Calais, Boulogne, and Dieppe. This subject has recently been carefully considered by a select committee of the English Parliament, and it has been decided to construct three national harbors of refuge on the eastern coast of England and Scotland.

England has already established two national harbors of refuge of the first class on the southern coast, namely, at Portland and Plymouth, and is constantly expending large sums for the improvement of her harbors and rivers. Germany, Italy, Spain, and the Netherlands have, of late years, expended large sums in public works of this character, and the expediency of such expenditures, for the interest of trade and commerce and humanity, is acknowledged by all civilized nations. The duty of our Government, with its ample resources, to make adequate provision for the safety of life and property, exposed to the perils of the sea, can not be denied.

Some years since the Government decided to construct a national harbor of refuge of the first class on the Pacific coast, and the work has been delayed only because the engineers can not agree as to the best location. Believing that a harbor of this character is needed on the northeastern coast of the Atlantic, the committee have selected Sandy Bay for this purpose, subject to the opinion of a board of engineers that this is the best location on this coast for such a harbor. It is a large undertaking, but the extreme cheapness of material at this point, where an abundance of stone can be obtained at a very low price, makes it possible to construct a breakwater here, notwithstanding the depth of water, for a price considerably less than the cost per linear foot for works of a similar character in other places.

The harbor of Portland, on southern coast of England,—the cheapest work of the kind ever constructed, cost $600 per linear foot; Plymouth, $1,500 per linear foot; Holyhead, $600 to $800; Marseilles, $1,000; Algiers, $610; Colombo, on the island of Ceylon, $750 to $800. The harbor at Sandy Bay will not exceed $500 a linear foot, and the inclosed area of this harbor is very much greater than that of either of those above mentioned, so that if the comparative cost is determined by the amount of anchor space obtained in each instance for the money expended, which is the true measure of cost, it will be found that the harbor at Sandy Bay will be by far the cheapest of all.

Many of the great harbors, that have been constructed, are deficient in water to float the modern vessels of deep draught, and at Rockport there is ample water to accommodate vessels of the largest size in any part of the inclosed area. For depth of water, accessibility, freedom from ice and silt and deposits of any kind, good anchorage, with large harbor space in proportion to expenditure, amply sufficient to hold the entire shipping of the North Atlantic,—this point seems to offer special advantages for the object in view. There is another consideration entitled to weight. The English engineers and officers of the army and navy who have recently testified before the select committee of Parliament agree in this, that no national harbor of refuge should be constructed not suitable for a military or naval station. And, in case of foreign complications, and the necessity of guarding our coast, where is the point on our coast superior to this, flanking Boston Bay, and commanding the shore line on either side for a long distance? As a naval station, or a rendezvous for our cruisers, it has advantages well worthy of consideration. If built, it will be one of the most magnificent harbors in the world, and, in inclosed area of deep water for the accommodation of large vessels, second to none in Europe or elsewhere. It will be a credit to our engineering talent, and an illustration, in its magnitude and character, of the strength of our national resources.

The Hennepin Canal, connecting the waters of the Mississippi, at Davenport, with Lake Michigan, at Chicago, is also a public work of great importance, and essential to a system of water transportation which shall bring the products of the Northwest to tide water, at the lowest possible cost.

The natural water course is the people's highway, where every citizen can travel as he pleases, exempt from toll or monopoly of any kind; and it is the duty of the Government to improve its character for purposes of transportation, by deepening its channel and removing obstructions, wherever it be practicable. This is clear under ordinary conditions, but where the common roads, with carriages driven by horse-power, are superseded by railways and steam-cars, and the whole business of land transportation is in the control of irresponsible syndicates, whose natural impulse is to charge all the traffic will bear, what remedy so effectual to protect the people from exorbitant charges, as a system of water transportation free to everybody, and cheaper than land transportation under the sharpest competition?

I wish to refer to an objection that is often made to some particular appropriation in a river and harbor bill, that it applies to a place that is not of national importance; as if this consideration were decisive. This implies a misconception of the power of the General Government, and of its duty in this respect. Our political system is so framed that the power of the General Government, in respect to harbors and navigable rivers, is unlimited and exclusive. By virtue of this exclusive jurisdiction it is the duty of the Government not merely to facilitate the operations of commerce, in those places where the business is so large as to be national in its character, but also, in those places of no national pretensions, whose joint contributions to the commerce of the country are the cause of its greatness and prosperity. They pay their proportion of the taxes which supply the Treasury, and are entitled to recognition.

Under the English system, Parliament, while charging the imperial exchequer with the entire cost of a few great national harbors, generally contributes about one-third or one-quarter of the expense of the improvement of rivers and harbors, and the remainder is furnished by the local boards that represent the locality where the work is done. The local boards are allowed to charge a toll for the use of these works. But, under our system, it was long ago decided that the imposition of tolls was impracticable, and no State will improve its harbors and water ways, systematically, for the use of the citizens of the United States, when it can not indemnify itself for the expense of it by harbor dues, or charges of some kind. In the early history of the Government, some of the States, with the consent of the General Government, charged tonnage duties on vessels to indemnify themselves for the expense of harbor improvements, but the practice was soon discontinued as inconsistent with the general welfare.

I submit, then, that, under our system, it is the duty of the General Government, in the exercise of its commerce power which it has received from the States and the people as a trust, to be administered for the general welfare, not only to improve those harbors whose commerce is of national proportions, but to establish a system of water transportation, so broad and so comprehensive, that every part of our common country shall feel its influence and partake of its advantages.

It is the fashion of late in some quarters to denounce a river and harbor bill as a swindle, and this idea, two years since, was so industriously exploited that many excellent people were led to believe it. But it only needed to study the New York press and the relation of the railroad system to the commerce of New York, and to reflect upon the possible results of a cheap system of water transportation and of the free navigation of the Mississippi upon the fortunes of the railroad syndicates and of all connected with them, to perceive that what seemed to the uninitiated as the spontaneous outbreak of a righteous indignation was, in fact, a premeditated, preconcerted, systematic attack, inspired and organized by interested parties.

The river and harbor bill of 1882 was open to criticism, as every river and harbor bill of necessity must be. It is impossible to frame a bill of such a miscellaneous character, containing a large number of items, that shall be unexceptionable. To quarrel with such a measure because it is not perfect, where the object is honest, is unreasonable. To denounce it as a swindle, is to charge the authors of it with dishonesty and corruption. What will you say of those who make the accusation, if you find on examination that there is no ground for the charge, and that it is only to be explained by the suggestion of unworthy and interested motives? The Secretary of War, after an extended examination of the bill, with the purpose of criticising everything of doubtful character, could not find, excluding the appropriation for the Sacramento and Feather Rivers, which was rejected for special reasons, four per cent. which he thought were not proper objects of legislation. And this season a number of objects, which he thought inadmissible, were brought to the notice of Congress by the engineers in charge, as especially urgent and needing immediate attention.

I refer to this as showing the difficulties that inhere in the subject. I repeat, it is impossible to make a river and harbor bill which shall be entirely satisfactory. And my experience on the River and Harbor

Committee has taught me, that it is the duty of Congress to devise some method by which the subject of river and harbor improvement can be considered, systematically, by some board selected for the service, whose judgment will not be unduly influenced by local considerations, and who, while capable of taking a national and comprehensive view of the whole subject, will not be unmindful of the claims of all parts of the country to due recognition and encouragement.

It must not be forgotten that, for all purposes of navigation and commercial intercourse, the navigable waters of the several States are not subject to the jurisdiction of the States, but are the public property of the United States, and subject only to Congressional regulation. (See 3 Wallace, 724.) Every stream and harbor, therefore, as part of the public property of the United States, which the General Government holds in trust for the general welfare, should receive its due share of attention, and, when neglected, has the same right to complain that a country village has, when left out of the postal service and denied a post-office. It is simply a question of duty and of expediency in each case. Twelve millions seems a large sum in the abstract, but, when compared with our resources, it seems inconsiderable—less than the surplus revenue of the Treasury for sixty days. In 1808, when Gallatin recommended an expenditure of two millions a year, and his plan was inspired by John Quincy Adams, our net revenue was $17,000,000. An appropriation at this time, in the same proportion, would be equal to three times the sum recommended by the committee.

Mr. Chairman, the question of transportation should receive from this Government careful consideration. We are attempting to establish on this western continent a great nation, which, by a division of political power between the States and the Union, is hoping to reconcile the rights and liberties of the people with the responsibilities and exigencies of empire. Territorially, the different parts of our country are widely separated, and the obstacles of space and time to a vital union are only to be overcome by a wise use of all the facilities for communication which science and civilization can command. A great future is before us. Our people are impatient of State lines, and, instinct with courage and energy and enterprise, are eager to enter on a national career. But a national career implies a national policy, which shall, as far as possible, remove all physical obstacles to that cheap and convenient exchange and interchange of commodities, and to that sympathy and community of interests, essential to the general prosperity.

The Unwise Agitation of the Tariff Question at this Session of Congress.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884.

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. SUMNER, of California, said:

The effort has been made with great diligence and sometimes with considerable art, to have it appear that the cause of tariff reform is at this time inclusively and exclusively infolded and expressed in what has come to be known as "the Morrison bill." But whenever that proposition is distinctly protested against, by those who have here as good a right to speak on the subject as any, the effort or intention is disclaimed; and we are told that after the bill shall have passed out of the Committee of the Whole with a favorable report, there will be opportunity to amend. This gracious suggestion—for such has been the form of the occasional response—has been given, however, in the last few days of the time within which general debate is limited. The fact of the lateness of the hour, conjoined with the manner and style of delivery, contribute toward strengthening the natural and prevailing belief, that if this bill does go hence without an agreement to the fatal motion, it is probable that the successful endeavor of the management will be to secure its passage through the House in the precise mold and with every letter it now possesses. Besides, not all of us are wholly unaware of the momentum which a measure of this kind acquires by moving through the first stages of legislation unchecked; sometimes in this way gaining as it were a resistless energy of its own, which not all the earnest work for halting on the part of its authors and original advocates can avail to stay for a moment's further consideration. Therefore it seems to be unfortunately the fact that no other alternative is left to the members of this House, with respect to the question of legislation upon tariff at this session. We must support this measure as it reads, or be unable to give our affirmative vote for any other bill on the subject.

The situation is forced to this extent. Indeed, some of the champions of this measure have not hesitated here and elsewhere to proclaim in effect that we must sustain this bill, jot and tittle, or suffer the consequences!

Things personal as well as tables statistical belong to this occasion. Of the latter, surely you have had an abundance, and that abundance often in fatiguing duplicate. And not merely personal opinion, but faithful direct representation of the dominant sentiment among our constituences may now properly be set forth, and ought to be the subject of careful, deliberate, conscientious reflection.

In 1880 the Democratic national convention, assembled at Cincinnati, presented to the country a platform in which our party declared in favor of a tariff for revenue only. In order that there may be a clear and unmistakable understanding as to what this platform declaration and pledge imported, let the whole paragraph be read and heard at this moment. This is it:

> Third. Home rule; honest money, consisting of gold and silver and paper, convertible into coin on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only; the subordination of the civil to the military power, and a general and thorough reform of the civil service.

It will be observed that the tariff plank was put in the middle of this paragraph; it was adapted, and was intended, perhaps, for quick running glance only. I do not hesitate to say, now that I have made due and diligent inquiry with a view to ascertain the fact, that an immense proportion of the citizens who read the Democratic platform of 1880 gave to this subdivision in this section, at the beginning of the campaign, no such construction as was afterward put upon it by the Republican management and has here been sought to fasten within its syllables. But I have not time to dwell upon this in the present opportunity. It will reappear hereafter in my remarks under the light of a brief prefatory historical recital.

The Democratic convention of 1880 was held in Cincinnati in June of that year. The following autumn months of September and October witnessed the strange and confessedly demoralizing and somewhat humiliating spectacle of the majority of the Democratic speakers upon the campaign rostrums endeavoring to re-explain these words, or give them an interpretation entirely hostile to the doctrine of free trade, and not inconsistent with the boundary of action on the subject which in 1883 was set forth at their State convention by the Democracy of Ohio. It cannot be denied that our party went before the people in the fall of 1880 begging them not to put a construction upon the plank referred to that would bear any support for a free-trade advocacy.

And it should be said and emphasized in this juxtaposition that with most of the Democratic speakers and editors the disclaimer and the accompanying interpretation referred to were thoroughly honest proclamations, for it can not be denied or doubted that a majority of our party in this country were then and now are in favor of incidental protection; and, I must repeat, thousands in the glance of the first readings did not for one moment imagine that the meaning deprecated would be attached to the clause so harmfully quoted by our opponents—that signification which in strict rendering the words unquestionably imbodied and set forth.

More than this: In the earlier portion of the campaign of 1880 there were distinguished speakers sent out from Democratic headquarters—from the national or New York committee-rooms—duly commissioned and salaried, whose utterances and reasonings were sharp and precise in favor of the theory of free trade for our country, so far at least as to reach the standard of Great Britain. But when our foes in September, 1880, "sprung" the issue upon the line "a tariff for revenue only," focalizing and pressing home upon these words and their interpretation thereof, swift messengers of recall were put upon the track of Henry George and other eminent advocates of the abolition of custom-house dues. No less a man than one of our foremost Representatives on this floor, who has in a most earnest and instructive manner participated largely in this discussion, with authority inherent and acquired or bestowed bid the youthful crusaders of the free-trade knighthood to cease from their eloquent warfare and retire to the rear of the camp.

But besides and beyond and, if you please, above all this, our honored candidate for Chief Executive himself came forward with a declaration which it was unmistakably intended should disabuse the public mind of the prejudice that was engendered against our organization by the charge made in the Republican newspapers and by Republican orators,—the charge that we purposed inaugurating a free-trade administration in the event of the election of General Hancock to the Presidency of the United States.

It must be timely to recall *verbatim* what our Presidential candidate had then to say in reference to this matter. And that his language may be thoroughly understood by those who have had no other reading on this correspondence, or who have forgotten its origin or can not recall without a literal reprint the style of the summons served upon him, I desire that the Clerk read to this House the letter of Governor Randolph as well as the reply of General Hancock. Both will be found in the New York Herald of October 16, 1880. And mark you now, before and while you hear these passages, that a minority of our party in this House is now ordered to vote for the pending bill because it is in such connection alleged to be "a firm first step toward free trade."

These are the letters; hear them:

MORRISTOWN, N. J., *October* 11, 1880.

MY DEAR GENERAL: My attention is called to-day to an interview, or a reported interview, had with you by a person representing the Paterson Guardian. As I read the report it seems to me that you were very imperfectly under-

stood or very indifferently reported. I come to this conclusion because of my knowledge of your views upon the tariff question. The report does you injustice.

The subject is one which our manufacturing friends are very solicitous about, and very properly so.

I regret that your views upon the tariff question, as I understand them to be, had not found fuller expression in your letter of acceptance.

If the misrepresentation of your tariff views continue, would it not be wise and just to take some occasion to put yourself right?

Very truly, yours,

THEODORE F. RANDOLPH.

General W. S. HANCOCK,
Governor's Island, New York.

GOVERNOR'S ISLAND, *New York, October* 12, 1880.

MY DEAR GOVERNOR: I have received your favor of the 11th. In my letter of acceptance I expressed my full sympathy with our American industries. I thought I spoke plainly enough to satisfy our Jersey friends regarding my tariff views. I am too sound an American to advocate any departure from the general features of the policy that has been largely instrumental in building up our industries and keeping Americans from the competition of the underpaid labor of Europe.

If we intend to remain honest and pay the public debt, as good people of all parties do, and if we mean to administer the functions of government, then we must raise revenue in some way or other. With a reunited and harmonious country we shall certainly in time pay off the public debt, but the necessity of raising money for the administration of the National Government will continue as long as human nature lasts. All parties agree that the best way for us to raise revenue is largely by the tariff. So far as we are concerned, therefore, all talk about free trade is folly.

But the tariff question will probably be treated with justice to all our interests and people by some such bill as Eaton's. I believe that a commission of intelligent experts, representing both the Government and American industries, will suggest tariff measures that will relieve us of any crudities and inconsistencies existing in our present laws, and confirm to us a system which will be judicious, just, harmonious, and incidentally protective, as well as stable in its effects.

I am, very truly, yours,

WINFIELD S. HANCOCK.

To Hon. THEODORE F. RANDOLPH,
Morristown, N. J.

And furthermore it should be mentioned and magnified in this connection, that not alone by himself or from his own judgment did our Presidential candidate give utterance as quoted, but it is notorious that it was after due counsel with leaders in the party, some of whom I have reason to believe are members of this House, he lent the great significance and authority of his name to such a qualifying and disclaiming proclamation. Nor was any man in our party of acknowledged prominence and influence as a national leader heard upon the hustings to demur to that which our nominee for the chief executive office, by and with the advice and consent of his next friends, so put upon the newspaper record.

What of all this, Mr. Chairman? Much every way.

Not by word of national platform alone is our record and promise to be exhibited and invoked upon for consideration and for soliciting and impelling to action here; but by the plank and the interpretation thereof immediately or shortly thereafter given, are we to be conjured and constrained. And if there be distinction and difference and even contradiction between the two—between the clause in the creed and the text of the unchallenged rendering, between the former and the personal assurances of the principal candidate and his orators and journalists—then must the latter prevail and bind. If that which is called a construction be in substance and effect a retraction, can it be regarded otherwise than, at least, as destroying the strength of the original statement of principle—destroying the original, at least, for any such coercing purpose as is contemplated, as is uttered and hourly reiterated here.

Now, it ill becomes any political party anywhere to obtain power by a declaration of principle which it has not sincerely at heart, or by a disclaimer of intention which it at heart retains and fosters. And least of all—if there can be a comparison of small and great in this relation of secular affairs in this Republic—least of all should such duplicity be manifested by a national political organization. Without thought of personal disrespect to any one, I say that such a proceeding is not honest. I challenge it as debasing and corrupt. Some of the Republican party managers were once conspicuously guilty of this species of outrage and iniquity (and pray let them retain a monopoly of it), and for that reason, among others, I, as one of a great army, came out from its lines and took my position, fifteen years ago, with the regenerated Democracy of the United States. It was the Republican party that declared in 1868 that the right of suffrage should be determined by the States in the North, respectively, and not by the General Government. And then, having acquired or retained power by virtue of such declaration, its Senators and Representatives here proceeded to pass a constitutional amendment, and by various methods of party management and machinery, some of which were most reprehensible, Republican managers proceeded to force it through State Legislatures; which amendment conferred upon the negro race throughout this Republic the privilege and authority of the ballot.

That there may be no misconception here, it is well perhaps that you should hear again the second paragraph of the Republican national platform of 1868:

Second. A guarantee by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States.

The above paragraph in the Republican national platform of 1868, was—singularly (and appropriately?) enough—followed immediately by this language:

Third. We denounce all forms of repudiation as a national crime;

* * * * * * *

Prior to the assembling of the national convention of the Republican party in 1868 the leaders of that organization were suspected and accused of the intention indicated, and the plank on the subject referred to was an isolated and most italicized statement, politic and necessary at the time, upon which the success of that party in that campaign largely, if not absolutely, depended. And throughout the canvass of 1868 Republican orators and editors proclaimed and advocated the doctrine of this last portion of the second paragraph.

Now, no one proposes to revive a debate upon the subject of that amendment. The amendment is in the Constitution for all time, and no Democrat for one moment contemplates attacking it. But the flagrancy of the breach of public party faith referred to is not now and can not be denied. However you may have regarded the proposition to amend, in its letter considered, no intelligent candid Republican will undertake to justify on moral grounds the misrepresentation and other principal means by which that change in or addition to the organic law of the nation was effected.

It might be said—it has perhaps been intimated—that inasmuch as our candidate was not elected in 1880, we are not bound by the platform recitals and the accompanying interpretation of that time; although that would be a very queer evasion and excuse on the part of my antagonist—as peculiar and censurable, I deferentially submit, as would be a violation of a compromise compact of legislation by refusing to vote for a measure agreed upon because the one that had precedence was defeated. And, second, that so much time has elapsed since the last Presidential canvass that we are entitled to bring forth new issues, or, if you please, take a new position upon an old question of public policy and legislative enactment. These things can not be said except by those who are prepared to admit in candid acknowledgment of the logic of the situation that they have changed positions, or that they do not here occupy that vantage ground usually claimed for them; that they are no more accusers, but defenders; no longer to be considered in the attitude of leaders and generals that purpose reading men out of the party who do not obey their behests on the tariff-bill programme; but apologizers for themselves in this day on this issue and amid these scenes of Congressional action.

It is not for me to say—it has not been and will not be said by me—that political issues in their relations to political parties in this country are sharply defined and morally inclosed within walls reared at the end of every four years; that between the striking of the clock, from national convention to national convention, no public man ought to advocate policies or plans in conflict with the last party creed for which he contended. But can there be any doubt in such a case as this as to the proprieties, and as to that which belongs to the intellectual and moral integrity of the situation? Please understand and mistake not; I am confronting and combating the "party call and command," as it is claimed, fully expressed without and often eloquently hinted within this Chamber. I am not guilty of that foolish thing, contending that no member or committee of our party can honorably introduce a tariff bill at this session of Congress. For the sake of my party, as well as in behalf of the best interests of this country, I meet and contend against an order of alleged party discipline on a proclaimed path of "a firm first step toward free trade."

That any individual may change his views at any time—entirely, absolutely—and even gain just credit and applause for frankness and sincerity manifested in such action, it would be absurd to question or deny. Indeed, we know that it was well said by one of old, that it was difficult to tell which of the twain was the biggest fool, the man who was always changing his opinion or the man who never changed. But here is an endeavor to coerce men of Democratic faith and lineage into the support of the so-called Morrison bill on an asserted obligation of party honor and political fidelity. Do not misapprehend or forget for an instant the respective positions of the disputants.

You may change and I may not. Your hour to sit in judgment has not come. I may be with you in thought and conviction on the main question, and yet deem it not only inexpedient but in violation of a formal platform promise, as authoritatively explained and construed, or in plain contradiction of the whole combined convention and subsequent committee and candidate action and assurance, to act here in favor of this or that original proposition or amendatory section. Would you have it otherwise? Then might not those in whose company I now speak, and shall act, with far better right and grace call upon party associates who would arraign us to answer themselves and plead excuse. We possessing the commission to cite and to certify and if need be to cast out, a commission far more legitimately derived or obtainable from decisions and judgment on party creed, pointed and punctuated by contemporaneous or quickly-coming party campaign assurances?

Now we will bring up a little nearer to our firesides. In 1882 there was a memorable political campaign in that distant Commonwealth which I have the honor in part to represent. During that canvass there was no issue joined on the subject which has been under discussion

here for the past two or three weeks. There was very little talk upon the stump about it except what was confined to the Republican speakers, who were not confronted by us upon this topic. Overshadowing and excluding everything else was the question of monopoly, especially the monopoly of a railroad corporation. Thousands of voters cast their ballots for us who sit with one party in this House—a solid Democratic delegation—who would surely have given their suffrages in favor of opposing candidates had they dreamed that we were to put in an appearance here to lend our support to such a measure as the one pending in this Committee of the Whole on the state of the Union. I speak now for no one but myself, and intend no reflection upon any one of my honored colleagues; but I have sought this opportunity of utterance, because I desire to say, once for all, that I should have to consider that I did a dishonest act as a Representative in this Congress, if after having been elected under the circumstances indicated I joined the greatly respected majority of my party here who have not the guiding and restraining home influences that appeal to me, in approving by word and vote this proposition that emanates from the Committee of Ways and Means.

Here are public petitions and private letters, which in the aggregate bear the signatures of thousands of leading citizens of California, protesting against the passage of this bill; containing the names of men who for many years in that politically doubtful State have been consistent and earnest and energetic and, I will not forget to add, munificently generous in their adherence to and aid of the Democratic party. And do you say that I can not fail to support this measure, this confessedly most imperfect manuscript of legislation, without subjecting myself to reprimand and indictment as one recusant to Democratic faith and practice, when under such circumstances such voices come up to me from among the people of my Commonwealth?

If there is authority here to draft a new article of party constitution, or, if you please, to revive one which has been in abeyance, and put it in statutory language, and then summon Democrats to subscribe or take seats on the other side of the House, then I crave your audience to say that we ought at least to have here a bill that is entitled to very respectful consideration on all other accounts. There is no insolence in that suggestion, I humbly submit. Nay, if you are drawing lines and making combat across them, you might expect retaliation. That, however, I have neither the disposition nor the temerity to attempt.

What is this bill? "Tariff revision?" Nothing of the kind. Let not the English language be outraged by such a profession. The bill revises nothing.

It proceeds out of a committee of fifteen members, which committee includes some of the leaders on either side of this House, and as all the country ought to know—especially under the circumstances just referred to—which includes a majority composed of Democratic leaders on this floor. And for these gentlemen we all have the greatest personal respect. There is of course no lack of ability and experience—quite to the contrary—which should pre-eminently fit them for the work and the accomplishment expected in this very relation, from their hands. During full sixty days after our reassembling in January these honored and gifted Representatives sat in council on this subject, and at the end of that time they floated forth this patent scythe-blade tariff projectile.

Mr. Chairman, had we not a right to expect a better outcome than this? I am not going to delineate it in general or metaphoric terms. It has been in that way fitly and sufficiently described by the venerable Representative from Connecticut [Mr. EATON]. And I would that his words could have a reader by the side of every Democratic hearthstone in this country. For verily they were the apt words of truth and soberness.

But I am admonished: "Have a care how you venture to classify these two little pages of Bill delivery, with the appendix of random, guesswork arithmetic, gotten up by one of the clerks in one of the Departments. Beware how you speak lightly of this puzzling text, lest you increase the weight and severity of your punishment for disobedience to the mandates of the party caucus hereunto promulgated! What hazard are you at, when even the veteran statesman and political party hero from Connecticut [Mr. EATON] has been given notice, in some appreciable and unmistakable manner, that he opposes or questions at his peril?"

Sentence by sentence did I approvingly follow his analysis and characterization of this bill and deplore with him the management under which it has been sought to compel a majority in this House to acquiesce in and indorse its provisions. And as I attended him through that masterly extemporaneous discourse I remembered—I could not but recall—the time when I heard that voice, full thirty years ago, giving eloquent utterance to records and rules of Democratic faith and practice, as he spoke in halls and from balcony stands in the capital of his Commonwealth during the progress of a Presidential campaign. I remember when he sat—found wise and faithful and inflexible amid the timid and the far less sagacious of his own party, in the Senate of the United States, breasting a storm of appeal from within and from without—solicitation and threat alike unavailing to move him from his righteous judgment and resolve. O, patriot of patriots! At that hour and in that dire emergency alone upholding the pillars of the Constitution! Simply and tenaciously insisting and to the last persisting that the man whom the people had lawfully chosen to be Chief Executive of this nation should be seated, under the law and rules as they read, in the Presidential chair; as he must have been and would have been if the regularly prescribed methods succeeding election and preceding inauguration had been adhered to and resolutely pursued by all the legislators of the nation who desired to live under the administration of Samuel J. Tilden.

Turn him out of the Democratic party! And because he will not vote for such a bill as this? Challenge him and put him to flight and exile? Let Dares in his youth and in his boasted strength of pugilistic elocution be tumultuously applauded as "swaggering forward he draws the gauntlets on," "defies the circling host," and in default of instant answer demands the prize. See how old Entellus "drives and batters Dares all abroad," until "Father Eneas suffers not their heat go further, nor Entellus feed his fury more;" but rescuing the Trojan champion from his aged but resistless foe, half leads, half bears him weak and limping to the waiting boat.

Mr. Chairman, were we not entitled to a bill from this committee of able and experienced and distinguished legislators that should have been exact in its statements and enumerating in detail—such a bill, and none other, accompanied by directly informing and argumentative calculations made by experts in the committee-room and verified by members having that department of inquiry and preparation especially in charge; presenting in definite and explicit language in the bill itself each object of import article by article, each imposed tax dollar by dollar and fraction by fraction? Why not, in so important and grave a matter as this? When even the distinguished advocate of tariff agitation at this session, who has had the closest intimacy with the practical workings of our schedules, is compelled to say that the present system must not "go" otherwise than "as it came, slowly, and by such wise and moderate steps as will commend themselves to the judgment of all fair-minded men?" Nor let me fail here to present the two paragraphs following the quotation just read from Mr. HEWITT'S speech, delivered in this House so late as April 30, 1884.

> To abolish protective duties at once would ruin me; it would ruin the manufacturers; it would dislocate the labor of this country now engaged in the protected manufactures. We have no right to inflict this wrong. Hence, with the views I entertain, I have not hesitated upon all occasions to confirm the statements of gentlemen upon the other side that this reform must be made slowly. I warn my friends upon this side not to proceed rashly. I warn them that any mistake they may make will be taken advantage of by the manufacturers to put down wages, and to persuade the workmen that we are their enemies and not their friends.
>
> There is only one method by which we can accomplish this great result. Remove duties where it is possible—and there is plenty of room—without injuring existing interests, and then the steady progress in the improvement of the condition of the working classes, especially in their regular employment, without loss of time, which is what they want now more than high wages—this steady progress will convince the workingmen that we are on the right road; and particularly will it convince them when they find that in the day of profits their trades-unions will be powerful enough to demand a better and fairer share of the earnings of industry.

The accusation has gone abroad, and has not been met by saving denial or explanation, that the Republican party has blundered in this relation,—greatly, grossly, almost irreparably. If the Democracy of this House was not to be permitted to agree on that line of non-action at this session which was commended with great particularity and vehemence by the Washington Daily Post and by other so-called Democratic organs (that have not a word to say against railroad and telegraph monopolists), that are now seeking to traduce and defame every Democratic Representative here who will not approve or vote for this bill (and, by the way, I will append to my speech an editorial article from the Washington Post of March 15, 1883, written and published when that paper was under the same management as now), if the Democratic members of Congress were to be called upon to act at this session with respect to a tariff measure issuing from the Ways and Means Committee, was not every member on this side, on single call or objection, entitled to a specific proposition or series of paragraphs on which to exercise judgment and conscience alike? What! Follow one sweeping blow in the dark with another and call that revision and reform?

Shall it be said there was not sufficient time for selection and itemizing? Then it shall be said that it was not a time to bring forth from the committee any bill whatsoever on this subject.

I appeal here and hence, and standing within the ranks of the Democratic party where I have done my full share of arduous service these fifteen years last past, whether there appears any foundation existing at the beginning or laid during the progress of the consideration of this subject for any gentleman here or any number of gentlemen here to set up a standard of political orthodoxy and write anathema over it. For it is assumed that they put themselves by this measure on a platform by and from which the citizens of this Republic will say that they are or ought to be clothed with excluding powers.

For one, I declare with reluctance but as in duty bound that I could not under any conditions praise this bill, coming as it does from the heretofore justly renowned Democratic members of the Committee on Ways and Means of the Forty-eighth Congress. There would appear to have been no study for it in the committee; there is no legislative genius displayed in it, although we know that there is plenty

of educated intelligence behind it. And as a party measure, supposing that to be alone considered, no possible good will or could come out of it.

Mr. Chairman, it is said that the Democratic party must present and advocate free-trade doctrines, or we shall have no issue of clear-cut lineaments before the American people during the coming Presidential campaign. What! no issue, with railroad and telegraph monopolies oppressing us on every hand, and with the almost certain prospect of a candidacy from the Republican national convention that will be obviously the first choice of the owners and managers of these monopolies?

We have put up the bars against Chinese immigration so far as we could, but Chinese labor is not in any event far from our doors. Many classes of artisans in San Francisco would probably be soon forced to take rice-djet wages or be thrown out of employment entirely, if this bill should become a law, by reason of competition from Chinamen located on our borders or engaged in the manufacture of goods in their own land. It is difficult to make exact inquiry as to these matters under the wording of such a measure as this. But it is deserving of notice that the California newspaper organs and circulars of the owners of the transpacific steamship lines are very earnestly in favor of free trade and strongly commend the pending bill, while it is also true that some of them—some of the so-called Democratic numbers in the list, doubtless in enforced deference to local public sentiment—concede that this presentation and pushing is inopportune and likely to prove unavailing at this session.

The wiser editors of railroad and telegraph monopoly organs, however, evidently recognize the fact, without being explicitly told of it from monopoly headquarters, that the introduction of this bill at this time effects or amounts to a diversion in favor of their masters. Ah! if the honorable and renowned gentlemen who brought forth these pages had had the slightest serious suspicion in this direction, how carefully they would have inquired if it had any foundation, before, at this session, under the circumstances that surround us, they presented and with their great strength urged the passage of this measure!

Tariff reform, tariff revision we all desire; and for one I have never hesitated to declare myself in favor of reducing the custom-house levy until the income from imposts on foreign products and manufactures shall ultimately be brought down reasonably close to the expense account of the Federal Government—a liberal margin being allowed for the incidental and accidental—a discrimination for our own productions and industries being meanwhile carefully and skillfully and jealously preserved and maintained.

But the moment you concede, as you must, as you do, that free trade is to-day "impracticable," that, in the language of the eminent gentleman from New York [Mr. HEWITT], even a reduction taking off only so much as strictly speaking could be denominated protective would be "ruinous" to him and to all other manufacturers, you give the questions as to selection of articles and amount of subtraction from duties into all our hands. Each item should be submitted to us all, as are the paragraphs coming from that most diligent and laborious and painstaking of House committees,—the Committee on Rivers and Harbors. It is then and thereafter, neither more nor less, and nothing other than an inquiry as to degree: how much shall you take off here, and how much shall be—how much ought to be—the deduction on that article? The committee should have treated this subject in this clear and simple manner, and exhibited that modicum of respect for us who are without their council, and, if you please, especially for those who have made their first advent here, which would have been implied by a section-text embracing all items, and a report in detail.

There is no pretense anywhere but that the present tariff is iniquitous in its discriminations. But it is not like the schedule of a railroad company, with respect to which the authors and corporation publishers claim approximate perfection, and with respect to which a horizontal cutting in some cases, if too great, is met and compensated for in other instances where it is certain that charges bringing revenue to the one coffer will still remain relatively high and positively exorbitant.

A question of degree; that is what this is. Even if it be acknowledged for the moment that the British free-trade standard is the correct one, still it is a question of degree. And in representing my own constituency, who have named to me and the committee some articles which they prayed might be untouched, as well as in giving utterance to my individual opinion by my action here, I want and I demand a fair basis for consideration and judgment from the hands of a principal and an industrious committee of this House. There need be no fear as to the reasonableness of such a desire and demand. And one man can just as well go before the country upon that proposition and upon my side of it, as three men can go before the country on the other side. Why not? "Thrice armed is he who hath his quarrel just."

Mr. Chairman, I may be wrong, but it does appear to me that upon this subject, where there is so much heat and temporarily party-dividing opposition, there ought to have been in this body a practical unanimity. All can see and all declare that the present law of tariff is imperfect, that the schedule of charges is too high, that in some instances the impost is outrageous. Some contend that on the one fact of recent change—the passage of a law reducing the imposts at the last session—it behooves us to wait at least another year before this subject is touched at all even in the privacy of a committee council. And while we allude to this and observe the impatience with which most of the members of that splendid delegation from the State of Kentucky—with whom I had the honor to stand in a minority a few weeks ago with respect to a subject that most nearly, if not almost exclusively, affected their immediate constituencies—when we see how, with a single exception, those gifted gentlemen regard our reluctance in these premises, we can not avoid bringing to mind the language which their most distinguished statesman of a former generation once used on a similar occasion.

> But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe. * * * And what is the just complaint, on the other hand, of those who support the tariff? It is that the policy of the Government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened, it becomes necessary to close them and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation, before it is yet nine months old, passed as it was under circumstances of extraordinary deliberation, the fruit of nine months' labor, before we know anything of its experimental effects, and even before it commences its operations, we are required to repeal it.

All can see that tariff revision and reform belong upon the banner of any party that puts forth a national platform on which electoral votes are called for in this year of our Lord. I hope and trust that there will be much mutual instructing in the coming canvass and a clear understanding on this subject at its close.

I firmly believe that a bill could have been framed at this session very largely reducing the tariff charges of our Government, for which there would have been no need of a party conference, for which no caucus constraint would have been claimed, against which there would not have been cast five Democratic votes; while it would have received a great number—I think a majority—of votes from the other side of the House.

But why this introduction and this consequent perturbation? Why these threats of party ostracism and expulsion?

If I did not have such profound respect for my fellow-Democrats upon this floor as I profess on all proper occasions, and as I do feel proud with some references to proclaim, I might be led to suspect, in some flashing moment of thought on this subject, that an underlying and perchance inciting motive constraining and compelling a few Representatives here to act in regard to this subject—a motive operating all unconsciously to them—was the wish to capture and establish a leadership in the approaching struggle for the election of a Chief Executive. But I will not entertain or tolerate such a suspicion.

But some things in this relation are certain and not to be effaced. The judgment of the party, as intelligently deduced from official and current expressions one year ago, was hostile to this agitation in this form at this session. Whatever of pledge in general terms was given on this subject two years ago, in a comparatively few localities, received legitimate modification in legislation that has since been had in this Capitol during the second session of the Forty-seventh Congress. Whatever of specific party promise was made in any of the States in 1883 respecting this issue was unfriendly to the introduction and urging of such a measure as is now pending before us; but required something of an opposite nature,—a promise not unobserved but unfulfilled.

"A firm, first step toward free trade!" How so? Any subtraction, no matter how insignificant in point of amount, might have been christened with such a title. But no: this makes the guessed-at minimum for the heroic "firm first step." And one of the foremost advocates placidly declares—in so speaking at once exhibiting his own courageous complacency, I had almost said his reckless indifference, and the entire ignorance of himself and all his associates as to what will be the precise effect, in each or any instance, of this slashing text—"Sometimes we will cut to the quick and draw blood." Is that the language of conservative Democracy? Is that the speech of Jeffersonian statesmanship, when dealing with such a question in any legislative tribunal? But let credit be given here in the way it is due. This is a candid, if not inadvertent, confession of the character of the measure on which the summons of partisan fealty has been laid.

No time to consider the impositions and extortions and consequent oppressions and tyrannies and corruptions of railroad monopolies; no time so far to listen here to pleas for the reduction of excessive fares upon railroads built by the aid of the loan of the Government's bonds and money and the absolute grants of the people's land, under laws that specifically reserved and prescribed the right of Congress—that has accrued—to regulate the tolls; no time to give full audience here on the question of enlarging the postal facilities of this Government, so as to provide, in accordance with the spirit and in obedience to the very letter of our Constitution, as interpreted by a century of Congressional and administrative action, for the telegraphic transmission of the letters of the people at reasonable rates—as is provided by every other civilized nation on the face of the earth; but weeks, and if necessary months, for the advocacy of a "firm first step" in the path of legislation, which if taken by us and approved and followed by other legislators who are beyond us and who are between us and the wished-for consummation, will result admittedly—nay, it is almost the sentence of boasting—in flesh-cutting and blood-letting, when, as a law for the market, the manufacturer, and the husbandman, the statute—the enact-

ment of which is the "step"—passes into and across the business interests of the country.

APPENDIX.

[From the Washington Post of March 15, 1883.]

THE DEMOCRATIC DUTY.

The Post's opinion of the revenue bill passed by the Forty-seventh Congress is in entire accord with the opinions expressed by the leading opponents of the measure in both Houses of Congress.

* * * * * * *

The Post is not and does not propose to be in favor of renewing the tariff fight in the Forty-eighth Congress. The dominant party has gotten its load on its back, and it should be permitted to carry it undisturbed into the campaign of 1884. It is a load that will grow heavier every day, for light is breaking in on the public mind and the iniquities of our tariff schedule are beginning to be seen as they are. When the Democratic party has the three branches of the legislative power in its hands—the House, Senate, and Presidency—it will be for the first time in many years not only able to legislate, but responsible for action or non-action.

Only one of these branches will be Democratic for the next two years, and that one will not be required to attempt the impossible, and load itself with failure and the odium of needlessly disturbing the business interests of the country. Shall the Democratic party forego all the immense advantages of its present position? That is the question involved in the proposition to open up tariff legislation next winter. Shall the Democratic party, on the eve of a Presidential campaign, with victory in sight, undertake a palpable impossibility, with no chance of gain, but a certainty of loss in popular strength?

No measure that would be honestly Democratic could get through the Senate, and if such a bill was passed by both Houses it would meet death at the other end of the Avenue.

The duty of the Democracy, as we see it, is to let the tariff severely alone until the possession of legislative power shall clothe that party not only with the responsibility but with the means of putting Democratic principles into the shape of law. The Democratic situation at this time could not be improved. The opposition has done just what it would have done if it had been inspired with an earnest desire to help elect a Democratic President. It has done this not from choice, but from compulsion of circumstances beyond its control. For "there is a divinity that shapes our ends, rough-hew them how we may."

Let the Republican party stagger into the campaign of next year under its intolerable burden, to find the Democracy compact, elate, determined, and confident; not demoralized by failure in an ill-advised effort to do an impossible good.

Rivers and Harbors.

SPEECH

OF

HON. NEWTON C. BLANCHARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the State of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. BLANCHARD said:

Mr. CHAIRMAN: I apprehended that the feature of this bill which would be most assailed on this floor would be the appropriation to commence the construction of the Hennepin Canal. I was not surprised, therefore, when my friend from Wisconsin [Mr. JONES] based the main part of his argument against the bill upon that appropriation.

It is well known by the members of the Committee on Rivers and Harbors that in the consideration of this question by the committee I was not in favor of placing in this bill an appropriation to commence the construction of that canal. But having been overruled by a majority of the committee, I will say now that I am not only in favor of the construction of that canal, but I am in favor of permitting the appropriation for the commencement of that enterprise which is contained in this bill to remain there. The opposition which I raised to that measure in committee was not because I did not think the canal should be constructed, but was for other reasons, which it is unimportant for me here to state.

That canal, extending as it does from the Mississippi River to the great lakes, and connecting as it does the magnificent system of waters of which the Mississippi River is the nucleus with the system of water ways through the lakes and the Saint Lawrence River and by way of the New York canals and Hudson River to the Atlantic, is a work which I think this country should not longer delay the inauguration of.

This has been called by recent writers the "canal age." It is the canal age in all countries except our own. I have been reading up what other countries have done in respect to this matter of canal construction and what they are now doing in that regard. I will read to the House some notes I have made upon that topic, and if gentlemen will give me their attention I think they will find them interesting.

CANALS.

It has been well said that navigable canals are to those people who inhabit inland countries what marine science is to maritime nations.

The most flourishing nations have always been engaged in enterprises of this kind; thus employing the studies and the leisure of peace, as well as stimulating the enterprise and engaging the energies of their people.

The Chinese, who have been described as "that singular people who were several centuries before us in the invention of printing, of gunpowder, and of the compass, and whom, nevertheless, we have left far behind in their application and their use; who have cultivated astronomy and painting without ever making any considerable progress in either; and who, with a wish to go into higher studies, occupy themselves on a very complicated mechanism of reading and writing," have in no instance so much merited the praises bestowed on them by travelers as in that which relates to their dikes, their bridges, and their canals. Among all the water-works which contribute to the riches and to the conveniences of this extensive and populous empire, that which may rival the glory of European or American architecture is the Yun-ho, called the Grand or Imperial Canal, which joins the rivers Kiam and Hoang-ho, and which forms a continued navigation for more than three hundred leagues from Canton to Pekin. It is perhaps the greatest canal in the world; is from 200 to 1,000 feet broad and 10 feet deep. There are in all 400 canals in China, with a length in the aggregate of 12,000 miles, whereby that country is enabled to sustain one of the most crowded populations of the world, 333 to the square mile, or, if restricted to the cultivated portions, nearly 600. Holland sustains a population of 593 to the square mile, and has scarcely a village without its water road.

The first masters in science, the architects of the obelisks, the ancient Egyptians, who, with such efforts of industry, compelled the waters of the Nile to fertilize their plains and to form a communication between their cities, conceived a plan that might have changed the whole face of Europe by shortening the distance between it and the East Indies and China. They began a canal which was to establish a communication between the city of Memphis and the Arabian Gulf, and so to continue the navigation of the Nile and the Mediterranean. Strabo, Diodorus, and Herodotus clearly state the fact, and travelers still discover some vestiges of the work. "The caliphs roused the slumbering genius of the nation for astronomy, geography, and physics; they also undertook to form the junction of the two seas; but they did not carry on the works to any great extent." A canal begun by Necho and finished by Darius once connected the Nile with the Gulf of Suez, and some traces of it are still visible.

The warlike and conquering spirit of the ancient Romans left them no leisure to engage in enterprises of this sort, in proportion to their knowledge and their greatness. Projects of this kind, however, were from time to time entertained by them; that of Julius Cæsar to excavate a canal from Rome to Terracina, the plan for the union of several rivers proposed in the reign of Nero, and others mentioned by Pliny as the ideas of Trajan, were never carried into effect. The canal by which Caius Marius supplied his camp from the Rhone, in the vicinity of Arles, was by no means an extensive work. We have no account of the date when the Peterborough canal in England was constructed. Lombardy was the only theater on which the Romans chiefly distinguished themselves in undertakings of this description. Quintus Curius Hostilius made an opening into the Po from the Mincio, which joined the Tartaro and the ancient Philistine Canal. Æmilius Scaurus drained the marshes of Parma and Placentia by means of navigable canals. Augustus, by another canal, united the different branches of the Po with the ports of Adria and Ravenna.

Even in the darkest ages some monuments of similar works have been left. Odoacer has given his name to a canal which went straight to the sea from the river Montone before it reached Ravenna.

The Moors opened a much larger canal from the city of Grenada to the River Guadiana, now called the Guadalquiver.

The Aragon Canal in Spain was commenced by Charles V in 1528, and completed toward the close of the eighteenth century.

Charlemagne, in the vast extent of his expeditions and enterprises, undertook the project of forming a junction of the Main and the Rhine with the Danube, and of the ocean with the Black Sea. He even began the canal that was to join the Almutz, one of the tributaries of the Danube, with the Rednitz, which discharges itself into the Main.

The two canals which form the communication of the Ticino with the Adda, and which unite at Milan, are the most perfect and most celebrated work of hydraulic architecture previous to the restoration of the arts and sciences.

The Canal Della Martesana was constructed in the year 1460 under the Duke Francis Sforza, and the two canals were joined together toward the end of that century by Leonardo da Vinci.

Sluices, with double gates, or the pound locks for canals, were invented and carried into effect, for the first time, on the Brenta, near Padua, in the year 1481, by two engineers of Viterbo, of which circumstance Zendrini has preserved the memory in the twelfth chapter of his book on Running Waters. Leonardo da Vinci instantly availed himself of this great invention to form the junction of the two canals of Milan. The invention of these locks produced, moreover, the continuation of the navigable canals of Bologna, of Modina, and of several others in Italy.

The first locks that were ever erected in France were those of the canal of Briarre. This canal was begun in the time of Henry IV and the Duke of Sully, and was completed under Louis XIII and Cardinal Richelieu. Its length is eleven French leagues, and it forms a communication between the Loire and the Loing, which is one of the tributaries of the Seine. Under Louis XIV another canal was drawn from the Loire near Orleans, which flowed to meet the first canal of Briarre near

Montargis; and as in summer there was an insufficiency of water in the Loing to supply a commodious navigation, under the minority of Louis XV they determined to run another canal all along the banks of the river to the vicinity of the Seine; and this, properly speaking, is the continuation of the old canal of Briarre.

In the reign of Louis XV was formed also the canal of Picardy, forming a junction between the Somme and the Oise, which afterward enters the Seine about five leagues from Paris.

One of the most famous canals is that of Languedoc, one hundred and forty-eight miles long, which forms a communication from the Mediterranean Sea to the Garonne and the ocean. Boats pass from the one sea to the other, traversing valleys and mountains, and ascending to the height of six hundred feet above the level of the two seas. The harbors of Bordeaux and Marseilles avoid, by this means, a circuitous route of communication of upward of eight hundred leagues. This great undertaking, commenced in 1666, was completed as early as the reign of Louis XIV, after a labor of fourteen years and an expenditure of eleven million livres.

Another great canal undertaking was the junction, made by Peter the Great, of the Baltic with the Caspian Sea. Vessels from the Caspian Sea ascend the Volga and then pass into the Tuertsa, which is one of its tributaries. It is here that the canal begins which flows into the river Sna, by which you descend first into the Mesta and thence into the Wolkowa; afterward into the canal which runs along the banks of Lake Ladoga; and, lastly, in the Neva to Petersburg and the Baltic. They have also made another canal, which establishes a communication between the Volga and the River Don and the Black Sea. In Poland, another communication has been opened from the Baltic into the Black Sea by means of the canal that joins the Vistula with the Boristhenes.

The junction of the rivers Oder and Spree by means of a canal was the work of Frederick William, surnamed the Great Elector.

In Flanders there is an ancient canal which goes from Brussels to the Scheldt.

The canal system has been more largely developed in Holland than in any other country in Europe. Canals were commenced in Holland and Belgium in the twelfth century. They enabled Flanders to become the center of commerce about the fourteenth century. Owing to the flatness of the country and the abundance of water, the canals in these countries are for the most part without locks except at their outlets. They realize in perfection the requirements of inland navigation. They serve as the highways of traffic throughout the country. In Amsterdam the number of canals nearly equals the number of principal streets. The Dutch canals have in general proved very remunerative undertakings, and gave the Netherlands an importance in Europe in the Middle Ages quite disproportionate to the extent of the country. In 1626 was begun a canal which when finished connected the Meuse with the Rhine.

The canal from Ghent to Ostend is the work of the present century. The rivers Rhone and Rhine are connected by a canal; also the Seine and the Rhone; also the Loire and the Saone, and the Scheldt and the Somme. At the outbreak of the French revolution last century there were 663 miles of canals in France, while in 1870 there were 2,954 miles of canals (since increased), 2,065 miles of canalized rivers, and 1,871 miles of uncanalized rivers, making in all 6,890 miles of inland navigable-water communication in France.

In Ireland the navigation of the river Shannon has, by means of canals, been extended into the heart of the country. There are also in Ireland the Grand and the Royal Canals. The Grand Canal has a length of ninety-nine miles. Its summit level is two hundred feet above the sea. It has several branches, raising its total length to one hundred and sixty-four miles. It runs through the bog of Allen, which occasioned a large expenditure. The Royal Canal is ninety-two miles long and rises to a height of three hundred and twenty-two feet above the sea at its summit level. There are, in all, three hundred miles of canals in Ireland.

In Scotland, I believe, near Glasgow, the two seas on the east and west have been joined by means of a canal passing from one frith to the other.

In England there is a canal which passes from the city of Liverpool to Warrington. The Bridgewater Canal extends from Worsley to Manchester. The river Mersey is joined by means of the Grand Trunk Canal with the Trent and the Humber; and a junction was proposed, and I believe carried into effect, between the Trent and the Severn, which flows into the Bristol Channel. The Thames and the Severn are also united by a canal. Notwithstanding the fact that canals were not introduced into England until 1755, later than in any other of the European countries, those I have named above and others, connecting many of the towns, especially in the southern part of Great Britain, have in the aggregate a length of 2,800 miles; greater than the navigable length of her rivers, which is only 2,500 miles. The completion and opening of the Amsterdam Ship-Canal has been the work of recent years. The Henares and Esla Canals in Spain were begun in 1863 and completed in 1868.

The Cavour Canal, in Italy, was commenced in 1862, and cost over $20,000,000. It is fifty-one miles long, and has a fall of seventy-one feet. In India, what is known as the Buckingham Canal, going from Madras to the Kistna delta, has been contructed; also a canal running along the Malabar coast. But the most extensive work of this character in India is the Ganges Canal, opened in 1854. This canal, with its main branches, is about six hundred and fifty miles long. It was remodeled about 1866, and an extension, known as the Lower Ganges Canal, was commenced, to supplement the original canal. This Lower Ganges Canal, not yet completed in 1882, is designed to have a total length of five hundred and eighty-two miles.

There are other canals in the Northwest provinces of India, known as the Agra and Eastern Jumna Canals; also the Orissa and Sone Canals in Bengal, and yet others in other provinces of India. The British Government has expended in the construction of navigation and irrigation canals between the years 1867 and 1878 £10,570,000.

The Suez Canal, connecting the Mediterranean and Red Seas, through the Isthmus of Suez, and saving a long circuitous route around the Cape of Good Hope for maritime traffic between Europe and the southern coast of Asia, is one of the greatest works of modern times. "It is certain, however," says Harcourt on Rivers and Canals, "that the construction of such a channel was not a modern idea, as Herodotus mentions a proposal for cutting through the isthmus; nor, indeed, can it be considered an entirely modern undertaking, as there is evidence that a water communication for small vessels between the two seas was formed and maintained from about 600 B. C. to 800 A. D., but was subsequently allowed to fall into decay." The idea of reopening a channel of communication appears to have originated with Napoleon I.

The canal as now constructed is ninety-nine miles long, from one hundred and ninety-six to three hundred and twenty-eight feet wide, and has a depth of twenty-six feet. Its total cost, according to M. De Lesseps, amounted to a little over £20,000,000.

For most of the foregoing data concerning canal construction I am indebted to the work of Paul Frisi, an eminent Italian hydrographic engineer of the last century, and to a very useful treatise on rivers and canals, published in 1882, by Harcourt, an English engineer.

There are twelve canals in the State of New York, of an aggregate length of eight hundred and eighty-six and a half miles. The construction of these canals was commenced in 1817, and the Erie was completed in 1825. The enlargement was commenced in 1835, and the construction account closed in 1862, although practically completed in 1859.

The cost of the twelve canals, including enlargement and land damages, was $65,644,848. To this add interest on loans and the cost of repairs and management up to 1865, inclusive, and the total cost to New York was $107,853,056.

The amount of tolls received, inclusive of the year 1865, was $93,272,287, enough, less $14,580,769, to pay off in full the entire cost of the canals.

The length of the enlarged Erie canal is three hundred and fifty miles.

It is not new in the history of canals that there should be doubters as to their capacity, efficiency, and even practicability.

Not far from 1817 De Witt Clinton, commissioner of the State of New York, came to Washington and requested the General Government to enter with the State of New York into the joint construction and ownership of the proposed Erie Canal. The answer returned was that the General Government was not able to assist in so expensive a work. After its completion, in 1825, Mr. Clinton, in a speech at a jollification meeting, depicting in glowing terms the vast benefits which would result from the undertaking, stated that in fifty years from that date Buffalo, then an Indian trading station, and Chicago, a frontier post, would contain a population each of 100,000 souls. This remark was the subject of newspaper comment at the time, wherein Clinton was styled an enthusiast and zealot. Yet his prediction was more than fulfilled within less than fifty years.

About the year 1820, soon after the Erie Canal was projected, Gouverneur Morris, who with James Hawley shares the honor of its conception, writing to a friend in Europe, said:

> Hundreds of large ships will at no distant period bound on the billows of these inland seas. Shall I lead your astonishment up to the verge of credulity? Know, then, that one-third part of the expense borne by Britain in the late campaign would enable ships to sail from London through the Hudson River into Lake Erie.

Mr. Chairman, nearly 3,000 ships now "bound on the billows of these inland seas," and upon the Mississippi and its tributaries quite 3,000 more. And no man can now fix the limit at which the extension of the water route then conceived and the development of the country then inaugurated shall stop. A water communication extending from New York over two-thirds the breadth, and possibly the entire breadth, of the continent, and from the jetties of the Mississippi to the Straits of Mackinaw, will furnish the only reliable check against extortionate charges for transportation.

Now let us see what other countries are projecting and doing in the way of canals and water routes.

From a paper on canals prepared in March of the present year (1884) by Horatio Seymour, jr., late State engineer and surveyor of the State of New York, I take the following:

> Great Britain is contemplating a canal from Liverpool to Manchester, and also from Belfast to Galway, at a total cost of $280,000,000.
>
> The French have projected four great water routes within their own territory, and have appropriated the sum of $200,000,000 for works which will cost at least five times that amount to finish.
>
> The German Empire is expending $86,000,000 on its water routes.
>
> Austria has in contemplation a canal from the Danube to the Elbe, one hundred and thirty-eight miles long, which is to cost $29,000,000.
>
> Holland has lately completed a ship-canal from the city of Amsterdam to the sea.

Russia is building a canal from St. Petersburg to Cronstadt.

Greece has nearly completed at Corinth a canal four miles long, costing $5,500,000.

France is engaged in the greatest canal enterprise ever attempted—the Panama Canal—to connect the two great oceans, forty-six miles in length, and which will cost $120,000,000. Besides, she has in contemplation a new Suez canal and a channel leading from the Mediterranean Sea to the Desert of Sahara.

In America, Canada proposes a canal from Trenton, on Lake Ontario, to Georgian Bay, a distance of two hundred miles, besides a smaller enterprise at Carillon, and the Murray Canal. In addition to these she has nearly completed a water way, costing $50,000,000, leading through the St. Lawrence to Lake Erie, by which she hopes to divert our grain trade from the cities of New York, Philadelphia, and Baltimore to Montreal.

The liberality of France in dealing with its rivers and harbors is in singular contrast with the policy of the United States in such matters. On one single harbor, that of Cherbourg, it has expended no less than $100,000,000—more than Congress has given to all the rivers and harbors in this country in a century. Since 1852 it has given $125,000,000 toward improving its various interior water ways, and is now spending from $10,000,000 to $15,000,000 a year for this purpose. She is expending this much per annum on her rivers and harbors when where she counts hers by tens we count ours by hundreds.

Mr. Chairman, in more than one provision of the Constitution can be found authority for Congress to make appropriations for the improvement of our rivers and harbors. I argued this branch of the subject very fully in a speech in the Forty-seventh Congress, on the 6th of June, 1882, and do not now propose to review the subject. What is known as the "commercial clause" of the Constitution is not only broad enough to cover all appropriations made for the improvement of the navigation of the navigable waters of the United States, but also to warrant the expenditure of large sums in the construction of canals. If it be permissible to canalize our rivers, it is permissible to construct canals outright. But, sir, this question is not a new one in Congress. By reference to the early records of this body I find that on the 15th of December, 1817, a committee of the House of Representatives reported in favor of the power of Congress—

1. To lay out, construct, and improve post-roads through the several States, with the assent of the respective States.
2. To open, construct, and improve military roads through the several States, with the assent of the respective States.
3. To cut canals through the several States, with their assent, for the promoting and giving security to internal commerce, and for the more safe and economical transportation of military stores, &c., in time of war, leaving in these cases the jurisdictional right over the soil in the respective States.—*Sergeant's Constitutional Law*, page 326.

President Madison, in his message to Congress, December 5, 1815, said:

Among the means of advancing the public interests, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the government whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for their accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication, in bringing and binding more closely together the various parts of our extended confederacy. While the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work.—*Elliott's Debates*, volume 4, page 479.

Again, sir, I find that on a proposition to invest a certain portion of the public lands in shares of the Chesapeake Canal, Mr. Bayard, of Delaware, in the Senate of the United States, on February 13, 1807, said:

It is admitted that the Constitution does not expressly give the power to cut canals, but we possess and are in the daily exercise of the power to provide for the protection and safety of commerce and the defense of the nation. It has never been contended that no power exists which has not been expressly delegated. There is no express power given to erect a fort or magazine, though it is recognized in the delegation of exclusive legislative powers in certain cases. The power to erect light-houses and piers, to survey and take soundings on the coast, or to erect public buildings, is neither expressly given nor recognized in the Constitution, but it is embraced by a liberal and just interpretation of the clause in the Constitution which legitimates all laws necessary and proper for carrying into execution the powers expressly delegated. On a like principle the Bank of the United States was incorporated. Having a power to provide for the safety of commerce and the defense of the nation, we may fairly infer a power to cut a canal; a measure unquestionably proper with a view to either subject.—*Elliott's Debates*, volume 4, page 471.

These, Mr. Chairman, are the utterances of some of the fathers of the Republic, affirming at an early day, and when most of the framers of the Constitution were still living and when that instrument was fresh before the country, the power and duty of Congress to enter upon the work of canal construction.

But I will not go further into that question, but invite the attention of the House to the utility of canals as factors in the solution of the great problem of cheap transportation.

Mr. Chairman, it is a well-known fact that the actual cost of transportation is usually much less on water lines than on railroads. Therefore, where water lines come into competition with rail lines, the rates on the former exert a regulating influence over those on the latter.

There are now more than 100,000 miles of railway in the United States, extending into almost every town. These railroads are so closely connected as to be operated practically as one line with respect to shipments over two or more roads. Against these railroads, as competitors, holding them in check as respect freight rates, our water routes can be relied on.

Mr. Horatio Seymour, jr., in the paper before referred to, states that the revival of canals in Great Britain and Europe has been brought about "by the conclusion arrived at by the authorities that in any country it is highly important, alike for agriculture and other industries, that there should be a network of canals running somewhat parallel to that of railroads." He further says:

In this country the opinion that canals and water routes have lost their value for internal commerce has proved to be unfounded. Never in our history have they been of greater use. During the past season the great water route, consisting of the lakes, the Erie Canal, and the Hudson River, has carried a bushel of wheat from Chicago to New York for the average price of 9.16 cents, while the charges by rail were over 16 cents. At this low rate the canal has carried 42,350,916 bushels of grain. The water route is not only to be credited with this large amount of transportation, but also with having forced the railroads running to the seaboard to lower their rates.

But the amount saved in transportation is not the full measure of the benefit to all classes of our citizens. We have been enabled to send vast quantities of grain and other products to Europe which could not have been sold there if they had been burdened with the pooling rates of railroads.

The cost of carrying our products to the markets of the world has been so much reduced that the balance of trade has been turned in our favor. The currency of our country has been lifted to a par with specie, and the wealth which it has yielded to our producers gives hope to all classes of more prosperous times. No one can study the statistics of past years and fail to see that this is mainly due to our canal and water routes, without which we should not have had such a volume of exports nor such a wide margin in our favor in our commerce with the world.

Mr. Joseph Nimmo, jr., the very efficient Chief of the Bureau of Statistics, in his report on commerce and navigation for 1883, says:

The growth of foreign commerce of the United States for the last eighteen years has been very largely the result of the improved facilities which have been provided for internal transportation upon the lakes and the Erie Canal, upon railroads, and upon the Mississippi River, as well as for transportation upon the ocean.

* * * * * * *

These improvements in transportation have, as before stated, been made chiefly during the last fifteen years. During that period the foreign commerce of the country has much more than doubled.

This is shown by Mr. Nimmo, as follows:

The total value of exports of merchandise from the United States increased from $281,952,899 during the year ending June 30, 1868, to $823,839,482 during the year ending June 30, 1883, and the value of the imports of merchandise into the United States increased during the same period from $357,436,440 to $723,180,914.

Quoting the above, Mr. Seymour continues:

From the same report we learn that previous to 1874, except in occasional years, the balance of trade was against us. During the year 1873 we paid to foreign countries $119,656,288 more than we received, but since that time, except for the year 1875, the balance of trade has been in our favor, and for the year 1883 we receive $100,658,488 more than we paid.

This change was effected by the water route, that lowered its rate on a bushel of wheat from 26.6 cents in 1872 to 14.2 cents in 1874 and 9.16 cents in 1883, and by so doing forced every line of transportation to the seaboard to make a proportionate reduction.

Mr. Chairman, railroads have never furnished as cheap transportation as water routes, and the latter can always be relied on to keep freight tariffs down to a reasonable point. Different railroad lines running parallel with each other pool their issues, and thus practically cease to be competitors for the traffic of the country. Not so with the water routes. Everybody's boat or craft can ply on them, and the great number of boats and lines of boats engender sharp competition among themselves as well as with the railroads for the carrying trade. Thus it is that cheap transportation ensues.

The following table compiled by Mr. Nimmo, and found in his aforesaid report for 1883, shows, for a series of years, the difference in rates by rail and water, and the great advantage of the latter over the former:

Average freight charges per bushel for transportation of wheat from Chicago to New York during the years 1868 *to November* 1, 1883, *inclusive.*

Years.	Average rates per bushel.		
	By lake and canal.	By lake and rail.	By all rail.
	Cents.	*Cents.*	*Cents.*
1868	25.3	29.0	42.6
1869	24.1	25.0	35.1
1870	17.5	22.0	33.0
1871	21.6	25.0	31.0
1872	26.6	28.0	33.5
1873	19.2	26.9	33.2
1874	14.2	16.9	28.7
1875	11.4	14.6	24.1
1876	9.7	11.8	16.5
1877	7.5	15.8	20.3
1878	10.1	11.4	17.7
1879	13.0	13.3	27.3
1880	13.2	15.7	19.7
1881	8.6	10.4	14.4
1882	8.7	10.9	14.6
1883, January 1 to November 1	9.16	12.0	16.1

This shows that during the year 1883 the water route has saved 6.94 cents on every bushel that it has transported, or $2,939,153.57 on the 42,350,916 bushels which it carried. This great sum has been gained by the people.

This table, Mr. Chairman, shows how great is the utility of the Erie Canal not only to the people of the State of New York, but of the great West, and eloquently presents the argument justifying the appropriation contained in this bill for the inauguration of the Hennepin Canal enterprise. I believe, sir, that the General Government should construct this canal and others. All other countries are ahead of us in enterprises of this character. With less ability in a financial way than ourselves, they have exhibited a spirit of progress in matters of this sort it would be well for us to imitate. What better way of expending the large surplus which has accumulated and is constantly accumulating in our Treasury than to develop and make the most of the great advantages which a bountiful nature has bestowed upon us? Every work of this kind completed will repay in a few years, in a saving to the people, the cost of its construction. It is really in the line of economy to make appropriations for works of this character. The digging of canals where needed, such, for instance, as the one under consideration, the Chesapeake and Delaware Canal, the one proposed across the peninsula of Florida, and others, should keep pace with the improvement of our rivers and harbors.

But, sir, let us look further into this question of transportation by rail and by water. The more it is investigated the more apparent become the advantages possessed by the latter over the former.

FREIGHT CHARGES.

The comparative freight charges as between Saint Louis and New Orleans by water and between Saint Louis and New York by rail are indicated by the following statements, showing the rates which prevailed during the first six months of the year 1881. Rates from Saint Louis to New Orleans on bulk corn from January 1 to July 1, 1881, per bushel, were—

	Cents.
January and February	9
March	8
April	7
May	6
June	5

While all-rail rates on grain per bushel from Saint Louis to New York during the same period were: January, February, March, and April, 24½ cents; May and June, 21 cents.

This shows a difference of about 16 cents per bushel in favor of the river route.

In May, 1881, the rate from Saint Louis to Liverpool via the Mississippi River was only 18½ cents per bushel, whereas at the same time by the rail route via the Atlantic seaports it was about 30 cents per bushel; a difference of 11½ cents per bushel in favor of the river route.

At high and medium stages of water on the Mississippi River grain can now be transported in barges from Saint Louis to New Orleans at a profit for 4 cents per bushel, and hence the difference in favor of the route by river and sea to Liverpool is even greater than as stated above.

What is wanted is such a condition of the river, as regards depth and navigation, as will admit of stability and continuity in the lowest rates of transportation.

In this connection I take the following extract from a letter written in February, 1881, by H. Lowrey, president of the Saint Louis and New Orleans Transportation Company, to the secretary of the Merchants' Exchange of Saint Louis:

> In the uncertain condition of the river (as regards depth of water) during the period of navigation, the lowness of the rate of 5 cents per bushel can not always be depended on; but with the depth of water which the contemplated improvements between Cairo and Saint Louis will undoubtedly give, the time is not far distant when the rate named, 5 cents per bushel, may be continuously counted on.

As showing the wonderful capacity of the Mississippi River, when high, as a medium of transportation, Capt. B. D. Wood, of New Orleans, largely engaged in the transportation business on the river, in an address before the Committee on Rivers and Harbors, made the following astonishing statement:

> The towboat Jno. A. Woods towed twenty-six boats or barges containing 26,000 tons of coal from Louisville to New Orleans, a distance of 1,450 miles, at a cost of $25,000. To transport the same amount of coal by rail from Louisville to New Orleans at the low rate of one-half a cent per ton per mile would cost about $176,000, and to transport this amount of coal there would be required 2,600 cars, and it would take 80 locomotives to pull it, and in all would make a train about 18 miles long.

In his report on internal commerce of the United States for 1881 Mr. Nimmo says:

> The navigation of the Mississippi River is at times affected by low water, especially in that part of the river between Saint Louis and Cairo. The enjoyment to the full extent of the advantages afforded by the Mississippi River requires the employment of steamboats and barges of large size, and drawing, when loaded, about eight feet of water. At times, however, the river falls so as to admit only of the employment of boats and barges loaded to draw not more than four feet. This greatly increases the cost of transportation. The actual cost of transportation in vessels drawing only four feet is said to be nearly twice as great as when loaded to eight feet.

This subject was carefully considered by a select committee of the Senate on transportation routes to the seaboard in their report submitted April 24, 1874. It was found that during the nine years from 1865 to 1873, the condition of river navigation below the city of Saint Louis was as follows:

Average number of days less than four feet	3½
Average number of days over four feet and less than six feet	52⅔
Average number of days over six feet and less than eight feet	103⅝
Average number of days over eight feet and less than ten feet	69⅓
Average number of days over ten feet	136⅔

It appears from the foregoing table that during nearly one-half of the year the commerce of Saint Louis was more or less affected by low water.

The average stage of the river below Saint Louis during the years from 1874 to 1880, inclusive, was as follows:

Year.	Less than 4 feet.	Over 4 feet and less than 6 feet.	Over 6 feet and less than 8 feet.	Over 8 feet and less than 10 feet.	Over 10 feet.
	Days.	*Days.*	*Days.*	*Days.*	*Days.*
1874	.....	146	30	175	14
1875	.....	.....	.....	.....	.....
1876	.....	.....	.....	.....	.....
1877	.....	64	80	59	156
1878	.....	51	92	87	119
1879	4	81	79	55	145
1880	20	66	73	46	156

During 1877 the river was closed for thirty-six days on account of low water. During 1878 it was closed for sixteen days on account of low water. During 1879 it was closed for forty-one days on account of low water, and during 1880 it was closed for four days on account of low water. I have not the figures for 1881, 1882, and 1883.

Mr. Chairman, the wisdom of the judicious expenditure of money by the Government in the improvement of our water ways was never better illustrated than by the success of the jetties at the mouth of the Mississippi and the incalculable benefits which flow therefrom.

JETTIES.

The value of the Mississippi River as a commercial highway, and consequently its regulating influence over rail rates, has been greatly increased by the completion of the jetties at its mouth. Before the jetties were constructed it was with great difficulty that sea-going vessels drawing over sixteen feet of water could pass the bar at the mouth of that river. Fifty years ago this was not a very serious detriment to commerce, but the size and consequently the draught of sea-going vessels have since been greatly increased.

At the present time sea-going vessels, embracing both sailing vessels and steamers of the larger class, have a draught when loaded of from twenty to thirty feet. The obstruction to navigation by this class of vessels presented by the bar at the mouth of the Mississippi River became, therefore, a serious detriment to the commerce of that river and to the trade of the city of New Orleans.

Work upon the jetties was begun in the month of June, 1875, and their construction was so far advanced as to admit of the passage of vessels on the 4th of March, 1876. The depth of water reported upon their completion was twenty-nine feet. Now it is thirty-three feet. Before the jetties were constructed the charges for the towage of vessels from the Gulf to the city of New Orleans were from $1.25 to $1.50 per registered ton, according to the size of the vessel. The towage charges now are about 50 cents per ton. Material reductions have also been made in the rates of insurance on vessels and cargoes.

It would be difficult to estimate the value of the jetties in a commercial point of view. More than 3,000 vessels enter at and pass out of the mouth of the Mississippi River, and none of them are detained on account of an insufficient depth of water. Through their instrumentality New Orleans has become the second exporting city in the Union. For the year ending June 3, 1883, she was next to New York in value of exports, and ranked third in total foreign commerce, the amount of the latter being $104,704,076. Thus the building of the jetties has transformed New Orleans into a great seaport, seven lines of steamers being now employed in her foreign trade.

One of the most striking illustrations of the commercial advantages of the improvement of navigation effected by the jetties is furnished by the fact that the Southern Pacific Railroad Company have pushed their line across the State of Texas to New Orleans, largely for the reason that vessels of greater draught can reach that city than can enter at any of the ports of Texas.

The growth of the foreign commerce of New Orleans since the work was begun upon the jetties is indicated by the following table, show-

ing the tonnage entered at that port from foreign countries during each year from 1870 to 1883:

Tonnage entered at New Orleans from foreign countries during each year ending June 30, from 1870 to 1883, inclusive.

	Tons.		Tons.
1870	458,447	1877	603,183
1871	566,797	1878	718,163
1872	501,965	1879	652,789
1873	522,791	1880	760,910
1874	630,945	1881	963,835
1875	454,006	1882	620,072
1876	599,582	1883	734,791

This table shows an increase of nearly 100 per cent. of the tonnage from foreign countries at New Orleans from 1871 to 1881. It is impossible to show the growth of the domestic or coastwise trade of New Orleans since the completion of the jetties; but it is believed to have been greater than the growth of the foreign trade of the city.

As the result of the improvement of the navigation of the Mississippi River, and especially of the deepening of the water at its mouth by the jetties, the exports of wheat, wheat flour, corn, and corn-meal from New Orleans rose from 1,257,656 bushels in 1871 to 16,859,343 bushels in 1881, and exhibited an increase of 4,650,119 as compared with the exports of the preceding year.

The foregoing figures, and much of the foregoing data, I obtained from the valuable reports of Mr. Nimmo on the internal commerce of the country.

In his work on rivers and canals, the eminent English engineer and author Harcourt, speaking of the jetties at the mouth of the Mississippi, says: "It may be fairly said that the results attained in so short a time are among the most remarkable achievements of river engineering."

All honor to the great hydrographic engineer James B. Eads, who proposed and executed this colossal work. His fame is not confined to his own country; other countries acknowledge his great merit. Notably, the English Government has recently given striking evidence of the fact in inviting his opinion on the practicability of a proposed work of improvement of great magnitude in that country. The Albert medal of the Society of Arts, which is annually awarded by the society for eminent merit in promoting the arts and manufactures, has this year been bestowed upon Captain Eads. The jetties, Mr. Chairman, have opened a gateway to the outer world for that

GRAND CONTINENTAL AVENUE,

the Mississippi River, with its two thousand miles of main river and ten or twelve thousand miles of navigable tributaries.

To better the condition of this twelve or fourteen thousand miles of navigable water way (constituting two-thirds of the inland navigation of the Union) there is appropriated in this bill, in round numbers, about $6,500,000. And, sir, this sum is small when we consider the extent of country drained by this system of water ways. Look at it a moment. The valley of the Mississippi contains 768,000,000 acres of the finest lands on the face of the globe—enough to make more than one hundred and fifty States as large as Massachusetts, more territory than the areas of Great Britain, France, Spain, Austria, Prussia, European Turkey, and the Italian Peninsula combined. If peopled as Massachusetts is, it would contain five times the present population of the United States; and as France is, it would hold as many people as the whole area of Europe contains; and as Belgium and the Netherlands are, with not the same danger of famine, barring floods, it would contain four hundred millions of souls.

It was Thomas Carlyle, who, apropos of the unfounded fear of the world's overpopulation, made a mathematical calculation that the Mississippi Valley could raise corn enough, at the moderate estimate of thirty bushels per acre, to feed ten times the present population of the world.

The Mississippi River is the natural drain of that vast area of our territory lying between the Alleghany Mountains on the east and the Rocky Mountains on the west, and reaching from our most northerly boundaries to the Gulf of Mexico in the south, and embracing not less than nineteen States and Territories, and over 1,200,000 square miles.

The delta of this vast drain extends from 29° to 38° 30′ north, or across eight and one-half degrees of latitude. It is about six hundred miles in length by an average width of sixty miles. It embraces within its confines portions of the States of Missouri, Illinois, Arkansas, Tennessee, Mississippi, and Louisiana, and contains about 38,700 square miles, or in acres, allowing six hundred and forty acres to the square mile, the enormous aggregate of 24,868,000 acres. (Report of Hon. E. JOHN ELLIS, Forty-fourth Congress, first session.)

There is territory enough in the Mississippi Valley to make seven hundred and eighty farms each forty miles square. The rainfall on this extensive area must find its way through the main channel of the Mississippi to the sea. Some idea of the immense volume of water thus carried may be had by the statement that at extreme high water the Mississippi discharges 1,210,000 cubic feet of water and 2,000 cubic feet of solid matter into the Gulf per second.

The State of Louisiana, by the operation of natural laws, owes the servitude of drainage for the waters of two-thirds of the entire country, rushing, oftentimes, madly to final rest in the sea. Over the soil of that devoted State must be drained the rainfall of nearly half of the northern part of this continent. It is no wonder that frequently the Mississippi River within the limits of the State is fifty and sixty miles wide.

The denudation of the slopes of the mountains and hills, in the area drained by the Mississippi, and the deforestation of the valleys themselves, and the clearing up of the country for cultivation, have resulted in precipitating all at once, as it were, the rainfall into the rivers. When forests covered the country, the tangled mass of leaves, foliage, brush, and undergrowth on the ground retarded the drainage of the water, held it back, so to speak, and allowed it gradually to escape into the channels of the streams. By this means innumerable springs and brooks were formed and kept running during the entire year. But now the opening of the country for cultivation has facilitated the drainage of the rainfall into the rivers; the springs and brooks are dried up; nothing is there to hold back the waters, and their rapid and abnormal accumulation into the channels of the rivers have produced, and it is feared will continue to produce, the disastrous floods now so frequent. To prevent this, the fostering hand of the General Government is needed to be put forth with more vigor and activity than it has heretofore been.

It will not do to allow that magnificent country known as the alluvial valley of the Mississippi to be relegated to its primeval condition of swamps and jungles. It was deemed conducive to the general welfare that we should acquire this territory from France; it is certainly equally conducive to the general good to preserve it as a habitable, cultivable country. This can only be done by prevention of inundation. There is, sir, no power competent to handle this question except that of the Federal Government. No State can do it—

First. Because the work is too vast, too costly for any State through which the river runs to undertake it.

Second. Because the end aimed at can only be achieved as the result of a vast system of works which shall embrace the whole river.

Third. Because any State attempting it would be circumscribed by its own territorial limits.

Fourth. Because the river, being the property of the United States, Congress alone has power, under the grant to "make all needful rules and regulations respecting the territory or other property belonging to the United States," to say what works shall be done or plans adopted for its regulation. This power "to regulate" as much includes curbing, controlling, restraining the river within its own proper metes and bounds by levees, dikes, or other works, as it does prescribing rules regulating the navigation of the river, or the exercise of any other authority over the river.

Mr. Chairman, the States in the alluvial valley of the Mississippi have made persistent and herculean efforts to throttle this monster of inundation, but without success. It is too much for any one State to handle; too much for several States, acting together, to handle.

My own State, sir, which owes this servitude of drainage for the waters of two-thirds of the Union, has put forth tremendous efforts to beat back the waters from her fertile fields. Her people have been heavily taxed by State and by district for this purpose. As showing these efforts, I will read the following letter to myself from our present chief State engineer:

STATE OF LOUISIANA, OFFICE BOARD OF STATE ENGINEERS,
New Orleans, April 24, 1884.

DEAR SIR: Your letter of date the 21st instant, requesting "a statement of moneys that the State of Louisiana has paid out for levee building, including all payments on account of such building, as far back as possible," has been received.

In reply I have the honor to state that the records of this office (extending back to the close of the war) show the expenditures for levee building incurred by this State up to April 1, instant, to have been $12,731,675.46.

The above is inclusive of expense for closing and preventing crevasses and of balances remaining to be paid in settlement of incomplete contracts.

Very respectfully, your obedient servant,

HENRY B. RICHARDSON, *Chief State Engineer.*

Hon. N. C. BLANCHARD, M. C.
House of Representatives, Washington, D. C.

Mr. Chairman, if this beautiful country, the delta of the Mississippi, but for the floods fit to have been selected as the original Garden of Eden, can be preserved from inundation, it will require the imagination of a Milton and the graphic discription of a Bulwer to depict the coming glories of that land. A soil of wonderful fertility, bringing forth seeds sown in its bosom "an hundred-fold;" the land of the magnolia and the orange, of the cotton plant and the sugar-cane. Again will teeming, busy millions find secure and happy homes there, and thousands of sturdy immigrants, fleeing from the overcrowded provinces and marts of the Old World, will seek settlements within its borders. Then, indeed, will it become "the land where great enterprise broadcast is sown;" or, in the words of a song sung by one of the troubadours of Louisiana:

Land of the mocking-bird, sunlight and beauty,
Land where the willow bends over the stream;
Land where the odor of sweet-scented flowers
Enraptures the senses and nurtures a dream.
Land where the cypress, majestic and solemn,
Infolds in its shadow a silvery gloom;
Land where the prairies are frosted with lilies,
And yellow-leafed jasmines are always in bloom.

Land where the maidens are worthy of Eden,
Land where the men are chivalric and brave;
Land where the hero lives ever in story,
Whilst tears of affection drop over his grave.
Land of De Soto, of Bienville, of Tonti,
Land where no exile stood ever alone;
Land where the seeds of ambition are springing,
Land where great enterprise broadcast is sown.

Baltimore Post-Office Building.

SPEECH

OF

HON. JOHN V. L. FINDLAY,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 23, 1884,

On the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. FINDLAY said:

Mr. SPEAKER: The amount estimated as necessary for the continuation of the work on the Baltimore post-office building was $400,000. This has been cut down by the Committee on Appropriations to $100,000. The clerk to the committee informs me that he understood the Supervising Architect of the Treasury to say that $100,000 would be sufficient until the next appropriation was made. The Architect, however, informs me that $150,000 is the lowest possible amount he could get along on.

The general desire on both sides of the House is to let the bill pass and allow all amendments to be made in the Senate, in order to bring about an early adjournment. With this understanding I am willing to let the bill pass without an objection, when a single objection will prevent its consideration in the mode in which it is proposed to be considered and passed.

It is poor economy to stint the appropriations necessary for the completion of public works, however wise it may be to enter upon such works with deliberate caution. This building is now up to the first story, and with ample money in the Treasury it would be simply foolish not to appropriate a sufficient sum to carry on the work. I shall vote for this bill, therefore, with the distinct understanding that the amount necessary to continue the work on the Baltimore post-office shall be finally appropriated by this House before it adjourns.

Aid to Common Schools.

SPEECH

OF

HON. JAMES K. JONES,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1884.

On the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. JONES, of Arkansas, said:

Mr. SPEAKER: The subject of national aid to the cause of education in the States is of very great importance. No measure has excited more earnest comment in Congress for years. Its friends and its foes alike insist that very important results must follow its passage, the one side claiming that there is more of good to the country at large in its promised results than any measure considered here in a long while; the other insisting that it is fraught with evils—a very Pandora's box, from which even hope will escape, and that its enactment into law will do more to destroy our form of Government than any one step ever contemplated by Congress perhaps. With this difference of opinion among great and wise men, it certainly becomes the duty of each of us to weigh well the reasons for whatever step we propose to take in this connection.

The opponents of this measure insist that it is not only unwise and impolitic, but they also say that its passage would be a serious violation of the Constitution of the United States. This latter position of course is absolutely conclusive if correct, and while I would not for a moment presume to place my opinion upon a great constitutional question against those of men who have not only devoted much care and attention to the subject, but have also brought great mental powers, years of training, and profound erudition to the consideration of the question, yet I may venture among the opinions of great men to select that line of thought which appears to me to be most in accordance with proper rules of construction and to be the real meaning of the Constitution.

Each member of Congress is responsible to his constituents for the correctness of his views on all public questions, and each must select the positions upon which he is willing to stand and be judged.

There can be no doubt that the tenth amendment to the Constitution was but the expression of a jealousy of the Federal Government and was intended to make the States doubly secure against its aggressions. In organizing the Confederation power had been accorded to the General Government with so stinted a hand that that Government fell into contempt and a new one became a necessity, but the intention was clear in the new one only to give the Government so much power as was necessary to accomplish the purposes of its organization, and not to permit any aggressions upon the rights of the States. It is our duty to guard this boundary of Federal power with jealously, and in this spirit I have endeavored to consider the power and propriety of passing this bill.

THE NATURE OF THE CONSTITUTION.

The Supreme Court of the United States, in speaking of the nature of the Constitution, in the case of Martin *vs.* Hunter (1 Wheaton, 325) uses this language:

> The Constitution unavoidably deals in general language. It did not suit the purposes of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers or to declare the means by which those powers should be carried into execution. It was foreseen that this would be a perilous and difficult if not an impracticable task. The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence.
>
> It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter; and restrictions and specifications which at the present might seem salutary might, in the end, prove the overthrow of the system itself. Hence, its powers are expressed in general terms, leaving to the Legislature from time to time to adopt its own means to effectuate legitimate objects, and to mold and model the exercise of its powers as its own wisdom and the public interest should require.

The history of our country has demonstrated the wisdom of this design. Our development, wonderful as it has been, has not had the effect to outgrow or leave behind the Constitution, but the provisions of that instrument by reason of this generality are found to be adapted to each new phase in our unparalleled growth and development. The eminent law writer, Mr. Francis Wharton, in his recent commentaries on American law, expresses his views as follows:

> But while necessity does not abrogate constitutional limitations, their meaning, when couched in general terms, is unfolded under the action of changing conditions. "The Constitution," said Mr. Clay in a speech made in 1816, "never changes; it is always the same; but the force of circumstances and the lights of experience may evolve to the fallible persons charged with its administration the fitness and necessity of a particular exercise of constructive power today which they did not see at a former period." * * * Thus the power to make treaties holds in it dormant until the due period arrives the power to make treaties of annexation; in the term "commerce" lies dormant not merely commercial dealings on the high seas as was at first supposed, but commercial dealings in the great rivers forming the avenues of business between the States; in the term "post-roads" lie dormant steamboat lines and telegraph wires. There must from the nature of the case be in the constitution of an empire elasticity in all powers distinctly imperial, while in an empire which is a confederation of sovereign States, peopled by freemen of English traditions, there must be a strict maintenance of the rights of the States in all matters municipal and an absolute guarantee of the rights of personal liberty, of security of property, and of equality in the eye of the law. Without freedom of imperial development within its orbit there would be no government fitted for the American people; without absolute guarantee of State and personal sovereignty within their orbits there would be no American people fit to be governed.

CHANGED CONDITIONS—CHANGED OPINIONS?

Many instances might be given of these changes of opinion under changed conditions not only in our best and purest men but in courts as well as in popular sentiment. A striking instance of this is to be found in what is now understood by the power to regulate commerce, as compared with what was understood by that power in the early history of the Government. At the time of the adoption of the Constitution the wildest imagination never dreamed of what has already been accomplished in the development of commerce. Yet, who denies that this power extends to commerce as we understand it now. We to-day can scarcely conceive what has been accomplished in our own time, so marvelous has been our progress, yet I believe no one insists that this power is confined to the regulation of commerce as those words were understood when the Constitution was adopted or even as they were understood half a century afterward.

It may not be amiss to compare for a moment some of the ideas of the past with the facts of the present to illustrate these changes, but to do this I will not go very far back, and will select a time within the lives and perhaps within the memory of members of this House.

In February, 1826, in the Senate of the United States, in opposing the creation of Oregon Territory, Mr. Dickerson, of New Jersey, said:

> But is this Territory of Oregon ever to become a State, a member of this Union? Never. The Union is already too extensive, and we must make three or four new States from the Territories already formed.
>
> The distance from the mouth of the Columbia to the mouth of the Missouri is 3,555 miles; from Washington to the mouth of the Missouri is 1,160 miles, making the whole distance from Washington to the mouth of the Columbia River 4,703 miles—but say 4,650 miles. The distance, therefore, that a member of Congress of this State of Oregon would be obliged to travel in coming to the seat of Government and returning home would be 9,300 miles. This, at the rate of $8 for every twenty miles, would make his traveling expenses amount to $3,720.
>
> Every member of Congress ought to see his constituents once a year. This is already very difficult for those in the most remote parts of the Union. At the rate which the members of Congress travel according to law, that is, twenty miles per day, it would require to come to the seat of Government from Oregon and return, four hundred and sixty-five days; and if he should lie by for Sundays, say sixty-six, it would require five hundred and thirty-one days. But if he should travel at the rate of thirty miles per day it would require three hundred and six days. Allow for Sundays forty-four, it would amount to three hundred and fifty days. This would allow the member a fortnight to rest himself

at Washington before he should commence his journey home. This rate of traveling would be a hard duty, as a greater part of the way is exceedingly bad and a portion of it over rugged mountains, where Lewis and Clarke found several feet of snow in the latter part of June. Yet a young, able-bodied Senator might travel from Oregon to Washington and back once a year, but he could do nothing else. It would be more expeditious, however, to come by water round Cape Horn or to pass through Behring's Straits, round the north coast of this continent to Baffin's Bay, thence through Davis's Straits to the Atlantic, and so on to Washington. It is true this passage is not yet discovered, except upon our maps, but it will be as soon as Oregon shall be a State.

At the conclusion of this remarkable argument Mr. Dickerson moved to table the bill, which was carried. And it now takes six days to go from here to the State of Oregon, and fresh fish are now sent from Oregon to the tables of the rich in New York.

For sixty years the opinion was held and time and again expressed by the Supreme Court of the United States that the admiralty jurisdiction of the United States courts did not extend to the rivers above tide-water. Without the slightest change in the law or the Constitution, at the end of that time the other position was taken, and no one questions the absolute correctness of this view now. With commerce as our fathers knew and understood it, this old ruling might have remained, but the development of our commerce absolutely forced a change in these views.

Gentlemen who oppose this bill because they are strict constructionists now speak of the power to purchase territory as being "perfect from principles of great public policy." Yet in the early days of the Government the Federalists even, as well as the Republicans, positively denied this power, and it is well known that Mr. Jefferson thought a constitutional amendment necessary to sanction the purchase of Louisiana. Thus the strict constructionists of our time go very far beyond the Federalists of Jefferson's time in construing the powers of the Government in this matter.

These changes of opinion only illustrate the wisdom of the framers of the Constitution in their immortal work and are instances of the natural growth and development of our National Government within its constitutional orbit. No one, for instance, will claim that the power to purchase territory, as now universally admitted, is a usurpation or a violation of the Constitution. It is simply a clearer and fuller understanding of our constitutional powers under circumstances that Mr. Jefferson and the Federalists of his time had no conception of.

Section 8, article 1, of the Constitution is as follows:

The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

CONSTITUTIONAL POWER.

Whether we have the constitutional power to pass the pending measure depends upon the meaning of the first clause of this section. If this clause is a mere limitation upon and qualification of the succeeding grants of power, then this bill should not pass, but if it is separate and distinct from them, the power to pass this bill is clear, no matter whether we regard the words "to pay debts, provide for the common defense and the general welfare of the United States" as a distinct and substantive power or as merely qualifying the clause in which they occur.

It is a familiar rule of construction that effect shall be given to the whole of the instrument under consideration and to every part of it, and if different parts appear to conflict they must be harmonized, if possible, and that construction should be adopted which renders every part and every line operative. This rule applies especially to written constitutions.

This section granting legislative powers to Congress, looked at in a common-sense way, not attempting to "squeeze" any particular meaning out of it, but taking the words as meaning what they say, seems to be seventeen separate and distinct grants of power, and I can see no more reason to say that the first clause is limited and controlled by succeeding clauses than to say that either of those succeeding is limited by some other. But this has been more clearly and better said by great men, as we shall see hereafter.

The twelfth clause of this section granting power to raise and support armies is limited by a provision that no appropriation shall be made for that use for a longer period than two years. The object of this limitation is plainly to keep the organization of the Army under the control of the people. This limitation, being in the opinion of the framers of the Constitution necessary, is plainly expressed. If, then, the intention was to make the first clause of this section a mere limitation on the succeeding powers, why did they not as plainly say that? The intentions of the "enlightened patriots who framed the Constitution" required no concealment. Why, then, should they not "employ the words which most directly and aptly express the idea they intended to convey?"

Chief-Justice Marshall said that—

As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they said.

Mr. Cooley says that the thing which we are to seek in construing a law is the thought expressed, and "to ascertain this the first resort in all cases is to the natural signification of the words employed."

And Thomas Jefferson said:

We should on every question of construction carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text or invented against it, conform to the probable one in which it was passed.

Adopting these rules of construction, it occurs to me that Mr. Monroe's analysis of clause 1 of this section is correct, as follows:

That the second part of this grant—

Alluding to the first clause of this section—

gives a right to appropriate the public money, and nothing more, is evident from the following considerations:

First, if the right of appropriation is not given by this clause it is not given at all, there being no other grant in the Constitution which gives it directly, or which has any bearing on the subject, even by implication, except the two following: first, the prohibition which is contained in the eleventh of the enumerated powers not to appropriate money for the support of armies for a longer term than two years; and, secondly, the declaration in the sixth member or clause of the ninth section of the first article, that no money shall be drawn from the Treasury but in consequence of appropriations made by law.

Secondly, this part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first branch of the grant, which authorizes Congress to lay and collect taxes, duties, imposts, and excises; a power of vast extent, not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitution. If both parts of the grant are taken together, as they must be, for the one follows immediately after the other in the same sentence, it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts and provide for the common defense and general welfare of the United States—an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated.

Thirdly, if this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever, or one of much greater extent than the first part. This presumption is evidently groundless in both instances; in the first, because no part of the Constitution can be considered as useless—no sentence or clause in it without a meaning. In the second, because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally observed in grants, an order founded in common sense, since it promotes a clear understanding of their import, is to grant the power intended to be conveyed in the most full and explicit manner, and then to explain or qualify it if explanation or qualification should be necessary. This order has, it is believed, been invariably observed in all the grants contained in the Constitution. In the second, because if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support armies and a navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises.

An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would in effect break down all the barriers between the States and the General Government and consolidate the whole under the latter.

Again, he says on the same subject:

The grant consists, as heretofore observed, of a twofold power: the first to raise and the second to appropriate the public money, and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to

establish post-offices and post-roads, and with all the other specific grants to the General Government.

In the discharge of the powers conveyed in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. * * * But should the Representative act corruptly and betray his trust or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it and to be removed and otherwise censured according to his deserts.

Again:

Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided in it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

And after a full and elaborate argument, which I regret I can not quote entire, he sums up the matter as follows:

The substance of what has been urged on this subject may be expressed in a few words. My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State benefit.

From all of which it appears clear that the words "to pay the debts and provide for the common defense and general welfare" are not an independent power on the one hand nor absolutely meaningless on the other, but that they are qualifying words, relating to this one clause alone; and that the powers conveyed in this clause are distinct and independent, as are the powers in the subsequent clauses. This is the construction that has been placed upon this section by the practice of the Government from its beginning until this session of Congress.

CALHOUN'S OPINION.

Mr. Calhoun at an early day clearly vindicated the right of the Government to make appropriations without reference to the powers succeeding this clause. This had been the unvarying practice of the Government before, and it seems from his statement that up to that time it had never been objected to. I quote from his speech of February 4, 1817, in the House of Representatives. In speaking on that occasion of the power now under consideration he said:

What can be more express than the Constitution upon this very point?

The first power delegated to Congress is comprised in these words: "To lay and collect taxes," &c. First the power is given to lay taxes; next the objects are enumerated to which the money accruing from the exercise of this power may be applied, namely, to pay the debts, provide for the defense, and promote the general welfare; and last the rule for laying the taxes is prescribed, to wit, that all duties, imposts, and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterward enumerated and defined, nothing could have been more easy than to have expressed it plainly. I know it is the opinion of some that the words "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes contained in the first part of the section, but that they are to be understood as distinct and independent powers granted in general terms, and are qualified by a more detailed enumeration of powers in the subsequent part of the Constitution.

If such were in fact the meaning intended, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms which were afterward to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts and provide for the common defense and general welfare" were intended for this summary, they should have headed the list of our powers and it should have been stated that to effect the general objects the following specific powers were granted. I ask members to read the section with attention, and it will, I conceive, plainly appear that such could not have been the intention. The whole section seems to me to be about taxes. It plainly commences and ends with it, and nothing could be more strained than to suppose that the intermediate words "to pay the debts and provide for the common defense and general welfare" were to be taken as independent and distinct powers. Forced, however, as such a construction was, I might admit it and urge that the words do constitute a part of the enumerated powers. The Constitution gives to Congress the power to establish post-offices and post-roads. I know the interpretation usually given to these words confines our powers to that of designating only the post-roads; but it seems to me that the word "establish" comprehends something more. But suppose the Constitution to be silent, why should we be confined in the application of moneys to the enumerated powers? There is nothing in the reason of the thing that I can perceive why it should be so restricted; and the habitual and uniform practice of the Government coincides with my opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted by a unanimous vote, or nearly so, $50,000 to the distressed inhabitants of Caracas, and a very large sum at two different times to the St. Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified? To pass over many other instances, the identical power which is now the subject of discussion has in several instances been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to this uniform course of legislation I expect it will be said that our Constitution is founded on positive and written principles and not on precedents. I do not deny the position; but I have introduced these instances to prove the uniform sense of Congress and the country (for they have not been objected to) as to our powers; and surely they furnish better evidence of the true interpretation of the Constitution than the most refined and subtle arguments.

Such was the opinion, deliberately expressed, of one of the most wonderfully gifted men of this or any other country, and we shall find him acting upon this construction many years after.

Lord Coke said that great regard ought, in construing a law, to be paid to the construction which the sages who lived about the time, or soon after it was made, put upon it, because they were best able to judge of the intention of the makers at the time when the law was made.

And on this very subject of the force of contemporaneous construction the Supreme Court of the United States, in 6 Wheaton, 264, said:

Great weight has always been attached, and very rightly attached, to contemporaneous construction.

And in Colley vs. Board of Wardens (12 How, 311–15) the same court upon this subject uses this language:

In addition to what has been said respecting each of these constitutional objections to this law, it may be observed that similar laws have existed and been practiced on in the States since the adoption of the Federal Constitution; * * * and that this contemporaneous construction of the Constitution, since acted on with such uniformity in a matter of much public interest and importance, is entitled to great weight in determining whether such a law is repugnant to the Constitution, &c.

This construction of Mr. Monroe quoted above does not rest alone upon his authority, high as that is, but his opinions as therein expressed are the result of long and patient reflection on his part and of his observation of the opinions and actions of the great men who had been called upon to practically construe these powers before him, and are the summing up of his own mature judgment and the experience of the Government. And it should not be lost sight of that Mr. Calhoun was a member of his Cabinet when these views were given to the world and was of course a party to them, and his own votes subsequently cast demonstrate that he continued to the end of his life to act upon this construction.

INSTANCES OF APPROPRIATIONS.

The name of the instances of appropriations by the Government for purposes not enumerated in section 8 of article 1 is legion. In discussing this question Judge Story says:

In regard to the practice of the Government, it has been entirely in conformity to the principles here laid down. Appropriations have never been limited by Congress to cases falling within the specific powers enumerated in the Constitution, whether those powers be construed in the broad or their narrow sense. And in an especial manner appropriations have been made to aid internal improvements of various sorts, in our roads, our navigation, our streams, and other objects of a national character and importance. In some cases, not silently, but upon discussion, Congress have gone the length of making appropriations to aid destitute foreigners and cities laboring under severe calamities, as in the relief of the Saint Domingo refugees in 1794, and the citizens of Venezuela, who suffered from an earthquake in 1812. An illustration equally forcible, of a domestic character, is in the bounty given in the cod-fisheries, which was strenuously resisted on constitutional grounds in 1792, but which still maintains its place in the statute-book of the United States.

It is well known that in Mr. Jefferson's administration Louisiana was purchased and fifteen millions paid for it; that during his administration the Military Academy was established at West Point, and that in 1808 he recommended an additional appropriation out of the Federal Treasury to enlarge it. But another great work begun in his administration, was continued by his successors, which, great and important as it doubtless was, certainly could not affect the "general welfare" of the country anything like the present proposed measure. I allude to the Cumberland road; yet we find Mr. Jefferson, the father of strict construction, approving this appropriation of public money for internal improvements, and this, too, while Mr. Madison, was his Secretary of State, and these appropriations were continued until fifteen or twenty of them had been made, and until the appropriations to this work aggregated millions of dollars.

If this bill providing for a mere dirt road of certainly very little general importance was in the opinion of these two men within the constitutional powers of the Government, certainly a matter of great and general national importance like the present measure, affecting every man, woman, and child in this country, affecting the very Government itself, its peace and its permanency, is within the scope of its powers.

In addition to the instances already given of the exercise of this power numberless others might be cited. Among these, and as extraordinary as any already mentioned, is the appropriation of $500,000 made in 1847 to aid suffering Ireland, and for which Calhoun, Webster, Sam Houston, Reverdy Johnson, and Crittenden voted. This has been followed by appropriations for the benefit of sufferers by flood, fire, and pestilence in numerous cases. And this Congress during this session has passed, without a dissenting vote I believe in either House, a bill appropriating a valuable piece of property to Fort Smith, in my State, to aid the public schools of that place, which, in proportion to the interests involved, is largely in excess of this proposed donation, and is certainly far more local in its nature than this bill. Besides this, this Congress has passed an act to loan a million and a half of dollars to the exposition at New Orleans.

But beyond all this the Government has donated immense bodies of lands to the States and to corporations to aid them in building railroads, which donations are said to exceed 140,000,000 of acres. Besides this, the Government has loaned its credit for similar purposes to railroads by issuing its bonds amounting to over $60,000,000, upon which interest has been paid by the Government until bonds and interest amount to more than $100,000,000, and over 4,000,000 of acres of land have been donated to building canals.

For many years the Government has been appropriating lands to the aid of schools, and about 100,000,000 acres of the public domain have,

I believe, been so appropriated. Here we have practical expositions of the Constitution running parallel with the history of the Government, and the constant assertion of constitutional power going very far beyond the authority necessary to pass this bill.

DONATIONS OF LANDS.

But it has been asserted that the donation of lands to the public schools was not made under this section, but that the power to do that was derived from section 3, article 4, of the Constitution, which confers upon Congress the power to dispose of and make all needful regulations respecting the territory or other property of the United States. And it is claimed that under this section Congress had the constitutional right to so donate the public lands, and, further, that under it Congress had full power to sell lands and donate the proceeds to schools, but that these donations of lands could not be considered precedents for this bill. This is not strict construction, but on the contrary is the very loosest possible, and in reply to this I will only quote from Mr. Monroe as to the meaning of the second clause of the third section of article 4, as follows:

Since, then, it is manifest that the power granted Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States and which after such cession lay without their respective limits and for which special provision was deemed necessary, the main powers of the Constitution, operating internally, not being applicable or adequate thereto, it follows that this power gives no authority and has no bearing on the question of internal improvements.

And this was confirmed in Scott *vs.* Sandford (19 How., 436).

If Mr. Monroe's opinion is correct, this section conveyed no power of donating land nor the proceeds of the sale of land for internal improvements; and if not for them, then how does it confer the right to donate them in aid of schools in the States?

And Mr. Monroe further affirms, as we have already seen, that the sole power of appropriation conferred upon Congress is by clause 1, section 8, article 1. But I repeat his words on this point:

If the right of appropriation is not given by this clause it is not given at all, there being no other grant in the Constitution which gives it directly or which has any bearing on the subject, even by implication, except, &c.

So we find that he believed that all power of appropriation was and is derived from this one clause, and of course that the constitutional powers and constitutional limitations are the same in all appropriations of revenue, no matter whence the revenue may be derived.

In the very nature of things it can not be that the framers of the Constitution ever intended to give Congress an unlimited power to appropriate one fund and a limited power to appropriate another. Money going into the Treasury, no matter whence it comes, is revenue; a proper disbursement of one dollar would be a proper disbursement of another; there is no difference in the money. Besides, if the power to purchase territory is "perfect from principles of great public policy," and we can donate that, as these gentleman all admit we can, then all we have to do is to buy land with the money and donate that, thereby doing indirectly that which can not be done directly, a sort of legerdemain not tolerated by the law; for it is an axiom that whatever is prohibited by law to be done directly can not legally be effected by an indirect and circuitous contrivance. It seems to be clear then that there is no more unlimited constitutional power to appropriate money arising from the sale of lands than from any other source, and no less. And upon this view Mr. Pierce, while President, expressed himself in the following forcible way:

I respectfully submit that in a constitutional point of view it is wholly immaterial whether the appropriation be in money or in land. The public domain is the common property of the Union just as much as the surplus proceeds of that and of duties on imports remaining unexpended in the Treasury.

Then the appropriations of land or money to aid schools or for internal improvement is a precedent for this bill, and is the exercise of a power not enumerated in section 8, article 1, subsequent to the first clause, and not to be found in the Constitution outside of that section. The donations of land to school purposes and purposes of internal improvement was either unconstitutional or authorized by clause 1, section 8, article 1, of the Constitution. If they were constitutional, the same clause that authorized them authorizes this.

A HERESY.

Where a very serious mistake is made in my opinion in considering this question is in accepting as correct, as axiomatic in fact, a very grave political heresy, which claims that if Congress has the power to make this appropriation it has also the power to control the object for which the appropriation is made. This is not a new doctrine, but is one which has been invariably decided against in the history of the country and has never been recognized as correct or acted upon by the Government. The unvarying repudiation of this doctrine, beginning with the Government itself and among the men who organized and for years administered it, ought by this time to be considered eternally settled. I regret exceedingly to see able and pure men now lending the aid of their great names to the establishment of a doctrine so pernicious and so much at war with the interest of both the State and Federal governments.

THE TRUE DOCTRINE.

The doctrine as taught and acted upon by the great minds which brought order out of chaos in the beginning of our Government is that the Government has the power to appropriate money to aid the States in internal affairs affecting the general, not local welfare, but that it can not interfere with the States in the management and control of the affairs so aided, these remaining, as before, absolutely under the control of the States. This being the simple meaning of the Constitution, and having been understood and accepted as the fundamental law of the land for a century, is by this time certainly not an open question.

In a debate in the Senate some time since upon this question Mr. GEORGE, of Mississippi, said—

That the phrase "to provide for the general welfare of the United States" used in the taxing clause which I have read is not a substantive, distinct, and independent power, under which Congress may do anything deemed by it to be conducive to the general welfare, is, I think, now well settled in the practice of the legislative and executive departments, as well as by the decisions of the courts. That the Federal Government is one of delegated, limited, and enumerated powers is not now, I believe, denied.

It seems to be conceded that whenever we exercise a power we are bound to look to the Constitution for it; and that any exercise of a power not granted by the Constitution is on our part a pure usurpation. These are my views, at least, and I shall adhere to them.

And commenting on this Mr. COKE said:

Here is a declaration of State rights upon which Mr. Jefferson would have been content to have rested himself. He would have been willing to go to the world on it, for Mr. Jefferson never made a clearer or stronger statement of State-rights doctrine than the honorable Senator from Mississippi did in making this statement of the views which he says are his and which he says he intends to adhere to.

This view seems to me perfectly sound and correct, and it seems that Mr. Madison believed that Congress did not have an unlimited power to do anything deemed by it conducive to the general welfare, but that he believed that this power was confined to such things as could be accomplished by the making of appropriations of money—just the extent to which this bill goes and no further. On March 3, 1817, he said:

A restriction of the power "to provide for the common defense and general welfare" to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of government, money being the ordinary and necessary means of carrying them into execution.

This language was used in vetoing a bill which provided for internal improvements in the States, and which he seemed to understand to claim the right in the Government to control after they were constructed. This position he repudiated, and, after stating his objection to the bill on this account, he concluded with the statement of the true power of the Government just quoted. He had three times before this approved bills appropriating money for the Cumberland road—$50,000 in 1811, $30,000 in 1812, and $100,000 in 1815.

It may be well just here, too, to mention this important fact in connection with the Cumberland road: that while the Government appropriated millions of dollars to it, and by its own commissioners laid out the road, and it was actually constructed by the Government itself with the consent of the States, there was at no time any claim set up by the Government that it had any right to enter the States for the purpose of controlling or even protecting the road; and when, in 1817, the bill above referred to was passed to provide for internal improvements, and which seemed to contemplate the control of such improvements by the General Government, Mr. Madison promptly vetoed it.

OPINIONS OF STATESMEN.

In this message Mr. Madison, who was called the father of the Constitution, who was a member of the "Grand convention," the author of the Virginia resolutions, one of the authors of the Federalist, and who had served for eight years as Secretary of State during Jefferson's administration, had himself succeeded to the Presidency, and had administered that office eight years, as among the last, if not indeed the very last, act of his official life, in this message distinctly recognized the right of the Government to make appropriations for purposes not enumerated in the Constitution, and at the same time as distinctly denies that the Government has the right to control the objects for which the appropriation is made.

In this view Mr. Monroe fully concurred, and in vetoing a similar bill in 1822 he said:

A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation, and to pass laws for the protection of the road from injuries. * * * It is a complete right of jurisdiction and sovereignty for all purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations, under which power, with the consent of the States through which this road passes, the work was originally commenced and has been so far executed. I am of opinion that Congress do not possess this power; that the States individually can not grant it; for although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it.

And again he said:

Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly directed to these objects, enhance the value of our vacant lands, a treasure of vast resource to the nation. To the appropriation of the public money to improvements having these objects in view and carried to a certain extent I do not see any well-founded constitutional objection.

And again:

The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress can do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

And further, in speaking of the Cumberland road, he said:

In this instance, which is by far the strongest in respect to the expense, extent, and nature of the work done, the United States have exercised no act of jurisdiction or sovereignty within either of the States by taking the land from the proprietors by force, by passing acts for the protection of the road, or to raise a revenue from it by the establishment of turnpikes and tolls, or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle, on the voluntary, unqualified admission that the sovereignty belonged to the State and not to the United States; and that they could perform no act which should tend to weaken the power of the State or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road and to cause it to be constructed; for I presume that no distinction can be taken between the appropriation of money raised by the sale of public lands and of that which arises from taxes, duties, imposts, and excises; nor can I believe that the power of appropriation derives any sanction from a provision to that effect, having been made by an article of compact between the United States and the people of the then Territory of Ohio.

General Jackson also agreed in this view of the powers and limitations of the Government, regarding the question as settled, and after reviewing the message of Mr. Madison of March 3, 1817, he says:

I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

He also mentioned the administration of Mr. Monroe upon this question as follows:

The views of Mr. Monroe upon this subject were not left to inference. During his administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power according to a strict construction of them, but that on further reflection and observation his mind had undergone a change; that his opinion then was: "That Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general not local, national not State benefit." And this was avowed to be the governing principle through the residue of his administration.

And that he (General Jackson) entirely acquiesced in this construction appears from the following. Commenting upon what has just been stated, he says:

The constitutional power of the Federal Government to construct or promote works of internal improvement presents itself in two points of view: the first, as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second, as asserting the simple right to appropriate money from the national Treasury in aid of such works when undertaken by State authority, surrendering the claim of jurisdiction. In the first view the question of power is an open one, and can be decided without the embarrassment attending the other, arising from the practice of the Government. Although frequently and strenuously attempted, the power to this extent has never been exercised by the Government in a single instance. It does not in my opinion possess it; and no bill, therefore, which admits it can receive my official sanction.

And further he says:

This brief reference to known facts will be sufficient to show the difficulty, if not the impracticability, of bringing back the operations of the Government to the construction of the Constitution set up in 1793, assuming that to be its true reading in relation to the power under consideration, thus giving an admonitory proof of the force of implication and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers. For although it is the duty of all to look to that sacred instrument instead of the statute-book, to repudiate at all times encroachments upon its spirit which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular construction of the Constitution upon doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.

This long line of precedents and authorities, approved by, I believe, all the Presidents, and acted on continuously by the Government, is to my mind conclusive of two points: First, that the Government has the right and constitutional power to pass this bill and to make appropriations to carry it into effect; and, second, that the Government can not, even with the consent of the States, control the object for which the appropriation is made without a constitutional amendment authorizing it; that this bill does not and could not convey directly or by any implication any such power. For myself, when I follow the teachings and example of Jefferson, Madison, Calhoun, and Andrew Jackson, and when these are fortified and illustrated by the unvarying practice of the Government for a hundred years, beginning with its infancy and among the men who made it, and when all this is fully in accord with my own judgment, I have little fear that I am wrong.

The only question, then, remaining for me is to determine whether the circumstances surrounding us at this time demand the passage of this bill.

THE NECESSITY FOR THIS ACTION.

I believe that the sheet-anchor of our form of government is intelligence, hence I am an earnest advocate of popular education. Daniel Webster uttered a sentiment of which history will demonstrate the truth when he said, "It is intelligence which has reared the majestic columns of our national glory, and this alone can prevent them from crumbling into ashes."

The spread of intelligence is to be the safeguard of our Government—it will be not only our protection against centralization of political and financial power on the one hand, but our sure and safe defense against communism, nihilism, and revolutionary tendencies on the other.

While ours was a comparatively frontier population, with sturdy self-reliance and individuality as a common characteristic, our dangers were not many; but with a dense population, accumulated wealth, and comparative effeminacy, new perils arise, and we must depend upon education and intelligence to counteract these as far as possible, for "as thou sowest so shalt thou reap" applies to States as well as to men. Next to the Christian religion, the great civilizer of men is the school. Public schools, like everything else, are criticised, but until something better is devised I am in favor of maintaining and extending them. In the comparatively brief period of their existence they have accomplished wonders, and are yet in their infancy. The system will improve with age and experience, I believe, until it will be regarded as the greatest means of promoting the universal brotherhood of man.

Speaking of the first common-school law, Macaulay said:

By this memorable law it was in the Scotch forge statuted and ordained that every parish in the realm should provide a commodious school-house and should pay a moderate stipend to a schoolmaster. The effect could not be immediately felt. But before one generation had passed away it began to be evident that the common people of Scotland were superior in intelligence to the common people of any other country in Europe. To whatever land the Scotchman might wander, to whatever calling he might betake himself, in America or India, in trade or in war, the advantage of his early training raised him above his competitors. If he was taken into a warehouse as a porter he soon became foreman. If he enlisted in the army he soon became a sergeant. Scotland, meanwhile, in spite of the barrenness of her soil and the severity of her climate, made such progress in agriculture, in manufactures, in commerce, in letters, in science, in all that constitutes civilization as the Old World never saw equaled or even the New World has scarcely seen surpassed.

And I believe that like efforts will be rewarded by like results in our own country. In speaking of the safety that intelligence brings in its train, Lord Brougham said:

There have been periods when the country heard with dismay that the soldier was abroad. That is not the case now. Let the soldier be abroad! In the present age he can do nothing! There is another person abroad—a less important person, in the eyes of some an insignificant person—whose labors have tended to produce this state of things. The schoolmaster is abroad! And I trust more to him, armed with his primer, than I do to the soldier, in full military array, for upholding and extending the liberties of this country.

I believe, then, that it is a duty we owe ourselves and the country to foster the spread of learning by every legitimate means within our power.

The necessity for action now can not be doubted for a moment. Seventeen per cent. of the people of the country are illiterate, or a total in 1880 of 6,239,958. Fifteen per cent. of the voters can not read and write. I believe that no President has ever been elected by a majority equaling 15 per cent. of the whole vote cast, and I doubt if any debated question of public policy was ever determined by so large a majority at the polls. This certainly leaves too great a power within the reach of unscrupulous demagogues. But bad as this is in the whole country it is worse in some States, the illiteracy among the voters in a number exceeding 40 per cent. of the total, counting white and colored.

If the States where this cloud of illiteracy is the most dense are making earnest efforts to help themselves, and on account of the magnitude of the work and their own circumstances they are unable to cope with the evil successfully and at once, then the Government should give them whatever aid it can.

EDUCATIONAL EFFORTS.

When the war closed the Southern States were in almost absolute desolation. By slow and painful means the wastes were built up, houses and fields year by year appeared, until now we are a reasonably prosperous people. But our accumulations, over and above a bare subsistence, have been small and our advance toward prosperity laborious and slow.

During the war, too, schools were suspended, and immediately after it the disorganized state of society and the struggle for bread and absolute necessaries overbore all other considerations, and in building temporary houses to live in, rebuilding fences, no time was left to prepare for schools; hence among the other misfortunes left us by the war is an increase in our illiteracy among the white people.

When the houses were built and the farms repaired then began the work of building up schools, and as illustrating the school spirit there now I will make only one selection from a number of opinions of able and competent men from the North, who have observed our efforts. Rev. Dr. Mayo, of Massachusetts, speaking of this subject, says:

I am pretty well acquainted with the condition of education in our country and in other countries, and I have no hesitation in announcing to you, gentlemen, my conviction that never within ten years in the history of the world has

an effort so great, so persistent, and so absolutely heroic been made by any people for the education of the children as by the leading class of the people in our Southern States. Practically, within ten years every one of these Southern States has put on its statute-book a system of public schools; practically, within this time, every district of country in the South has received something that can be called a school. This school public, as we may call it, consisting of State officials, of school officers, of superior teachers, of thoughtful people all over the South, is to my mind the most forcible, the most persistent, the most devoted school public now in any part of the world. There is no body of superior teachers doing so much work for so little pay and under such great disadvantages as in the South to-day. There is no minority of people working so hard to overcome this terrible calamity of illiteracy anywhere in the world to-day as in the South. I give this as the deliberate result of two years of observation in twelve States.

* * * * * * *

We must remember, gentlemen, that nine men out of ten in the South never saw what we call a good public elementary school. The thing that is necessary is to put for one year, for two years, for three years, in every district through that country a school that will be a fair representative of a public school, that the people can see it; and once having seen it and enjoyed its benefits, they never will give it up again. Now, it is utterly impossible for the average school authority to get the money to put such a school on the ground. Give to that man another $500, another $1,000, and at once, without wearing himself out with importunity, he can put on the ground the school that the people need; a school that instead of being a school that satisfies nobody, is a school that satisfies everybody; and once having seen that school for one year, for two years, for five years, for ten years, that people will be stimulated to great exertions, and will never give it up. * * * What is to be done should be done at once to meet the great demand of the present. * * * I am acquainted with the State superintendent of instruction, I believe, in every Southern State. I am acquainted with the State school board, I think, of every Southern State but two or three. I have studied with great care in the records of all those offices their methods of distribution of money. I believe there is no set of men in this country who are handling a moderate amount of money with greater economy, with greater fidelity, than these gentlemen. I believe if there is any set of men in this country that can be trusted to administer a fund of $10,000,000 or $15,000,000 in thirteen or fourteen States with fidelity, it is the school authorities of those States, and therefore it seems to me that this money should go directly to the children through the accustomed channels, of course being guarded by all proper safeguards in the central power.

Strong as this statement is it is none too strong.

THE RESULTS.

The results of this are very forcibly illustrated by a table which I find in an article by Henry Randall Waite, in the May number of the Princeton Review, and which I here present, with some comments of his.

TABLE I.

States and Territories.	Number unable to write.		Increase or decrease.	Number unable to write in each 1,000 of total population.	
	1870.	1880.		1870.	1880.
Southern	4,159,216	4,715,395	Inc. 556,179	300	255
Eastern and Middle	712,074	699,369	Dec. 12,705	58	48
Western	676,948	714,841	Inc. 37,893	57	44
Territories	64,643	84,575	Inc. 19,932	238	139
District of Columbia	28,719	25,778	Dec. 2,941	218	145
United States	5,641,600	6,239,958	Inc. 598,358	146	124

It will be seen that in the Southern States, in spite of every obstacle, such as inability to provide sufficient educational privileges, and regardless of the increase of over half a million in the aggregate of illiterates, the number of illiterate persons in each 1,000 of the total population shows a decrease for the decade of 45, as compared with 10 in the Eastern and Middle States, 13 in the Western States, 99 in in the Territories, and 73 in the District of Columbia. Turning to the individual States of the South, we find that the number and the decrease in the number of illiterates in each 1,000 of the population was as follows:

TABLE II.

States.	1870.	1880.	Decrease.
Alabama	384	343	41
Arkansas	275	252	23
Delaware	185	132	53
Florida	382	298	84
Georgia	396	337	59
Kentucky	251	211	40
Louisana	379	338	41
Maryland	173	144	29
Mississippi	378	330	48
Missouri	129	96	33
North Carolina	371	331	40
South Carolina	411	371	40
Tennessee	289	266	23
Texas	270	198	72
Virginia	364	285	79
West Virginia	184	138	46

Our people are to-day taxing themselves higher for school purposes than are the citizens of any part of this great country. The percentage of the total taxes in the United States going into the support of schools is stated at 22.6. In New England, 20.2; the Middle States, 19.5; the Western States, 26.6, while in Arkansas 30.3 per cent. are so used, and in Tennessee, 33.2.

Yet the amount of school resources per capita in New England is nearly $20, while in the South it is less than $3, the annual expenditures for the education of 5,703,218 Southern children being about $12,000,000, while nearly $58,000,000 are expended in the North for the benefit of 9,000,000 children.

A very serious drawback with which we of the South have had to deal in building up schools has been the great debt which was by the most unblushing frauds fastened upon the school districts all over the country by the so-called carpet-bag governments. This debt has stood like a lion in the path of progress, and for years a large part of the school taxes, which our people have been really ill able to bear, have been used to pay off these mementoes of wrong and oppression. These are now paid off, and we have the satisfaction to know that when we pay our school taxes now our children shall have the benefit of them. "The sting of taxation is wastefulness," but at last this is removed from our system, and taxes will be hereafter cheerfully paid.

THE OPINION OF A COLORED TEACHER IN THE SOUTH.

Some time since a distinguished Senator from the East asked a Senator from the South, from my own State, the following question:

Mr. FRYE. Now, I should like to ask the Senator another question, for I have the profoundest confidence in his judgment and his humanity both and his entire fairness of statement. I wish to know from the Senator whether or not in Arkansas, on the part of educators, there is any prejudice against the education of the colored children at all?

Mr. GARLAND. If I was now about to utter the last words I ever expected to say on this earth, I would say frankly that there is not, so far as I know; and a little further on I will attempt to show that we want to educate the colored people and that it is very important to us that they should be educated.

As soon as I read this I addressed a note to the most eminent colored educator in my State perhaps, a man I never had the pleasure of meeting personally, and one of whose opinions on this subject I knew absolutely nothing. In reply to my note I received the following letter:

BRANCH NORMAL COLLEGE,
Pine Bluff, Ark., April 2, 1884.

DEAR SIR: Your esteemed favor of March 29 reached me to-day, and I hasten to reply, fully sympathizing, as I do, with any and all efforts made for the educational upbuilding of this section of the country, and hoping that the haste with which this letter is written will be accepted as an ample apology for the many defects that will doubtless be found in its style and composition.

As, when a witness comes into court, one of the first subjects for consideration is "who and what is he?" it may not be inappropriate for me to give a brief account of myself; and I will therefore state that I am a native of Ohio, graduated at Ohio University (Athens) in 1853, and have been a resident of Arkansas since 1870.

During Governor Baxter's administration I was the incumbent of the office of State superintendent of public instruction. Prior to that time I was a reporter for the Arkansas Republican newspaper, and since that time have been principal of the Branch Normal College of the Arkansas Industrial University at Pine Bluff, to which position I was appointed by the trustees of the university, of which the then governor of the State, Hon. A. H. GARLAND, was *ex officio* president, at the very beginning of its existence, and have held the same continuously ever since. The act for the establishment of the Branch Normal College was approved April 25, 1873, and went into immediate operation, but owing to the intervention of the political troubles usually known as the "Brooks-Baxter war," no steps were made to carry its provisions into effect until 1875 (September 25, 1875), at which time Hon. A. H. GARLAND was governor of the State. The law authorizing its establishment was enacted with special reference to "the convenience and well-being of the poorer classes," and the institution was begun and carried on for a year or two as an experiment in a rented board house, constructed for an officers' barracks during the war.

The result of the experiment seems to have been satisfactory, for January 30, 1882, the school was moved into the edifice constructed by the State for its accommodation, a brick building trimmed with Alabama granite and covered with Bangor slate, which is one of the handsomest buildings in the State. This building has twenty acres of grounds attached, situated at the junction of the Little Rock, Mississippi River and Texas, and the Texas and Saint Louis Railroads, and is filled up with the best class of modern school furniture from the house of A. H. Andrews & Co., Chicago. During the last month, March, 1884, about four hundred dollars' worth of new furniture was placed in the building. Provision has been made for the purchase of some chemical apparatus, and something has been done in the way of collecting a library and cabinet of minerals. About twenty newspapers and magazines are on file regularly in the reading-room. The value of the entire property can not be less than $25,000. The annual attendance at the institution has increased from less than fifty at the beginning to over two hundred during the present year, the average attendance thus far for the present year being considerably over one hundred and fifty. The course of study is not as yet up to the usual collegiate standard, but is fully as extensive as in the most of normal institutions.

Two small classes have graduated and another will graduate this year. Nearly all of the students engage in teaching during the summer vacation, and even those who have not completed the course are as a rule much better qualified to teach than many who are attempting in our State to perform that work; and they are, I am satisfied, doing much for the educational progress of our State. In this connection it may be mentioned that two of the teachers in the Branch Normal College, and the principal and one assistant teacher in the colored public schools of Pine Bluff, received almost their entire training in the Branch Normal College.

As to the progress and capacity of these colored scholars, I am satisfied that taking into consideration the circumstances, they are all that could reasonably be expected. A great majority of them were raised in the country, remote from railroads, steamboats, where even mails and newspapers were a comparative rarity, and consequently ignorant of many things which persons more favorably situated learn by mere contact. For instance, I have a number of students who are reasonably proficient in algebra and geometry, who five years ago had never seen such books nor even heard their names. A teacher from the North will often be much surprised when he first teaches in the South among the colored people by finding that young men, fully grown, have never even heard the names of Napoleon Bonaparte or Daniel Webster. Of course in order to know what a school has done it is absolutely necessary to know what had to be done, and a fair estimate can not be made without taking into consideration the incidental as well as the direct educational advantages a class of students has enjoyed.

As to the educational progress that has been made in Arkansas since I have been a resident of the State, I can mention only a few illustrative examples. During that time the Arkansas Industrial University at Fayetteville, with its Medical College at Little Rock, and Branch Normal College at Pine Bluff, the Philander South College and the Little Rock University at Little Rock have been organized and located in handsome brick buildings. Southland College, near Helena, was a fine property; while Russellville, Prescott, Little Rock, and other cities have very excellent school buildings, usually of brick, nicely fitted up. The State has an educational journal, and a State teachers' association,

composed of both white and colored teachers, of which I have been a member since its inception, and in which I have served for several terms as an officer. I mention these facts as indicative of the public sentiment so far as colored teachers are concerned.

During the summer vacation of 1883 a series of teachers' institutes was held in the judicial districts of the State, under the supervision of Hon. W. E. Thompson, State superintendent of public instruction, which were largely attended by the teachers of the State. By his appointment I conducted the institute in the eleventh district, which was intended specially for the benefit of colored teachers, and was largely attended by them. I presume that it was managed satisfactorily, as at closing the conductor was presented with a handsome hunting-case gold watch. I am at present under engagement with the same gentleman to conduct similar institutes in five of the districts during the ensuing summer vacation. As to the general public sentiment in reference to a public school system, I think that there can be no doubt but that the preponderance is largely in its favor.

When in Little Rock a few weeks since I visited the office of the State superintendent, and was shown a letter from the board of trustees of a certain district who were quite anxious for that official to give them, by a decision, some mode of evading or of construing away the provisions of the law fixing a limit to the amount of local taxation for school purposes, which showed that at least the people were willing to tax themselves to a greater extent than the law allowed. By voluntary self-taxation the people support ten-months' public schools in nearly all our larger towns and cities for white as well as colored youth, and in the country districts the number of schools is rapidly increasing every year and the school term increased in length. If a school, white or colored, has been molested or interfered with since I have been in the State I have not heard of such occurrence. Three of the institutions which are or are intended to be of collegiate rank, namely, the Branch Normal College, the Philander Smith College, and the Southland College, are for colored students. In the first all, in the other two part of the instructors are colored.

In conclusion, I beg leave to remark that I have complied as nearly as lies within my power with the spirit of your letter by giving my personal observations and experience in reference to educational matters in Arkansas. Hoping that the circumstances of the case will vindicate the propriety of this being done, I take liberty of forwarding herewith a picture of the Branch Normal College building as visual collateral evidence of one of the statements herein, all of which will, I hope, under your able direction, be of some service in securing due consideration of what I regard as the most momentous question in regard to which the honorable body of which you are a member has to take action.

Very respectfully,

J. C. CORBIN,
Principal Branch Normal College.

Hon. J. K. JONES, *M. C.*

Believing that this letter is a fair and candid answer to a question naturally asked, and which will in the consideration of this bill arise in the minds of gentlemen often, I have read it entire.

THE EFFORTS OF WHITE AND COLORED PEOPLE.

For the purpose of showing further the spirit of our people and their surroundings in this matter, I addressed notes to a number of county clerks in my district, asking for the number of white and colored taxpayers in each county; the value of the property of each; the amount of school-taxes paid in all, and the number of children, white and colored, of school age in each. I find that no separate record is kept, and it is impossible to get such a statement.

In Columbia County, which is, I suppose, an average, the clerk, who has been in his office for twenty years and is thoroughly familiar with his county and personally knows almost every man in it, writes me as the following in substance:

Total number of tax-payers	3,160
Total taxable property	$1,691,597 00
Number of colored tax-payers	913
Their total assessed property	$16,915 00
School tax, county	$9,447 18
Amount paid by colored people on their property	$84 47
Children of school age (white)	3,481
Children of school age (colored)	1,745

Of course this does not include the poll-tax, which goes to the schools; nor fines, forfeitures, and penalties, which also go to that fund; and I suppose it does not include what is called the State tax for school purposes.

I introduce this simply to show how large a percentage of the tax which the white people steadily pay is used in educating the colored children, whose parents pay very little. The schools are begun on the same day and ended on the same day for white and colored children, it being, so far as I know, an accepted fact that the more thoroughly we can educate all the people the better for the State.

I do not mention this relative amount of taxes paid by white and colored people by way of complaint of them; for considering that they had been for centuries a race of slaves, that they had never known freedom and its responsibilities, I think their progress, considering their education, has been a credit to them. The first clear money is the hardest money made by even an educated man. Getting a start is the trouble; once started, progress is easy. But when the Government turned these people loose to make a living for and take care of themselves, without education, without business training, without property, and almost without even clothes, when daily bread had to come from daily labor, they of course could not overcome all these obstacles and progress as rapidly as Anglo-Saxons would have done under like circumstances. When you consider what had to be done their progress has been creditable. They are keenly alive to the benefits of education; and while the old men never hope to do more than read a chapter in the Bible perhaps, they do hope their children may be educated; but with the best efforts of our people and their own best efforts but little can be done without aid from the Government.

I believe we should be careful of excessive appropriations. No more money ought to be supplied by the Government than can be assimilated, in addition to what can be raised by the people themselves by reasonable taxes, but that much ought to be appropriated until the schools have gained strength and the system is firmly rooted and vigorous.

I believe that "slavery is but half abolished, emancipation is but half completed, while millions of freemen with votes in their hands are left without education;" and an enlightened policy on the part of the Government of the United States toward the States in this emergency will, I am sure, be productive of immeasurable benefit; that one day of such sowing willd roduce a thousand years of reaping.

The "Backbone" Land Grant.

SPEECH

OF

HON. NEWTON C. BLANCHARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1884,

On the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. BLANCHARD said:

Mr. SPEAKER: In the district which I have the honor to represent on this floor lie nine-tenths of the land included in this grant, and nine-tenths of the settlers on the grant are constituents of mine. Hence, sir, my desire to be heard on a matter of so much interest to me and to those whose commission I hold here.

What I shall say will be of a character somewhat personal to myself. I shall not attempt to submit an argument, but merely the facts of the case in narrative form, giving the history of the grant and my connection with it. Reference has been made in the discussion to the agreement made by my colleague in the Forty-seventh Congress, Colonel Robertson, of the sixth district of Louisiana, and myself with the New Orleans Pacific Railroad Company for the protection of the rights of settlers, and it is more especially to state the reasons which influenced us to take that step that I desire to be heard.

Now, what are the facts in regard to this land grant and my connection with it? In 1871, nearly ten years before I was first elected to Congress, Congress incorporated the Texas and Pacific Railway Company. One of the sections of this act of incorporation provided that the New Orleans, Baton Rouge and Vicksburg Railroad (commonly called the Backbone road) should be made a branch of the Texas and Pacific from Shreveport, La., to New Orleans, with the grant of every alternate section of public land for miles on each side of the contemplated line of the road. This, then, was the beginning of the grant, and the wording of the act of Congress making the grant was peculiar in this, that the grant was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company *or its assigns*. The grant was conditioned upon the construction of the road within a certain time; but it is well known to lawyers that the Supreme Court of the United States have more than once held that this is a condition-subsequent; that the grant does not fall by the failure to construct the road within the time named in the granting act; that it requires some act of the granting power to declare the forfeiture, and until this forfeiture be declared the grant continues in force.

Now, I fully believe that the New Orleans, Baton Rouge and Vicksburg Railroad Company was a fraudulent concern; that its purpose was to speculate; that it never intended to build the road and never had the means with which to do it; and that, so far as I know, it never stuck a spade in the ground. Still, in 1871, by solemn act of Congress, it was made a branch of the Texas and Pacific, and a huge grant of lands was made to it, "or its assigns." Of course, I was not responsible for this. It was long before my ambition soared as high as Congress. Louisiana had Senators and Representatives in Congress at that time—at least parties who claimed to be from Louisiana—and whatever of wrong there was in the making of the grant in the first instance, attaches to them and not to me.

After the grant to this company, years went by and no railroad was built or commenced. The necessity for the road increased, the demand for its construction became louder. New Orleans wanted it, Shreveport wanted it, the people along the proposed line of the road wanted it, the State wanted it. No one had any confidence that the New Orleans, Baton Rouge and Vicksburg Company would build it. Finally, as the result of the necessity and demand for the road, certain gentlemen in New Orleans associated themselves together and formed the New Orleans Pacific Railroad Company, which was chartered in June, 1875. Subsequently the act of incorporation was ratified and confirmed

by legislative act. Everybody was the friend and supporter of the new company and wishing them "God speed" in their efforts to build the road.

In March, 1876, the Legislature of Louisiana passed an act authorizing and requiring the police juries and municipal authorities of the parishes and towns along the line of the road to submit ordinances to the popular vote with reference to subscribing to the capital stock of the company, with the view of aiding in the construction of the road.

The same year a similar act was passed authorizing the people of New Orleans to vote on a similar ordinance in aid of the road by a subscription to the stock of the company.

Under these acts some of the parishes, notably the parish of De Soto, in my Congressional district, voted a tax and subscription in aid of the road.

I believe, however, no money was raised in this way for the company, owing to unfavorable action by the courts.

Then, by act approved March 11, 1878, the Legislature of Louisiana authorized and required the governor to issue and loan to the company bonds of the State, not exceeding $2,000,000, in aid of the construction of the road. Nothing came of this either, owing to the action of the courts. But this reference to the legislation of the State, in aid of the road, after the State had passed under Democratic control, either in whole or in part, shows the high favor in which the project of the construction of the road was held. Indeed, it is well known, so great was the demand for the road, that the people of the parishes through which it was to run, as well as elsewhere in the State, would have been willing for any company who would build it to have any reasonable amount of the public lands along its line.

All this time the management of the new company, the New Orleans Pacific, had been active and zealous in their efforts toward building the road. Its line had been surveyed and located, and contracts for grading had been made with the lessees of the penitentiary of the State of Louisiana. The company had little or no money, and the contracts for work on the road and for materials and supplies were predicated, for the most part, on the prospects of the road, viewed in the light of the high favor in which the project was held by the people of the State. Under these conditions much grading and other work was done; but about this time came the unfavorable action of the courts on the favorable action taken by the Legislature in aid of the road, and work was stopped; the prospects of the road grew dark, and its fortunes hung trembling in the balance. Despairing of aid from the State or parishes, the management of the company then determined to look elsewhere for the means with which to build the road.

Mr. Wheelock, the president of the New Orleans Pacific Company, came on to Washington and laid the facts before the Louisiana Senators and Representatives, and sought their aid to have transferred to the New Orleans Pacific Company the land grant made in 1871 to the New Orleans, Baton Rouge and Vicksburg Company, as the only prospect left offering a certainty of the construction of the road. This was before my election to Congress the first time. The grant to the old company had not been declared forfeited, and was still in force. There was no prospect whatever of the old company building the road. It was thought very proper at that time to transfer the grant to the new company, and no objection to this transfer came from any source whatever, except from parties who claimed to be stockholders in the New Orleans, Baton Rouge and Vicksburg Company, who held on in the hope of some personal gain to themselves. Louisiana's Representatives in Congress (the Forty-sixth), echoing the universal sentiment in the State favorable to the construction of the road, determined to assist Mr. Wheelock in his efforts to secure the transfer of the land grant to his company. One of them introduced a bill in the first session of the Forty-sixth Congress, the first section of which bill declared the land grant forfeited so far as the New Orleans, Baton Rouge and Vicksburg Railroad Company was concerned; the second section revived the grant in favor of the New Orleans Pacific Railroad Company; and a third section provided for the rights of settlers by allowing them to take their lands at the price of $2.50 per acre, which is the Government price per acre for the land in the even sections reserved by the Government to itself within the limits of the land grant.

This bill was referred to the Committee on Pacific Railways of the House, on which committee another of the Louisiana Congressmen served as a member. The bill was reported favorably to the House, but in the mean time parties interested in the old concern, the New Orleans, Baton Rouge and Vicksburg Company, rallied their forces and went to work to defeat the passage of the bill. By some means or other they were enabled to accomplish this, for it was found impossible to get the measure up for consideration, and the whole session passed without anything being done. The next session passed and still nothing could be done toward the passage of the bill. This was all in the Forty-sixth Congress, and before I ever came to Washington.

Despairing of carrying through the measure over the opposition of parties interested in the old company, the management of the New Orleans Pacific Company, it seems, determined to buy out the claims of the old company. It will be remembered that by the granting act of 1871 the land had been granted "to the New Orleans, Baton Rouge and Vicksburg Company *or its assigns.*" The proposition to buy them out was just what the old concern wanted and had been playing for, and, accordingly, were quick to yield assent to the proposition.

But the New Orleans Pacific Company themselves had no money to buy, nor to build the road after buying, and even with the land grant transferred to them, it would have been impossible to have raised the money on it at once, necessary to build the road.

It appears that at this juncture of affairs, recourse was had by the New Orleans Pacific Company to New York capitalists, and negotiations looking to obtaining the money from them, with which to build the road, were opened. It was found that capitalists like Tom Scott, Gould, Russell Sage, and others were willing to put their money in the road and build it, provided some assurances were given them that the land grant along the line of the road could be secured for the New Orleans Pacific Company.

It seems that Colonel Wheelock, the president of the New Orleans Pacific Company, returned to Washington with these statements of the New York capitalists, and laid the matter before the Louisiana delegation in Congress. Then it was that letters were given him by the members of the delegation, promising their aid to maintain the land grant and secure its reversion to the New Orleans Pacific Company.

My predecessor, Judge Elam, was then in Congress, and joined with the other members, both in the Senate and House, in giving these letters.

It was done in the utmost good faith, with the desire to assist in the material development of the State, and was in keeping with the sentiment then generally prevailing in the State, namely, a willingness that any one who would build the road should have any reasonable amount of public land along its line.

Armed with the aforesaid letters, Colonel Wheelock continued his negotiations with the New York capitalists, the results of which were that the old Backbone company's claim to the land grant was bought out, and the New Orleans Pacific road speedily constructed.

After the purchase of the old company's claim, and after completing the road, the New Orleans Pacific Company applied to the Secretary of the Interior for the recognition of its claim to the land. This was in the latter part of 1881. In December, 1881, I came to Washington for the first time to take my seat as a member of Congress. Up to that time I had not heard of the New Orleans Pacific Company as a claimant of the land grant. The history of the claim of that company to the grant as heretofore given, I learned after reaching Washington. Long before going to Washington, in December, 1881, I had made up my mind to secure, if possible, the forfeiture of the grant, and to this end had prepared the heading of a petition to Congress asking its forfeiture, which petition I had printed at my own expense, and sent hundreds of copies of the same throughout the parishes of my Congressional district for signatures.

Hundreds of names were attached to these petitions, which were then forwarded to me. I presented them to Congress and had them referred to the proper committees. This was in the beginning of the first session of the Forty-seventh Congress.

Very soon after getting to Washington in December, 1881, with the view of carrying into effect, if possible, my determination to secure the forfeiture of the grant, I examined into the status of the same, and then for the first time learned of the claim of the New Orleans Pacific Company. Not only did I learn that it was claiming the land, but was apprised that it was then urging the Secretary of the Interior to issue patents for the same to it, and that it was likely favorable action would be speedily taken by that official.

In company with my colleague in that Congress from the sixth district, Col. E. W. Robertson, I at once went before the Secretary of the Interior and filed a protest against his recognition of the claims of the New Orleans Pacific Company to the grant.

After filing the protest we asked the Secretary to suspend his decision until we could be heard in support of the protest and against the claim of the railroad company. This he agreed to do for a reasonable length of time. In the mean time I was apprized by members of the Louisiana delegation in Congress of the facts constituting the history of the claim of the New Orleans Pacific Company to the grant as hereinbefore given. I was told of the written assurances or pledges given Mr. Wheelock during the Forty-sixth Congress by the Louisiana Senators and Representatives, and I was assured that upon the faith, at least in part, of those promises the money to construct the road had been obtained and the road completed. I was not told this by strangers, railroad agents, or lobbyists (for no one of that class ever mentioned the land grant to me), but by members of the delegation in Congress from my own State. I was given to understand that good faith required absolutely the making good, on the part of my colleagues, of the promises given Mr. Wheelock during the Forty-sixth Congress; and that whatever action I might see proper to take looking to the forfeiture of the grant, I would have to be antagonized by my own delegation. And, finally, I was asked if I did not consider myself bound by the assurances given Mr. Wheelock by my predecessor and the other Members and Senators from Louisiana in the Forty-sixth Congress?

Up to that time I had not seen Mr. Wheelock in Washington, and he had never spoken to or written me on the subject of the land grant. But toward the last of December, 1881, he came on to Washington, made

the same statement to me with reference to the claim of his company to the grant that had been made by members of the Louisiana delegation, and produced the originals of the letters given him by the delegation in the Forty-sixth Congress. He also assured me that the money to build the road had been secured, at least in part, from Northern capitalists upon the faith of the land grant and the aforesaid letters of the Louisiana delegation. After a full and candid explanation of the whole matter he asked me to withdraw the protest, urging that good faith required the carrying out by the Louisiana delegation in the Forty-seventh Congress of the assurances given by the delegation in the Forty-sixth Congress. I confess that this view, held by Mr. Wheelock and my colleagues in the Forty-seventh Congress, impressed me. I took time to consider, and after full consultation with Colonel Robertson, of the sixth district—in whose district and my own all the land lay—we concluded that under all the circumstances of the case, and considering the almost hopelessness of any efforts we might make to secure the forfeiture of the grant (for you know, sir, the Forty-seventh Congress was not a good Congress to attempt the forfeiture of a land grant before), especially with the remainder of the delegation in opposition to us, the best way we could serve our constituents was to make the most of a bad case by securing the rights and claims of the settlers on the grant, even if to accomplish it we had to withdraw the protest we had filed.

Accordingly we, Colonel Robertson, my then colleague from the sixth district, and myself, notified our colleagues and Mr. Wheelock that if proper assurances were given us for the protection of settlers we would withdraw the protest. Our colleagues stated they would gladly aid us in securing the rights of the settlers. Colonel Wheelock was willing to recognize the rights of settlers, but thought they ought to pay $2.50 per acre, as that was the Government price for the land in the even sections reserved by the Government.

To this I objected as being too much, and finally it was agreed that the settlers should take their land at $2 per acre; one-third cash, balance in one and two years; and that they should have twelve months from the time when the patents issued to the company shall have been recorded in the several parishes, in which to apply for their titles.

An agreement to this effect was drawn up by me and signed by Colonel Wheelock on behalf of the New Orleans Pacific Company, and was subsequently ratified by the board of directors and stockholders of the company, and at the meeting of the stockholders called to ratify the agreement Mr. Jay Gould's representative voted a majority of the stock. After the execution of the agreement aforesaid, good faith, of course, required Colonel Robertson and myself to withdraw the protest we had filed, and we did so in a letter to the Secretary of the Interior.

Now this is the whole history of this land grant and my connection with it, from beginning to end. What I have done relating to it was with an eye single to the welfare of the settlers located on the land in my district. It was the best that could be done for them under the circumstances, for I foresaw then, as I foresee now, that the chances or probabilities of a final declaration of forfeiture were and are slight.

In what I have said my discourse has assumed altogether the narrative form. I have given only the facts as I know and understand them. In the more familiar phrase of the lawyer, I have merely "stated the case;" I have not attempted its argument.

Grave doubts have arisen in my mind as to the legal right to declare the forfeiture, which doubts have been greatly fortified, if not ripened into certainty, by the report of the Committee on the Judiciary of this House, which committee, composed as it is of able lawyers, have, on the question of the legal aspect of the case submitted to them, reported by a vote of 13 to 2 that the grant can not legally or equitably be forfeited.

And, sir, what is the position of the Committee on the Public Lands which reported this bill? That committee consists of twelve members; one is a Delegate from a Territory and has no vote, but still he is a member of the committee. Six members of this twelve concur in the majority report; five members and the Delegate, six in all, concur in what might be called the minority report. Thus it appears that the committee is evenly divided, and nothing is solved by their investigation of and deliberation over the case. I can not vote with the committee, because the committee is divided half and half, and neither half is the committee.

It is true, technically, that the half composed of the six members can claim to be the committee as against the other five members and the Delegate. But the fact remains that twelve giant minds, aided by other minds of colossal proportions, have wrestled with this matter, and the outcome is 6 to 6. Nothing is settled by that sort of a verdict; no doubt is cleared up; no lead to follow is established; no preponderance of opinion prevails. The committee is divided against itself. They have simply transferred the controversy from their committee-room to the floor of this Hall, and asked this House to settle for them what they have been unable to settle among themselves.

Both sides, in equal numbers, have appealed to this upper court, and here each side has assumed the office of advocacy of its respective pretensions. There, then, is no committee to follow, in the sense of a majority in number of the estimable gentlemen forming the committee. Under these circumstances, Mr. Speaker, but more especially because of the agreement which I, as the representative of the settlers, made with the railroad company for the protection of their (the settlers') rights, I have reached, after mature consideration, the conclusion that the true course for me to pursue, after a plain statement of the facts of the case, such as I have given, is one of neutrality—voting on neither side, not voting at all.

Were I to vote for the forfeiture I would be liable to the censure of having asked and obtained of the railroad company terms for the settlers at a time when I thought there was no probability for forfeiture, but as soon afterward as I considered there was some chance for forfeiture, I repudiated the agreement and acted in bad faith toward the company in seeking to promote the forfeiture.

Were I to vote against the forfeiture I would expose myself to the criticism of seeking to uphold, and have this House sustain, the action taken by me *ex cathedra*, and this because of self-interest actuating to the maintenance of said action as the result of the best and wisest judgment possible to be formed under the then circumstances; in other words, to save myself from the charge and consequences of having made a mistake of judgment and action in entering into the agreement for the recognition and protection of the rights of settlers.

Besides, were I to vote for forfeiture, and the forfeiture be not finally declared, I might by the said vote jeopardize the status of the rights of settlers as stipulated for in the agreement, for the railroad company might give trouble by taking the position that the settlers, through me, had elected to abandon the agreement and seek protection and easier terms in the chance of forfeiture and reversion of the grant to the public domain.

Hence, Mr. Speaker, my deliberate judgment is that I can, in this instance, the better serve my constituency, as well as conform more nearly to the principles of good faith and fair dealing, by abstaining from casting my vote.

The Yellowstone National Park.

SPEECH

OF

HON. LEWIS BEACH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 25, 1884,

On the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. BEACH said:

Mr. SPEAKER: I do not propose to discuss this bill generally. The Committee on Appropriations has in the main discharged its exceedingly onerous duties with great pains and a very proper regard for the public interests. But there is one feature or rather provision in the bill to which I am inflexibly opposed. I refer to the item of $40,000 for the protection and improvement of the Yellowstone National Park. It is not the amount appropriated, but the object for which the appropriation is made, which excites my opposition. The subject is of sufficient importance to justify the rather extended remarks I desire to make. The time spent in the discussion will not be lost if I can succeed in convincing the committee, as I think I can, that the item should be cut out of the bill when a motion for that purpose is in order. But a few members are aware of the origin and growth of this National Park scheme and I trust that the committee will bear with me while I review its legislative history.

On December 18, 1871, Mr. Claggett, the Delegate from the Territory of Montana, introduced a bill in the House to set aside a large area of certain new discovered lands as a national park, and on the same day Senator Pomeroy, of Kansas, introduced a similar bill in the Senate.

On the 23d of January, 1872, the Senate bill was reported back favorably by Senator Pomeroy, who demanded immediate consideration. In a few brief remarks the distinguished Senator called attention to the great natural curiosities discovered in the proposed park, and stated that "the only object of the bill was to take early possession of the land by the United States and set it apart so that it could not be included in any claim or occupied by any settler," as had been the case in the Yosemite Valley. And yet in the same breath the ingenious but illogical Senator admitted that the claims of the Yosemite Valley settlers had been declared by the courts invalid on the ground that settlers on unsurveyed lands could acquire no right as against the Government.

After this brief explanation the further consideration of the bill was postponed, the morning hour having been insisted upon. It was taken up again on January 30, 1872, on motion of Senator Pomeroy.

Senator EDMUNDS said the land was so far elevated above the sea it was unfit for private occupation, and he hoped the bill would pass unanimously.

Senator Trumbull observed that some one might pre-empt or settle right across the path that leads to the wonders and charge every one

that passes along between the gorges of the mountains a fee of a dollar or five dollars. He furthermore said:

At some future time we can repeal this law if it is in anybody's way.

Senator Cole expressed grave doubts about the propriety of passing the bill, but he did not press his objections; and so, without further explanation or opposition, the bill was passed.

About a month afterward—on the 27th of February, 1872—the House took up the Senate bill and considered it.

Mr. DAWES stated that the bill followed the analogies of the bill passed a few years before, setting apart the Yosemite Valley and the "Big Tree country;" that the land was 7,000 feet above the sea and subject to frost every night in the year and entirely unfit for agricultural purposes; that the only purpose of the bill was to prevent depredations until the Government could devote it to some other purpose. With this assurance the bill passed by a vote of two to one.

Let me now call attention to the exact language of the bill. It has been incorporated into the Revised Statutes and embraces sections 2474 and 2475. Section 2474 reads as follows:

The tract of land in the Territories of Montana and Wyoming lying near the headwaters of the Yellowstone River, and described as follows, to wit, commencing at the junction of Gardiner's River with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of the Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south to the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in the following section, shall be considered as trespassers and removed therefrom.

Section 2475 provides that—

Such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all the timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors; all of the proceeds of such leases, and all the revenues that may be derived from any source connected with the park, to be expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

Mr. Speaker, I have been thus particular in calling attention to the law itself and in reciting the various steps which led to its passage for the purpose of showing how, through haste and inattention, vicious legislation becomes ingrafted on the statute-book. Here is a law committing the country to a policy entirely alien to the purposes for which the Government was created and highly detrimental to the best interests of the people. It was passed without proper debate and with not a voice raised in either House to sound the note of alarm. The father of the bill, and to whom all credit or discredit of the scheme rightfully belongs, was Professor F. V. Hayden, of the United States Geological Survey. In the summer of 1871 he made an exploration of log-sources of the Yellowstone and Missouri Rivers. Maps, sketches, and photographic views of the hot springs, geysers, and other natural curiosities were taken and brought here to Washington. In a letter to the Secretary of the Interior under date of February 21, 1878, Professor Hayden writes:

I originated the idea of the park, prepared the maps, designated the boundaries, and in connection with Hon. W. H. Claggett, then Delegate from Montana Territory, wrote the law as it now stands.

He goes on to say:

During the pendency of the bill every effort was made by myself and other members of the survey to remove all objections to the bill, and the labor was constant and great. It is now acknowledged all over the world that the existence of the National Park by law is due solely to my exertions during the sessions of 1871 and 1872. The growing opposition to the withdrawal of any portion of the public domain for any purpose, however laudable, would undoubtedly have prevented the success of the bill at any subsequent session.

He then proceeds to tell how he allayed the objections of economical members. He writes:

While the bill was pending in Congress the principal objection urged against the park was that annual appropriations would be required for its care and improvement.

Here let me say this objection was not raised on the floor. It must have been encountered by the professor in his outside labors with individual members. He proceeds:

I was myself compelled to give a distinct pledge that I would not apply for an appropriation for several years at least. Had not Congress been assured that no demands would be made upon them for annual appropriations it is very doubtful whether the bill would have ever become a law.

I now wish to call the attention of the House to the money that the been appropriated for this park.

For several years after the passage of the bill Professor Hayden kept his promise and the park managed to get along very well without any assistance from the Treasury. It is true an attempt was made in 1875 (second session of the Forty-third Congress) to tack an amendment on the sundry civil appropriation bill of $25,000 for building roads in the park, but it was resisted by the late President Garfield, who was then in the House, and was defeated. The first appropriation appears in the sundry civil bill for 1878 and allowed $10,000 "to enable the Secretary of the Interior to protect, preserve, and improve the Yellowstone National Park." The next year (1879) a like amount of $10,000 was appropriated. In 1880 a further sum of $15,000 was appropriated, and in 1881 an additional $15,000 was appropriated. In 1882 the wording of the bill was somewhat changed. It reads:

For the protection and improvement of the Yellowstone National Park: For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $15,000.

The next year (1883), which carries the appropriation for the current fiscal year, expiring on the 1st day of July coming, the appropriation jumped up to $40,000.

As I want the House to keep informed of the legislative growth of this Rocky Mountain bantling, let me call attention to the precise language in the last appropriation bill. It reads as follows:

For the protection and improvement of the Yellowstone National Park: For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $40,000, $2,000 of said amount to be paid annually to a superintendent of said park and not exceeding $900 annually to each of ten assistants, all of whom shall be appointed by the Secretary of the Interior, and reside continuously in the park and whose duty it shall be to protect the game, timber, and objects of interest therein; the balance of the sum appropriated to be expended in the construction and improvement of suitable roads and bridges within said park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose.

The Secretary of the Interior may lease small portions of ground in the park, not exceeding ten acres in extent for each tract, on which may be erected hotels and the necessary outbuildings, and for a period not exceeding ten years; but such lease shall not include any of the geysers or other objects of curiosity or interest in said park, or exclude the public from the free and convenient approach thereto; or include any ground within one-quarter of a mile of any of the geysers, or the Yellowstone Falls, nor shall there be leased more than ten acres to any one person or corporation; nor shall any hotel or other buildings be erected within the park until such lease shall be executed by the Secretary of the Interior, and all contracts, agreements, or exclusive privileges heretofore made or given in regard to said park, or any part thereof, are hereby declared to be invalid; nor shall the Secretary of the Interior, in any lease which he may make and execute, grant any exclusive privileges within said park, except upon the ground leased.

The Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law, and to remove such persons from the park if found therein.

This legislation had become necessary on account of the arbitrary and dangerous course threatened by the Department of the Interior; and to a proper understanding of a matter which promises to give us some trouble in the future, let me go back a little. You will have observed that under the dedicatory act the Secretary of the Interior was authorized "in his discretion to grant leases for building purposes for terms not exceeding ten years of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors."

As the Northern Pacific Railroad approached completion the possibilities of the park as a show bonanza attracted the attention of the Barnums of the great Northwest, and sundry applications were made for leases in the park.

On July 27, 1882, the Secretary of the Interior granted to James S. Brisbin the privilege of putting a steam-vessel for carrying passengers on the Yellowstone Lake. Shortly after, on the 1st day of September, 1882, Merritt L. Joslyn, Acting Secretary of the Interior, for and on behalf of the United States, entered into a written agreement with Carroll T. Hobart, of Fargo, Dak., and Henry F. Douglas, of Fort Yates, Dak., and such other parties as might thereafter be associated with them, for the leasing of such lands within the park as they might require for building and other purposes.

Under this agreement the lessees were to have the right to cut and use timber, coal, and other material for the purpose of constructing their buildings and keeping them in repair. They were also to have all the arable land in the park they required for raising vegetables and grain (as they have frosts there every night in the year, the Agricultural Department would have to furnish them, no doubt, with new varieties of seed).

The rent reserved was not to exceed $2 per acre annually; and the lessees were to build one capacious hotel and auxiliary buildings, including bath-houses; they were to provide and equip stage lines and coaches to convey passengers to and from the park and to the different points of interest within it. They were to have the right to operate yachts and other sail-boats and row-boats on the lake; and they could erect a telegraph line throughout the park. They also were to have the right to establish stores or trading posts. After granting these valuable rights, the agreement goes on to say (and I invite the attention of the House to the language): "The party of the first part," that is, the United States, "hereby agrees that the parties of the second part shall have and enjoy the privilege herein and hereby conferred and granted, to the exclusion of any other person or persons, for the term of ten years."

Now, it must be borne in mind this was not a lease. It was simply an agreement to make a lease containing the stipulations mentioned. The distinction must not be lost sight of, for upon this point will turn the right of the covenantees to damages which they already claim against the Government.

The Secretary of the Interior was about to execute and deliver a lease in pursuance of this agreement and according to its conditions when he was stopped by a resolution introduced by Senator VEST on the 7th of December, 1882, calling upon him to furnish the Senate with a copy of all contracts for leasing of lands in the Yellowstone Park.

In fact, the lease had already been prepared, and the Secretary furnished the Senate with a copy in his answer to their resolution. An examination of the proposed lease shows that Senator VEST's resolution came none too soon.

I have no hesitation, Mr. Speaker, in characterizing this proposed lease as a monument of administrative folly or corruption. Under the law as it stood the Secretary had the power to "grant leases for building purposes of small parcels of ground." Under this lease he proposed to give away vast tracts of lands, and in such a manner as to practically shut off all approach by the public to the objects of curiosity within the park. First, he leases six hundred and forty acres—a square mile—around Liberty Cap; second, another square mile around Old Faithful; third, another square mile on the south bank of Madison River; fourth, another square mile around Soda Springs; fifth, another square mile around Baronet's Bridge; sixth, another square mile at the head of Cañon or Great Falls; seventh, about six hundred acres on the banks of Yellowstone Lake.

Having thus fenced in all the prominent points of interest with a grant of 4,500 acres, he goes still further and gives the lessees the right to occupy such other parcels of land within the park as they may need for the erection of buildings. Control is also given them over the geysers and other natural curiosities within the limits of the park. To make the lease still more odious, if such a thing were possible, the privileges granted are to the exclusion of all other persons.

I repeat it, Senator VEST's resolution came none too soon. It staid the hand of the Secretary of the Interior from signing and delivering the lease he had prepared and which if executed would have given to a few capitalists the exclusive control of the park for money-making purposes. The answer of the Secretary of the Interior to the resolution brought out all the hidden facts and gave rise to the debate which resulted in the legislation tacked on to the appropriation bill of last year and to which I have already adverted.

As soon as Congress adjourned—on the 9th day of March, 1883—the Secretary of the Interior executed a lease to Hobart Douglas, and Rufus Hatch, of New York, who was now taken into the scheme. This lease had a little more consideration for the rights of the Government and evinced some respect for the law under which the Secretary derived his power to act.

Instead of leasing seven distinct, separate tracts of six hundred and forty acres each as did the proposed lease, it conveys land at the same several points, but in parcels, however, of two acres or less each.

In other words, under the proposed lease the lessees would have taken about 4,500 acres, whereas under the executed lease they get (thanks to Senator VEST's resolution) but ten acres in all, which is amply sufficient for the erection of the buildings contemplated by the law.

The objectionable monopoly clause in the proposed lease is also cut out of the one executed and a proviso is inserted "that nothing herein contained shall be construed to prohibit the Secretary of the Interior from making other leases of land at other points within the park" for similar purposes.

But the most important point gained in the executed lease is that none of the several parcels of land leased shall be located within one-quarter of a mile of any of the geysers or the Yellowstone Falls.

This provision, it will be seen, prevents the lessees from fencing in the geysers, as they might have done under the original proposed lease.

Having secured their lease, Hobart, Douglas, and Hatch organized a corporation under the laws of the State of New Jersey and called it the "Yellowstone National Park Improvement Company," of which I will have something to say a little later on.

Now, Mr. Speaker, what is this Yellowstone Park of which we hear such fabulous stories? What are these great curiosities, the glowing description of which outrivals the pages of Herodotus? I think I can tell you, for I passed several days myself in the park last summer.

I want to say, in the first place, I did not visit it as a scientist but simply as one of the people in search of recreation and pleasure. I was not prepared to go into ecstasies over a fossil or lose my breath in wonder over a petrified log. Such things might have attractions for the paleontologist and the geologist. To me they had none. I wanted something to please the eye, something to fill the soul, something to inspire sentiment, something to admire. Accustomed as I was to the gorgeous scenery of the Hudson Highlands I have a right to expect, after all I have read of the wonders of the Yellowstone, to find something which would outshadow and overshadow the beauties of the mountain valley in which rests my own humble home on the banks of the Hudson River. Were my expectations realized? We will see.

It would be difficult indeed, Mr. Speaker, to find on God's footstool a more desolate region than these mountain-tops out of which it is proposed to make a national park. For miles and miles nothing greets the eye but charred logs and standing trunks of trees stripped of their branches by the devouring flames which have swept over the mountains. Occasionally you come across a second growth of pines springing from the ashes of previous fires. The beautiful green with which nature clothes her handiwork in more favored climes is not to be found. The grass, which here and there struggles for existence in the valleys and sheltered places, is brown and withered and so thin and scattered it would take a ten-acre range to fatten a grasshopper. There are no arable or agricultural lands. If there were, they would be of no use, for it must be remembered we are 6,000 feet and more above the sea and in the region of perpetual frosts. There is frost every night in the year.

On the occasion of our visit, which was in August, we came near freezing to death, although we slept under three pairs of army blankets. In the morning we needed a wringing-machine to prepare our clothes for wear, so saturated were they with the night dew. And yet, in face of these facts, some agricultural "crank" has proposed to make these arid lands bloom with the cabbage and the potato by adopting irrigation. If the nights are preternaturally cold, the days are correspondingly hot. We are much nearer the sun than when at home, and his fiery rays pour down upon our heads with relentless fury. We imagined at times the subterranean fires might have something to do with the excessive heat. If sudden and extreme changes of temperature are desired by the tourist or the health-seeker, then the Yellowstone Park is the place above all others for him to visit. Within the twenty-four hours which mark the day he can alternate between the heat of the tropics and the cold of the polar circle.

In going from one point to another in the park the visitor is conveyed in wagons drawn by two, four, or more horses. The nature of the country is such that roads are almost an impossibility. Hills are to be climbed and in some places they are so steep the toiling teams can scarcely lift the wagon, the passengers being obliged to get out and walk. At one spot we saw ten horses, goaded by the whips of their howling drivers, struggling up a hill with an army wagon which had been too heavily packed. In many places the roads are not only precipitous but highly dangerous, being scarped out of the mountain-side with no protection or guard against the yawning abyss below. At other spots streams and rivers with rough and uncertain bottoms are to be forded. Through the swampy lands we traverse corduroy roads constructed in the most primitive way.

And while upon this subject of roads, which seems to have been a favorite one in the appropriations for this park, I venture to say we can readily expend thousands upon thousands and then will have no roads fit for use because of the grades to be overcome; and we will require as many thousands more to keep them annually in repair on account of the wash and damage to which all mountainous roads are subject.

In addition to the tedium of journeying through the park over such roads as I have described, there are other elements of discomfort. The earth, of an alkaline nature, is ground to dust by passing wagons and raised in clouds, filling the lungs, permeating the clothes, and producing an irritation worse than the seven-year itch. There is, besides, a species of mosquito, whose size, when compared with a Jersey mosquito, is as a mastodon to a kitten, and whose voracity for blood equals that of the tiger, and whose capacity for inflicting pain exceeds the refinements of the Inquisition, and whose numbers are as the sands on the seashore. Woe to the unlucky traveler who has not provided himself with visor and armor of mail! In the practice of phlebotomy these Rocky Mountain mosquitoes have evidently supplemented their natural instincts with lessons taken of the managers of the Hatch hotel company.

In making the tour of the park, twenty-five to thirty miles is considered a fair day's journey. Thirty miles of jostling over such roads as I have described, under a broiling sun, amid clouds of alkaline dust, and pursued by remorseless mosquitoes, is not exactly the kind of enjoyment the average American pleasure-hunter is looking for. After such a day's journey the worn-out traveler had good reason to expect, from the advertisements of the hotel company, proper shelter, a comfortable bed, and reasonable board. This was the intention of the law when it gave the Secretary of the Interior the power to "grant leaves for building purposes at such places in the park as shall require the erection of buildings for the accommodation of visitors."

Under the grants by the Secretary to the "Hatch" company, that company proceeded at once to erect, at the Mammoth Hot Springs, a large hotel containing two hundred and fifty rooms, lighted with electric lamps, and estimated to cost, including furniture and outfit, $100,000. The Mammoth Hot Springs are situated at the first point in the park as we approach it from the Northern Pacific Railroad. At the time of our visit, in August last, this hotel was rapidly approaching completion.

It must be borne in mind the park is about 65 miles long and about 55 wide, containing an area of 3,575 square miles. This gives an extent about 200 square miles greater than the States of Rhode Island and Delaware combined. The main objects of interest, such as the Grand Cañon, the lake, the geysers, and the Falls of the Gibbon, are some

distance apart. To visit them all, or, as it is called, to "do" the park, a week to ten days is necessary.

This unusual length of time is required on account of the necessity of resting the horses after their excessive toil. The whole park could be "done" in three days by a proper system of relays, but that would seriously interfere with the profits of the "Hatch" company, whose interest, alike with that of the mosquitoes, is to keep visitors in the park as long as possible.

At the Mammoth Hotel conveyances are hired to make the trip through the park. For a very ordinary wagon and a very extraordinary pair of horses the "Hatch" company, who claim under their agreement with the Secretary of the Interior a monopoly of the livery business, will charge you about a hundred dollars.

We were somewhat set back by so unreasonable a proposition, but as we had come 3,000 miles to see the park we concluded to submit, and next morning we started out on the journey.

About twenty-five miles ride, without incident or attraction, brought us to the spot where we were to halt for the night. Here in the woods there was erected a large tent. Upon mattresses laid on the bare ground within this tent twenty-five of us were "bundled" in true Knickerbocker style, without regard to sex, side by side. To intensify our discomforts the rain which had begun to fall came trickling through the canvas roof. In the morning we were treated to a breakfast of elk-meat and "canned butter," which is another name for oleomargarine. For our bed and board we were charged at the rate of $5 a day—that being the regulation price sanctioned by the Secretary of the Interior.

The same class of accommodations and the same charges are made at the other halting places. It is only fair to say, however, the "Hatch" company claimed that these tents were temporary, and would probably be replaced with frame buildings during the next season.

We did think, however, that they might have given us something better to eat. The excuse offered for their dereliction in this respect was that the press delegation had consumed everything in the park. The press delegation consisted of several hundred newspaper editors who had been invited to witness, without money and without price, the wonders of this wonder-land. During their visit they were treated right royally. Hunters traversed the woods for deer; anglers whipped the streams for trout; and the distant ranches were scoured for butter; all to titillate the editorial palate. Under the Falls of the Gibbon these knights of the quill assembled, and to the merry clinking of cups and cracking of corks they poured their libations in Heidsick's best. When they returned home they became converted no doubt into miniature geysers and spouted high the praises of the park.

I want now, Mr. Speaker, to say a word or two about the general care and management of the park under the legislation of the last appropriation bill.

You will remember a superintendent was to be appointed by the Secretary of the Interior at a salary of $2,000, and ten assistants at a salary not exceeding $900 each. It was made the duty of the superintendent and his assistants to reside continuously in the park and "protect the game, timber, and objects of interest therein." And how do these assistants perform their duties? I can furnish a good illustration by an incident that came under my personal observation. It occurred while we were encamped at the Upper Geyser Basin. As we stood near our tent in the twilight of evening a stranger approached us and inquired if we had yet seen an extinct volcano, the name of which is now forgotten. Upon our answering in the negative he volunteered as a guide, and a short walk brought us to the spot in question. The formations were of a very curious and beautiful nature; and before we were aware of what he was about he had broken off several specimens, which he brought us to be borne away as relics. Upon closer acquaintance our guide turned out to be one of these nine-hundred-dollar assistant superintendents who had been placed there to protect the objects of interest.

In further illustration I may call attention to the report of Mr. W. Scott Smith, a special agent of the General Land Office, who was sent out to the park last summer to ascertain the true condition of affairs. In his report Mr. Smith says:

> One of if not the most important duties appertaining to the office of superintendent is to see that the wonderful curiosities about the springs and geysers are protected from destruction at the hands of vandals and curiosity seekers. Knowing that the Secretary of the Interior had placed under the control of the superintendent ten assistants to aid him in enforcing the regulations of the Department, I was astonished upon visiting the principal objects of interest to find no official at any one of them to look after and restrain those visitors, of which there were a large number, who were determined to obtain fine specimens. My astonishment was further increased when I was informed at the Upper Geyser by visitors that they had purchased very fine and choice specimens direct from some of the assistant superintendents. This led to further inquiries on my part, and I regret to say that the further I inquired the more I learned that some of the assistant superintendents have used their knowledge to obtain choice specimens to sell to visitors for good prices. Members of the United States Geological and Geographical parties in the park informed me that it was within their knowledge that the assistant superintendents had been engaged in this kind of business, and that in some cases their acts of vandalism were more outrageous than those perpetrated by visitors.

Now, Mr. Speaker, let me ask again what is there about this park to commend it as a pleasure-resort for the people? Absolutely nothing! The geysers are no doubt a great natural curiosity. It is a novel and interesting sight to see stupendous columns of hot water thrown upward in the air. To the Frenchman (who objected to the falls of Niagara because the water came down, which was a perfectly natural thing for it to do, whereas he longed to see it go up) the geysers would have produced some satisfaction, but even he would have tired of the sight after witnessing a couple of eruptions. There are other notable objects, but, as I have said before, they are of interest only to the scientist.

In regard to the wild animals which abounded in the park before it came under the ban of legislation, they can be better preserved by leaving their haunts in their natural state. The partial development of the park which has taken place has already driven them out, and it is a noteworthy fact that you can now travel for days without coming across a single specimen of wild animal.

To remedy the destruction that has occurred, some one from way out in Sioux City, Iowa, whose circular I hold in my hands, signed "D. H. Talbot," proposes to Senator ALLISON to establish in the park a grand zoological garden. This is a good scheme. We ought as a nation to have a first class "show," and in order to start it we should appropriate in this bill a round half million to secure Barnum's white elephant, the only animal of its kind on this continent, and imported at an expense of over $300,000. It may be objected that we have elephants enough on our hands, but we have not a real genuine live white elephant, and a sacred one at that.

Now, Mr. Speaker, it may very properly be asked of me, what provision would I suggest for the preservation of the geysers and other natural curiosities and the protection of the fish and game. I frankly admit it will never do to abandon the park to the prey of relic-seekers and pot-hunters. The curiosities, such as they are, should be preserved and the game should be protected. The simplest, most effective, and most economical plan is to put the park under the control of the Secretary of War, who could, without any additional cost to the country, station two companies—one of cavalry and one of infantry—within the park during the season in which it is accessible. Detachments from the infantry might be placed at the various geysers and springs to prevent spoliation, and the cavalry could patrol the park in search of poachers.

Another great advantage of the military would be their ability to fight and extinguish the flames which have already laid waste so much of the forest growth.

Mr. Speaker, I would thus protect this park with the military arm of the Government until the Territory of Wyoming, in which it mainly lies, is prepared to take her place in the sisterhood of States, and then I would make her a present of it—the same as we did California with the Yosemite Valley and the mammoth-tree country. This is the true and only policy. The one we have been pursuing is contrary to the genius of our institutions and will involve the country in the expenditure of fabulous sums of money.

If, however, we must have a national park let us have it where there is something to be seen and where the people can get to it. For one, I shall object to the last to taking the people's money for the further maintenance of a park 2,000 miles away for the benefit of European nabobs and American snobs. These are the only class who will ever visit the Yellowstone. If you want a national park why not establish one at Niagara Falls or in the Adirondacks or in the Highlands of the Hudson, where nature has been prodigal of her charms and to which less than a day's journey will bring over ten million of people. Such a park might possibly be justified under the "general-welfare" clause in the Constitution; the Yellowstone, never!

Mr. Speaker, the Committee on Appropriations has done wisely in cutting down the amount called for in the Book of Estimates for this National Park. The amount estimated was $96,800. It has been reduced to $40,000. The superintendent is retained at a salary of $2,000, and the ten assistants at $900 each. For the construction and repair of roads and bridges the balance of the $40,000 is appropriated.

In the original draught of this bill the ten assistant superintendents, who last year stole the curiosities they were placed to guard, were left out, and there was a provision for a detail of twenty-five soldiers of the cavalry arm of the service to act as a police force. This was in the line of the suggestion I made to the distinguished chairman of the Committee on Appropriations,

I regret to find that the bill as now reported reinstates these assistant superintendents and drops the provision for a military police. I must say I am not satisfied with the action of the committee. A mere reduction of the amount appropriated is not what is required. The committee should have gone further. It has simply lopped off a branch, leaving the bole standing. In the next Congress you will find sprouts starting up. I would like to see the stump dug out by the roots, and make an end of this whole national-park business.

The proper thing now to do is to turn the park over to the care of the military. The military are certainly equal to the task of taking care of this property, and inasmuch as we are now maintaining them and must continue to maintain them at posts in close proximity, I see no reason why the park should not be turned over to the Secretary of War until such time as we can make other disposition of it in the manner already indicated.

Mr. Speaker, we have gone far enough with this national-park humbug. Let us go no further. Let us wash our hands of the whole business.

The Pacific Railroads—Their History—Their Relations to the Government—Their Rights and Liabilities—The Bill to Increase the Thurman Sinking Fund and Reach Earnings on Aided and Non-aided Roads—Objections thereto—The Post Substitute—The Security of the Government Debt.

SPEECH

OF

HON. ISAAC M. JORDAN,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 18, 1884.

The House having under consideration the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, also to amend an act approved July 2, 1864—

Mr. JORDAN said:

Mr. SPEAKER: Whatever doubts there might be, as an original question, as to the power of Congress under the limitations of the Constitution to make grants or donations of lands for public improvements, the power has been so long exercised that it is no longer a debatable question.

The policy and practice of Congress making these grants for the purpose of aiding in the construction of public improvements has prevailed from the earliest history of the country. They were made during the administrations of Adams, Jackson, Van Buren, Tyler, Polk, Fillmore, Lincoln, and Grant. Some were made for railroad purposes prior to 1850; and between 1850 and 1880 grants of the public lands for railroad purposes were made amounting to more than 150,000,000 acres, and patents have in fact issued for more than 50,000,000 acres of these lands.

The purpose which Congress has intended to accomplish by this disposition of the public domain has been the opening up of the Western Territories to settlement, the encouragement of emigration from the more thickly settled States, the development of the mineral and other great resources of the country, the building up of new political communities, and their admission into the Union as States. And it is a singular and interesting fact that while most of the original States made large cessions of lands to the Federal Government, none of them have ever asked or received any donations out of these lands. They have been made entirely in the interest of the Western and Southwestern States.

The rapid and marvelous development of all these States is attributable in a large degree to these grants. More than 16,000 miles of railroad have been built from the proceeds of lands so granted, and wherever these roads have been constructed towns and cities have sprung up like magic, the expectations of the Government have been more than realized, and the national Treasury has received indirectly far more than it would have done by the sale of the land itself.

Grants of this kind were made by Congress in the following States and Territories from the year 1850 up to the year 1880:

	Acres.
Illinois	2,595,053
Mississippi	1,137,130
Alabama	2,807,648
Florida	1,700,467
Louisiana	1,256,430
Arkansas	2,613,631
Missouri	2,605,251
Iowa	4,181,929
Michigan	3,355,943
Wisconsin	3,553,865
Minnesota	9,820,450
Kansas	8,223,380
Nebraska	6,409,376
Colorado	3,000,000
Nevada	4,000,000
California	16,387,000
Oregon	5,800,000
Dakota	8,000,000
Wyoming	4,500,000
Montana	17,000,000
Idaho	1,500,000
Washington	11,700,000
Utah	1,850,000
New Mexico	11,500,000
Arizona	18,500,000
Total	154,067,553

At the time, therefore, that the grants were made to the Union Pacific and Central Pacific Railroad Companies, although they were much larger than ever had been made before, no new policy was inaugurated by Congress; on the contrary, they simply followed a policy which had been adopted early in the history of the country. The first public man whose prophetic vision saw the future of the great West, and the importance of the Government taking steps to aid in constructing a railroad to the Pacific, was Stephen A. Douglas. As early as 1845 he prepared a bill to organize the Territories of Nebraska and Oregon, and to reserve to each of said Territories alternate sections of land forty miles in width on each side of a railroad from the Missouri River to the Bay of San Francisco.

After the admission of California the construction of a transcontinental road was continually under consideration in Congress. These measures all looked to the granting to said road of the public lands, and making them the carriers of the Government mails and other property. And from that time to 1856 the Government made surveys of and considered at least five different routes for that purpose. The Democratic and Republican parties demanded its construction in their party platforms, and Buchanan, in 1856, and Lincoln, in 1860, recommended the matter in their messages to the favorable consideration of Congress.

President Buchanan suggested long before the war that it be paid for in money and lands. In his message to Congress, December 6, 1858, he said:

> It would be inexpedient for this Government to exercise the power of constructing the Pacific Railroad by its own immediate agents. The construction of this road ought therefore to be committed to companies incorporated by the States, and Congress might then assist them in the work by grants of land or money, or both, with conditions and restrictions as to transportation of troops and munitions of war free of charge, and the carrying of the mail at a fair price.

Indeed, the construction of such a road, in view of our settlements upon the Pacific coast, became inevitable. It was impossible that in a country like ours our people would consent long to the inconveniences of an overland route requiring more than thirty days to go from the Missouri River to San Francisco, a route made dangerous by Indians and robbers, and which made the cost of transportation almost incredible. This road would have been built whether the war had come or not; but the war had much to do with its construction and with the character of the grant and subsidy given to the road, for without these it never would have been built.

What, then, were the circumstances which brought about the building of this road and the liberal subsidy and grant made for that purpose?

In April, 1861, our civil war commenced. On one side were arrayed all the Northern States, and on the other side all the States from Maryland to the farthest border of Texas. The territorial dominion of the Southern confederacy embraced about one-third of the United States. This conflict soon assumed vast proportions, and the Government found itself engaged in a great conflict for national existence. European nations, long jealous of our great prosperity, stood ready to take advantage of our condition in any way that seemed favorable to them. England was in strong sympathy with the South, and France was ready to obtain a foothold on this continent if possible.

As early as 1862 the French landed an army of invasion in Mexico, and, taking advantage of the party strifes in that unhappy country, were soon able to establish a monarchy on the ruins of the Mexican Republic. The Congress of the United States were well aware of this danger. They saw that our Western Territories were in peril. They saw California hesitating in her loyalty. They saw that the permanent occupation of Mexico by France was a barrier to any further extension to our territory south; that it threatened our control of the Gulf of Mexico, and made communication with California by water impossible without the consent of the French Government.

The construction of a railway across the continent connecting us with the Pacific States became an absolute necessity as a matter of national defense. The road had to be built. The Government had no money with which to build it. Her constitutional power to do so was doubtful. Our credit was impaired; gold and silver had gone out of circulation; a paper currency had taken its place; we were issuing our bonds by the hundreds of millions; the faith and property of the nation were pledged to their payment, and yet our bonds were selling at far below par. In this state of affairs Congress was in a condition to be liberal to any individuals or corporations who would undertake the hazard and experiment of constructing this road through a wilderness inhabited by the Indians, over deserts uninhabited by man, and over mountains covered with perpetual snow.

Under these circumstances, the Congress of the United States, on the 1st day of July, 1862, passed the act for the construction of a road from the Missouri River to Sacramento, 2,000 miles in length, by the Union and Central Pacific Railway Companies. By this act Congress proposed a grant to said companies of a right of way two hundred feet wide, more than 2,000 miles long, all necessary lands for depots, &c., and a donation of five alternate sections per mile on each side of the road for a width of ten miles, to extinguish all Indian titles which might interfere with the grant, and to loan to said companies its bonds at the rate of $16,000 a mile where the road was easy of construction, and for three hundred miles through the Rocky and Sierra Nevada Mountains at $48,000 a mile, and for one hundred and fifty miles at the rate of $32,000 a mile.

This seemed a princely offer, but such was the condition of the country and of its finances, such the hazards of the undertaking, such the timidity and conservatism of capital, that the companies were unable and unwilling even on these terms to build the road, and the Govern-

ment saw two years pass by and nothing done toward the construction of this great road. Such being the condition of affairs, it probably never would have been built had it not been for what was going on in Mexico. While we were engaged in our own conflict, which strained every nerve and taxed every resource, France was completing her conquest in Mexico and arranging to place Maximilian on the throne, and the United States, with shame, humiliation, and mortification, on the 12th of June, 1864 (nineteen days only before the amending act of July 1, 1864, was passed), saw Maximilian enter the City of Mexico amid the acclamations of the Mexican people and made emperor of Mexico.

At this time what was the condition of the United States? Our national debt had reached the immense sum of seventeen hundred and forty millions of dollars. The credit of the Government was greatly impaired at home and abroad. Sherman had met with a severe repulse at Kennesaw Mountain. Grant had been unsuccessful at Spottsylvania, and had met with severe disasters at Cold Harbor. One hundred thousand men had been lost in three months. Lincoln was about to call for 500,000 more soldiers. This, indeed, was the supreme hour of the war. In this great national trouble, with civil war endangering the life of the nation at home, with California hesitating in her loyalty, with Indian raids and troubles upon the frontier, with France violating the Monroe doctrine with impunity and placing Maximilian upon the throne in Mexico, was it a very remarkable or extraordinary fact that the Government or Congress of the United States should have offered such large inducements to her citizens and capitalists in order that a great military highway might be constructed which would connect the eastern and western parts of our vast dominions?

It may be well to quote here what was said by Justice Davis on behalf of the Supreme Court of the United States in deciding the case of The United States *v.* The Union Pacific Railroad, as reported in 91 United States Reports, page 79. He said:

> Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress, and owing to complications with England the country had become alarmed for the safety of our Pacific possessions.
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> The enterprise was viewed as a national undertaking for a national purpose, and the public mind was directed to the end in view rather than to the particular means for securing it. Although the road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier; there was a vast unpeopled territory lying between the Missouri and Sacramento Rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians.
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> It was in presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great and by many intelligent persons considered insurmountable.
>
> The scheme for building a railroad two thousand miles in length, across mountains, over deserts, and through a country inhabited by Indians, jealous of intrusion upon their rights, was universally regarded at the time as a bold and hazardous undertaking. It is nothing to the purpose that the apprehended difficulties in a great measure disappeared after trial, and that the road was constructed at less cost of time and money than had been considered possible. No argument can be drawn from the wisdom that comes after the fact.
>
> The project of building the road was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in national necessities, and requiring national assistance.

At the time the Pacific railroads were chartered and these grants made we were carrying on a great war, and this was regarded as a war measure, and seemed to be a proper exercise of power under the circumstances which then surrounded us. Now we are in the midst of profound peace, and no man in his senses would contemplate for a moment making such extraordinary grants of the public domain for such purposes, and no political party would now favor it. What seemed proper then would be improper and impossible now. Indeed at this time we are pursuing the far better and wiser policy, and instead of disposing of our public lands in large quantities to railroads or foreign syndicates, we are reserving them as rewards for the valor of our soldiers and as homes for those of our people who will settle upon and improve them.

Mr. Speaker, Congress in making these grants was governed by the exigencies of the times, and did what seemed best for the interest of the whole country. The object intended was national defense and the perpetuation of the Government.

Congress had more than one object in view in having these Pacific railroads built.

First. It desired to have a railroad built at once, over which it could carry troops, Government supplies, &c., in case of war with France, Mexico, or if necessary in connection with our civil war or trouble with the Indians.

Second. It desired a permanent postal and military road under Government control.

Third. It wanted to develop the great mineral resources of that vast Western country.

Fourth. It had in view the opening up of the whole of our Western territory to settlement, the building up of new communities and States, and increasing the wealth and power of the country.

Fifth. It expected to cheapen the expense of carrying the mail and Government supplies in the West.

Sixth. It believed that the construction of such a road would enable it to control the Indian problem.

And all these results have been more than accomplished.

THE OBJECT OF THE GOVERNMENT.

The object of the United States was not to make an investment or loan of money nor to make a profit; neither was it its principal object to obtain payment for the lands granted or to secure the money or credit which it loaned the companies. The object of Congress was a much higher and more important one, as will be found in the title and in almost every section of the act creating the same. The title of said act is as follows:

> An act to aid in the construction of a railroad and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes.

The sixth section of said act makes the grant upon condition not merely that the companies shall pay the bonds at maturity, but that "they shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line, and transmit mails, troops, and munitions of war, supplies and public stores upon said railroad for the Government, whenever required to do so by any Department thereof, and that the Government shall at all times have the preference in the use of the same."

The twelfth section of said act provided that "the track upon the entire lines of said railroads and branches should be uniform, and the whole line of said railroad and branches and telegraph shall be operated and used for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one connected and continuous line."

The seventeenth section provides that in case said railroad companies should fail to comply with the terms and conditions of the act by not completing the road, branches, and telegraph within a reasonable time, or by not keeping the same in repair and use, Congress might pass an act for the speedy completion or repair thereof, and appropriate the income of the road for that purpose.

The eighteenth section makes still more important and further reservations. Indeed, so much more important were these reservations by the Government of rights and powers over these roads than the money loaned to the companies, that Senator Thurman declared in the Senate of the United States that he would rather see the Government relinquish all claims to the bonds and interest loaned or paid for these companies than to release or surrender the power and control which it had reserved by the charter over them. His language was:

> I affirm, as I have affirmed before, that this Government had better lose every dollar due and all that is to become due to it by these companies than to give up the right which it has to alter, amend, or repeal the charter.

During the discussion of the matters relating to the land and bond subsidies in the Senate, Senator Wade, of Ohio, declared that he cared but little whether the Government ever received payment of a dollar of the money loaned these companies; that the Government would be more than compensated in what it would receive from the opening up of the country, the founding of new States, and that, as a matter of national defense, this road was an absolute necessity. Similar sentiments were expressed on the floor of the Senate and by members of the House and by almost the entire press, and the whole country was in hearty sympathy with this view and purpose. I have thought, Mr. Speaker, that, in view of the attacks which have been made upon those who were connected with the making of these grants, it was only right and just to call attention to the times and circumstances under which these subsidies were made. And I believe that by so doing we will be better able to understand and interpret the several acts relating to these roads. It is said that some members of Congress were induced to vote for the act of 1864 by improper considerations. This may be true, but Congress has not chosen to repeal these acts, the courts have not set them aside, but they have been admitted to be valid by the courts and by every Department of the Government, and to constitute a binding contract between the companies and the Government; and it is too late therefore to plead these matters now. So far as we are concerned in this case, we must deal with these as with any other acts of Congress, and we must respect them the same as if passed by ourselves. Indeed, as was said by the Supreme Court of the United States in the case of Fletcher *v.* Peck, hereafter cited: "The acts of the supreme power of a country must be considered pure for the same reason that all sovereign acts must be considered just, because there is no power that can declare them otherwise."

Mr. Speaker, the Pacific Railroad Committee have had under consideration for some time the subject of the relation which the Government sustains to the several Pacific railroads which are known as the bond-subsidized roads, and the best means of obtaining security for the amount owing by said railroads, and of ultimately obtaining payment of the entire indebtedness.

Two bills are now before the House for consideration and action. The one presented by the committee contains two main propositions:

First. The extension of the Thurman act, not only over the Union and

Central Pacific roads, to which it already extends, but also over the Kansas Pacific, the Central Branch of the Union Pacific, and the Sioux City and Pacific Railroad; and the requirement that each of these roads should pay into the sinking fund, created under the Thurman act, 35 per cent. of its net earnings, instead of 25, as at present required.

Second. To appropriate to the payment of the Government indebtedness all the money which the Government owes to any of said roads, or may owe them for transportation on any of its roads whether aided, owned, leased, or operated by said companies.

This plan is one which looks to compelling these companies to pay to the Government a larger amount from year to year than the condition of the companies will justify, provided they keep up their roads, pursue the policy which they have been pursuing in reducing the rates for passenger and freight transportation, and in contending and maintaining themselves against competition of rival roads. But this plan makes no provision for the payment or the extinguishment of the debt owing by these companies to the Government at the time of the maturity of the indebtedness, which will be in the year 1898; and the unpaid balance at that time, it is believed, will amount to not less than $75,000,000.

It was for the purpose of meeting this great and radical defect in the bill of Mr. THOMPSON which has led us into the consideration, development, and advocacy of the plan, clear, plain, and simple, by which these companies could be induced or required to give to the Government additional security for its indebtedness, and by which the payment of the debt would be insured beyond a reasonable doubt. We believe that we have completely accomplished these purposes by the bill of Mr. POST. It provides—

First. That the Secretary of the Treasury shall ascertain as of the date of October, 1884, the present worth of the indebtedness to the United States of said subsidized roads, after deducting any amounts paid thereon or in the sinking fund to the credit of said companies.

Second. That the Secretary of the Treasury shall divide the amount so found into a hundred and twenty parts, and receive from said companies a hundred and twenty bonds of each of said companies, payable in semi-annual installments, with interest at 3 per cent, per annum, and providing for the payment and extinguishment of one of said bonds every six months, with a proviso that said companies should receive no Government pay for transportation over any of their lines owned, leased, or operated until the bond next becoming due shall be paid.

Mr. BLOUNT. Will my friend allow me to ask what would be the difference in the amount paid to the Government by these roads under that proposition and the amount which the Government has been receiving from them? Of course we can not tell about the future.

Mr. JORDAN. I will state in regard to that in a few minutes, and then give a direct answer to the question of my friend.

Mr. BLOUNT. Of course I do not care when it is answered.

Mr. JORDAN. I will answer it in a few minutes; it will become a necessary part of my argument to answer it.

Third. That the statutory lien or mortgage created under the acts of July, 1862–'64, and the security created by the Thurman sinking-fund act of May 7, 1878, together with a further lien on the whole line of said companies, whether owned, leased, or operated by them, including rolling-stock, fixtures, &c., should be and remain as security for the payment of said bonds so to be executed. The companies have under this provision the right to pay up the whole of the indebtedness at any time. The said bill contains other and important provisions looking to the preservation of all the other rights held by the Government under existing laws.

This bill provides for the acceptance by the companies of the provisions of the bill, and that on failure to accept them they shall be required to pay 35 per cent. of their net earnings to the Government; and also provides in that event for a further and better investment of the moneys in the sinking fund.

These two plans are now before the House. The railroads which have been subsidized by the Government with bonds as well as lands are as follows:

The Union Pacific, running from Omaha to Ogden Station, a distance of 1039 miles.

The Central Pacific, which connects with the Union Pacific at Ogden Station, and runs from there to Sacramento City, a distance of 860 miles.

The Kansas and Pacific, running from Kansas City westerly to Gopher Station, in Kansas, 394 miles.

The Central Branch of the Union Pacific, running from Atchison to Waterville, Kans., 100 miles.

And the Sioux City and Pacific, running from Sioux City, Mo., to Fremont, Nebr., a distance of 101 miles.

The amount advanced to all these roads in the aggregate was $64,000,000, and neither it nor the interest matures until 1898. Large payments have been and are constantly being made upon this indebtedness, and while the amount now estimated to be owing is about $100,000,000, it is estimated that at the maturity of the bonds the amount owing will not be more than $75,000,000.

Three important questions now present themselves for the consideration of the House:

First. Will we adopt and pass the bill presented on behalf of the committee?

Second. Will we adopt and pass the substitute offered by Mr. POST? or,

Third. Will we leave the railroads as they now are, to pay what is required of them by law and under the operation and security afforded by the sinking fund created by the Thurman act?

I will speak on these points in their order.

The first principal provision of the bill reported by the Committee provides that the Government shall collect 35 instead of 25 per cent. of the net earnings of the roads; in other words, changes the Thurman bill to that extent.

Under the present or existing laws, from all the bond-subsidized roads, the amount annually received is $2,977,096.96.

Under the bill reported by the committee the amount received would be $4,502,295.62, making a little more than one million and a half, in addition to what the companies are now paying. And under the bill as amended the amount required would be nearly six millions of dollars. This is claimed to be the great merit of this bill, and the chief ground upon which it is urged; and certain figures are set forth for the purpose of showing that these companies are able to pay these extraordinary amounts of money. In our judgment this feature of this bill is one of the greatest and strongest objections to it. As we regard the matter, we consider that it is much more important that the people shall have cheap transportation over the whole system of the Pacific roads, and through them over all other roads, than that the Government should coerce the speedy payment of its debt. I regard cheap transportation over the Pacific roads, and over all other roads, as being the most important matter which can engage the consideration of Congress; and that every act in opposition to this idea should be regarded with hostility by Congress.

The report of the Union Pacific Railroad to its stockholders shows that for the year ending December 31, 1883, the aggregate amount of its passenger and freight traffic was considerably greater than the previous year. While it carried 21 per cent. more of passengers and 23 per cent. more of freight, its receipts were $1,821,342.46 less than the year before. Although we have not the official results before us, we are informed that the same result has occurred upon the Central Pacific and the other roads. This was occasioned solely by a reduction of charges in freight and passengers. We regard it as of the utmost possible importance that everything should be done to encourage this reduction and cheapening of transportation, and that nothing should be done looking in the opposite direction. The public who travel over these roads, and who transport their property upon them, are entitled to the most liberal consideration at our hands.

The bill of the committee is in direct conflict with the interest of every man, woman, and child carried over these roads, or who uses them as carriers of freight. Let me ask who is it who will be compelled annually to pay this additional million and a half of dollars (or $3,000,000 if the bill is amended as asked) which this bill proposes to add to the amount paid by these companies? Where do the companies get the money with which they pay and are to pay the large amounts required of them by the Government? Is it not a charge or exaction upon the public—upon the people—upon those who use the road? Every dollar in excess of what these companies are now required to pay to the Government will be raised by an increase of the price of passenger and freight charges on these roads. Railroad companies are not eleemosynary institutions. Certainly nobody on this floor has applied any names of that kind to them. They carry on business upon the same principle as natural persons, for the purpose of making money. If they must pay more they will charge more. The ratio of payment will be the ratio of collection, and hence the ratio of charges.

Mr. CASSIDY. Right in connection with that statement, if the gentleman will permit me, I will say that I have the report of the Government experts sent to Boston to examine the books of the company; and that report shows a falling off in the net earnings of the company, for the first five months of the present year, of $1,983,000 in round numbers.

Mr. BLOUNT. What was the amount of the last dividend?

Mr. CASSIDY. The last dividend they ever paid they had to borrow the money to pay it.

Mr. JORDAN. One of the roads I think pays 6 per cent. and the other 7 per cent.

Mr. BLOUNT. I mean the last dividend.

Mr. CASSIDY. One and three-quarters per cent.; they pay every three months.

Mr. JORDAN. Here is a reduction in the amount of the receipts of that road of nearly $2,000,000, and yet they have transacted nearly 25 per cent. more business than before. I am in favor of that sort of legislation which will permit these roads to keep on reducing their rates of freights in order that the people may have the benefit of that reduction in cheap transportation.

Mr. LAIRD. Will my friend permit me to ask him a question?

Mr. JORDAN. With great pleasure.

Mr. LAIRD. Can you show the House where the Union Pacific Rail-

road has ever reduced its charges for carrying freights and passengers a solitary penny? If so, I would like to have you do it.

Mr. JORDAN. I would refer my friend to the report of the Railroad Commissioner on that subject. He will find there that there has been a very large reduction both in 1882 and 1883.

Mr. LAIRD. I know there was a reduction in Colorado, where they had been charging 10 cents a mile for passengers, to 5 cents a mile, and there has been some reduction for passengers in Nebraska; but I know of no reduction in freight charges.

Mr. JORDAN. I think my friend has not thoroughly and fully investigated the report. He will find on examination that I am entirely correct.

Mr. PAYSON. Will the gentleman permit an inquiry?

Mr. JORDAN. Always.

Mr. PAYSON. How would it injure the general public if those gentlemen controlling these railway corporations should accept smaller dividends than they have been getting for the last eight years?

Mr. JORDAN. That will depend upon two propositions: In the first place, whether the dividends they have been getting are unreasonable dividends; and second, whether these roads are now in a condition in fact to pay dividends upon their earnings, or whether they are paying them by exhausting their reserve.

Mr. PAYSON. As a member of the committee, will the gentleman give the House his judgment as to whether the dividends these companies have been exacting from the people have not been extortionate ever since they first commenced paying them.

Mr. JORDAN. That will be part of the argument I will undertake to make before I close. The question is readily answered. The gentleman will find that I have considered all these matters very fully.

Mr. PAYSON. Will the gentleman allow one further inquiry? When he comes to descant on the dividends these companies have been paying, will he bear in mind the fact that none of these roads cost the present companies a single dollar?

Mr. JORDAN. Now, I would like to make a remark on that point to the House. What difference does it make, so far as regards the question upon which we are now passing, whether the owners of these roads have paid a dollar toward their construction? The Government of the United States did not give these companies these bonds; it loaned them bonds, did it not? The bonds were theirs to do with as they pleased.

Mr. PAYSON. It did.

Mr. JORDAN. And it is exacting payment of the bonds.

Mr. PAYSON. It is trying to do so.

Mr. JORDAN. What difference, then, does it make what the owners of the roads did toward the construction of the roads? The only question that can arise is whether the dividends which are being paid are upon a fair capital stock of the roads, and I will undertake to show that they are.

I am glad to see gentlemen interested in this question, and if they will follow me in what I say, or if they will investigate these matters as I have done for months as a member of the committee, they will come to the same conclusion that I do.

I resume my argument where I left off at the time I was interrupted.

Mr. Speaker, it would not be a difficult task in this House to show that tariffs, internal-revenue taxes are collected from the consumer; and passenger and freight charges are simply taxes levied by corporations upon individuals who travel and upon property which is transported.

This being so, we consider that this bill of the committee will result necessarily in an increase instead of a decrease of passenger and freight transportation over these roads, and that the public will pay, both in the cost of transportation and in the increased price of goods, all that is demanded by this bill in excess of what is paid now.

This argument ought to be sufficient to induce the House to reject a proposition which makes the people who use these roads pay an additional tribute of $1,500,000 a year, or $3,000,000 more, as now asked by the amendment.

There is another reason why we can not adopt the bill of the committee, and which seems to me a very strong one; and that is, a conviction that it is necessary to the successful management of the business of these roads that they should be allowed to use a considerable portion of their profits in constructing feeders and branch roads and in maintaining the best possible equipment for their roads. This has been the policy of these roads, in common with all the other great railroads of the country, and is a necessity forced upon them by powerful rivals who compete with them for every passenger and pound of freight carried over their lines. This policy has been beneficial to the companies, and has enabled them to maintain their main trunk lines in which the Government is interested, and to pay to it the amount required by the Thurman act, and to make their business successful and profitable. Upon this subject the Government directors of the Union Pacific Railroad say:

> The road-bed, track, buildings, and equipment are all in excellent condition and kept well up to the highest standard of the best roads of the country. The feeding lines are bringing each year additional traffic to the main line and increasing profits from their own business, to the permanent advantage of the whole system.

I regard it as greatly in the interest of the public that these roads should be well built, maintained, and equipped, and that they should have the means and be left free to compete with their rivals by making cheaper rates to the people in the future, and any other policy is short-sighted and unwise; and while it may cater to some local prejudice or feeling, it will, as a result, do great injury to the general business interests of the people; not simply those who use the road for local traffic, but that great body of the people who are carried over it, and who use it for more important and general purposes.

They should be allowed to use a considerable portion of their profits in constructing feeders and branch roads and in maintaining the best possible equipment for their roads. This has been the policy of all these roads. It is demanded by the necessities of business and travel over them; it is demanded in the interest of the public convenience. It is a necessity forced upon them by powerful rivals, who compete with them for every passenger and every pound of freight carried over these lines.

Look at the Union Pacific Railroad. You will find it paralleled from one end to the other by two great roads—the Quincy and Burlington Railroad upon the one side, and the Atchison and Santa Fé upon the other. The case is said to be the same in regard to the Central Pacific Railroad. It is said that all these roads are either paralleled by other great roads, or are compelled to compete with other and rival roads for all the business they transact.

Mr. GLASCOCK. Will the gentleman state what line there is parallel to and competing with the Central Pacific Railroad? There is no line competing with the Central Pacific road, and it absolutely holds a monopoly of all the California business.

Mr. CASSIDY. I hope the gentleman from Ohio will allow me to answer the gentleman from California.

Mr. JORDAN. I yield to the gentleman from Nevada, the chairman of our committee, for that purpose.

Mr. CASSIDY. The gentleman from Ohio, when he speaks of these roads being parallel, or in competition with other roads, means, as I understand him, that the Central Pacific does not control all the business in that section of the country, that there is a diversion of business from it, and consequently a reduction of the earnings of these subsidized roads. And now taking his statement in the sense in which he means it, I undertake to maintain that the completion, for instance of the Northern Pacific road, has diverted from the Union Pacific all the Montana freight, all the Washington Territory freight, and in a great measure the Oregon freight. I maintain, also, that the completion of the Southern Pacific has diverted a large share of the business from the Central Pacific.

Mr. GLASCOCK. Is not the Southern Pacific practically under the same control?

Mr. ANDERSON. Are not all these roads pooled?

Mr. CASSIDY. I am not speaking of competition as reducing rates, but in regard to its effect in reducing business.

Mr. JORDAN. Resuming where I left off, I desire to repeat that the policy of allowing these roads to construct or aid in the construction of branches and feeders has been beneficial to the companies and has enabled them to maintain the great trunk lines in which the Government is interested and to pay the amount required by their contract with the Government, the amount fixed by the Thurman act, and to make their business successful and profitable.

Another grave objection to this bill of the committee is that it will prevent them from paying dividends to their stockholders. When the Thurman bill was passed it was never contemplated for a moment that the roads should not pay a dividend to their stockholders; on the contrary, it was intended they should pay a dividend. It may be well here for me to quote from the remarks of Senator Thurman, the distinguished author and champion of the sinking-fund bill in the Senate.

On this subject Senator Thurman said:

> If the committee had not recognized the fact that it is for the interest not only of the companies, but of the country and the public, that the stockholders should be allowed to receive some reasonable dividends, because where roads pay dividends they are always better managed than where they pay none; if it had not been for those considerations we might justly have acquired more onerous conditions than those that we have imposed by this bill. Am I right about that? It is shown by the report of your committee, by going over the receipts and expenditures of these companies for long periods, that they can comply with this bill and pay every dollar of interest annually upon their indebtedness, both that whose lien is inferior to that of the United States as well as the first mortgage whose lien is superior; that they can pay every dollar interest upon their entire funded debt, pay all their operating expenses, pay to the Government what by existing law they are required to pay, and pay into a sinking fund what this bill requires them to pay, and then have annually for distribution among their shareholders as follows: The Union Pacific about 4¼ per cent. on the nominal value of the stock, or 6¼ per cent. on its present market value, and the Central Pacific about 6.4 per cent. on the nominal value of the stock.

One of the effects of this bill of the committee will be to prevent the payments of dividends to the stockholders. This is all wrong. The stock of these roads has been regarded by our people as a good investment. It is held and owned in all parts of the country. More than 5,000 persons are stockholders in the Union Pacific alone. The securities of these roads, including the stock, "have become favorites in the market for investments, and they are widely scattered at home and

abroad. They have taken to a certain extent the place of the public funds as investments." Stop the payment on these stocks, and you ruin thousands of innocent people.

Two of these roads—the Sioux City and the Central Branch of the Union Pacific—are not only put under the operation of the Thurman act by this bill of Mr. THOMPSON, but are required to pay 35 per cent. of their net earnings to the Government, when as a matter of fact they have never paid a dollar by way of dividend on their stock; and the latter road is in a state of hopeless insolvency.

Mr. THOMPSON. I will call the gentleman's attention to the fact that the Sioux City and Pacific Railroad paid as dividends on its capital stock the sum of $11,930, or more than 10 per cent.

Mr. JORDAN. I do not so understand the fact. That road has been in a chronic state of insolvency ever since its creation. If the company did pay the amount stated, $11,930, instead of being 10 per cent. on its capital stock, it would only be about 1 per cent. on its stock, which amounted to $1,000,000. And now let me ask the gentleman a question. Did this company, in the twenty years of its existence, ever pay any other dividend?

Mr. THOMPSON. I have not examined the full list of dividends. But I will state that last year it increased its net earnings over 200 per cent.

Mr. JORDAN. The gentleman is again mistaken. He is referring to the Central Branch of the Union Pacific, not to the Sioux City and Pacific Railroad, which only increased its earnings 28 per cent.

At the time I was interrupted I was considering the question of these roads being allowed to pay dividends to stockholders, and I have simply to add in addition upon that point that this view of the matter was taken by Senator Thurman in a discussion of his bill, that no Senator who took part in that discussion on either side ever suggested any other course.

Indeed, Mr. Speaker, will any man in his senses, any lawyer, suppose for a moment that a bill depriving the stockholders of all dividends would have been regarded by the Supreme Court as constitutional? They had already decided that the debt owing to the United States was not due until 1898, that the Government had no right until then to require payment, and it would have been more than unreasonable to require these companies to lay aside for the future so much of their earnings as disabled them from paying a dividend to their stockholders.

The stockholders of a railroad company are its owners, and to have deprived them of the whole of their dividends would have been an act so arbitrary in its character and so unreasonable that the Supreme Court would never have decided it to have been within the limitations of the constitutional power of Congress. If this policy had been pursued does any man suppose for a moment that this company would not have ceased business at once, and been compelled to abandon its property to the Government? And we would have found ourselves in the position of having the United States taking one more step in the direction of centralization, and found it engaged in carrying on the business of a railroad.

Mr. ANDERSON. Will the gentleman allow me to ask him a question?

Mr. JORDAN. I hope my friend from Kansas will not think me discourteous in declining to yield further. I have already been too generous in yielding my time for interruptions.

And now, Mr. Speaker, proceeding further in my objections to the bill of the committee I find another important argument against this bill is that it puts in jeopardy all the money now in the sinking fund under the Thurman bill, now amounting to about $5,000,000, and will result probably in having that law declared unconstitutional. There has been paid in already under that bill many millions of dollars which will be lost to the Government if that law should be declared unconstitutional. This law was declared constitutional, as has been stated, by a divided court. And whoever will take the trouble of examining the dissenting opinions of Justices Field, Bradley, and Strong will consider their argument against the constitutionality of the act of May 7, 1878, as entitled to the gravest consideration. In the mutation of human affairs but five of the justices who took part in the decision of that case are now on the supreme bench, and of these five only three believed the law to be constitutional.

This bill of the committee, by changing the amount to be paid in under the Thurman law and extending its operation, gives these companies an opportunity, if it does not invite them, to again test the constitutionality of this sinking-fund law. Is it good policy or wise statesmanship to do this? I have the highest possible regard for Judge Thurman, and this bill will long stand as a monument of his ability and skill as a lawyer and a statesman. At the same time I have the most serious doubts as to its constitutionality. Is it not better to stand where we are and take no chances in this matter? Let us be contented with what we have, and not, like the dog in the fable, lose the substance while grasping at the shadow.

Mr. JONES, of Wisconsin. Does not the railroad company have every year the right to test the constitutionality of that law, and will it not have that right whether we pass this bill or not?

Mr. JORDAN. I think it has the right to do it now, but these companies have not been disposed to do it, because they are willing to pay the amount required under these various acts. But if you undertake to say that these railroads shall pay annually a million and a half of dollars more than they are now paying (and indeed it would be more than three millions under the amendments made to the bill), then you will have so burdened them beyond their ability to bear that they will be compelled to find relief from your oppressive exactions either by appealing to the justice of the courts or by abandoning their business or surrendering their property. In my judgment, Mr. Speaker, this bill of the committee puts in jeopardy all the money now in the sinking fund and risks all that has been expected from it. In my opinion it is an unwise measure, and I desire on behalf of the Government and the public, whose servants we are, to put on record my protest against it.

I now come to the consideration of the fifth section of the bill of the committee, which is as follows:

SEC. 5. That the Central Pacific Railroad Company pay into said sinking fund the sum of $5,000,000; that the Union Pacific Railroad Company pay into said sinking fund the sum of $5,000,000; that the Kansas Pacific Railroad Company pay into said fund $2,000,000; that the Sioux City and Pacific Railroad Company pay into said fund $500,000; that the Central Branch of the Union Pacific Railroad Company pay into said fund $500,000, all of which said payments shall be made by said companies on or before Janury 1, 1885: *Provided, however*, That all sums of money, if any, which are claimed by said corporations, or any of them, as due them for services rendered the Government in transportation of mails, passengers, freight, or otherwise, as follows, namely: First, one-half compensation earned on bond-subsidized roads from January 1, 1873, to June 30, 1878; second, total compensation earned on non-bond-subsidized roads owned, leased, controlled, operated, or managed by subsidized companies from January 1, 1873, to this date; third, one-half compensation earned from July 1, 1878, to this date on bond-subsidized roads not embraced in the act of May 7, 1878, and which said sums so claimed have been withheld by the Government and applied, in whole or in part, to the payment of interest on the said subsidy bonds or to the purposes of the sinking fund, shall be credited upon said cash payments directed to be paid as aforesaid to the extent of the interest of each of said companies respectively in said claims; and upon all of said sums claimed to be due upon the accounts aforesaid and so withheld, and which have been applied to the payment of interest, there shall be interest allowed said corporations at the rate of 3 per cent. per annum from the said date of application until covered into the sinking fund under the operations of this act; and upon such portion as went into the sinking fund credit shall be given as of date it was passed to said fund, with interest at the rate produced by the investments then made; and if said credits when so allowed fall short of the cash payments herein required, the Secretary of the Treasury shall suspend the collection of the residue until further directed by Congress.

The accounts between the Government and the said corporations shall be restated to conform to the requirements of this act, and the unpaid interest account increased in proportion to the sums transferred from it to the sinking fund.

I read so much of the report of the committee as bears upon this section. It is as follows:

The accounts between the Government and the railroads are in a very unsatisfactory and uncertain condition. The complications arise principally out of the act of March 3, 1873, which has since been carried into the Revised Statutes as section 5260. The companies claim that this act was an attempted modification, without their consent, of what they claim was a charter-contract made in the act of 1864; that by said act Congress retained only the right to withhold and apply one-half the compensation earned upon the bond-subsidized portion of the roads by services to the Government; therefore, they say, the officers having retained all not only on the bond-aided portion but also on the non-bond-aided road owned by them (and upon roads not embraced by the Thurman act since it took effect), they have a right to recover the same back with interest.

These claims, as stated, are about as follows:

1. One-half compensation earned on bond-subsidized roads from January 1, 1873, to June 30, 1878	$1,753,554 79
2. Total compensation earned on non-bond-subsidized roads owned, leased, or operated by subsidized companies from January 1, 1873, to June 30, 1882	1,418,110 84
3. One-half compensation earned from July 1, 1878, to June 30, 1883, on bond-subsidized roads not covered by the act of May 7, 1878, or Thurman sinking-fund act	221,572 01
Total	3,393,207 64

This is for mail transportation alone, and the data furnished does not run down to date, nor has it been practicable to obtain sufficient information to give even an approximate estimate as to the amount of compensation earned by the bond-subsidized roads for services other than mail transportation of the three several classes above set forth and for the separate periods mentioned. It is thought it will equal, if it does not exceed, the amount above allowed for mail transportation.

These claims, if allowed with interest, will be over $10,000,000, and require large deficiency appropriations to pay the same. Shall they be paid, or in some way covered into the sinking fund?

It has been held by the Court of Claims that the Government could not retain, for the purpose of paying interest, any portion of the compensation due on the non-subsidized portions of said roads, or on roads controlled, leased, or operated by the subsidized companies; further, that it could only retain one-half the compensation for that purpose on the subsidized portions of said roads. This practically declares the act of March 3, 1873, inoperative, and leaves the Government to pay the claims above set forth, unless they can be covered into a sinking fund. (16 Court of Claims, 360.) It must be noted, however, that the sinking-fund act was not under consideration in the decision referred to above.

It will be seen that this section relates to three distinct classes of claims which it is sought by the arbitrary act of Congress, by a sort of legislative sequestration, to take from these roads and turn into a sinking fund.

I deny the authority of Congress to pass this act, and submit the question to the candid consideration of every lawyer and every fair-minded man in the House.

It is admitted in the report of the committee, and it was decided by the Supreme Court, that Congress could not take any of the money or current earnings of these roads and appropriate them to the payment of the debt; but it is said that, while we can not do this, we can order these companies to pay a sum larger than these amounts into the sinking

fund, allow them interest upon it (and thus kick the devil around the stump), and thus prevent the companies getting the money they are entitled to.

Now let us see what was decided in the Sinking-fund case.

The court decided in that case simply that Congress had a right to require the companies which had been subsidized by the Government with bonds and lands to lay aside so much of their current earnings, after paying a dividend to their stockholders, as would be necessary to protect the Government or other creditors, and that a sinking fund could be established in the Treasury of the United States for that purpose. That decision related wholly to the future earnings of the road, and did not operate on any moneys already earned. The fifth section of this bill, however, takes from these companies money already earned and owing to it by the Government, is retroactive in its character, deprives them without due process of law of rights already vested, and is therefore unconstitutional.

In the Sinking-fund case, decided by the Supreme Court of the United States, in 9 Otto, page 718, Chief-Justice Waite, in announcing the opinion of the majority of the court, recognized fully the position that I contend for, namely, that Congress had no power to pass any law setting aside the past earnings of any of the subsidized roads and placing them in a sinking fund. On page 719 the learned judge said:

> The precise point to be determined now is whether a statute which requires these companies in the management of their affairs to set aside a portion of their current income as a sinking fund to meet this and other mortgage debts when they mature deprives these companies of their property without due process of law, or in any other way improperly interferes with vested rights.

This shows that the decision did not relate to past earnings, but only to future income or earnings of the road. There was nothing retroactive about it.

On page 720 the learned judge was still more explicit on this point. The language used is:

> All agree that the power of Congress can not be used to take away property already acquired under the operation of their charters, or to deprive the corporations of the fruits actually reduced to possession of contracts lawfully made.

On page 721 the court seemed determined to leave nothing in doubt as to its meaning on this point, and said:

> It [Congress] can not undo what has already been done and it can not unmake contracts that already have been made, but it may provide for what shall be done in the future.

Again, on the same page, the court says:

> All such legislation will be confined in its operation to the future.

Mr. HOLMAN. But there is a power of alteration or amendment in the act.

Mr. JORDAN. My distinguished friend from Indiana suggests that there is a power reserved to the Government in the charter of these companies by which Congress may alter or amend the acts creating them. But, sir, it was upon that direct proposition that the court ruled, and I was reading from that very portion of the decision in support of my position, and I now call the attention of the gentleman and the House to this part of the decision again, and I will read a little more fully than I did before, in order that the House may see the full force of my position and what the court said on the subject:

> Taking both acts together, and giving the explanatory statement in that of 1862 all the effect it can be entitled to, we are of the opinion that Congress not only retains but has given special notice of its intention to retain full and complete power to make such alterations and amendments of the charter as come within the just scope of legislative power. That this power has a limit no one can doubt. All agree that it can not be used to take away property already acquired under the operation of the charter or to deprive the corporation of the fruits actually reduced to possession by contracts lawfully made.

The latter part, the gentleman will perceive, is what I read before.

And while I am upon the subject of the power of Congress to alter or amend the acts of July 1, 1862, and July 1, 1864, let me conclude all that I have to say upon that subject. These acts created one corporation, the Union Pacific, and recognized certain other corporations created by the State. These grants were not mere gifts or donations, but were made to these companies in consideration of certain acts to be done by them. The Government by these acts granted to these companies their right of way, a large amount of lands, and agreed to loan its bonds or credit. In consideration thereof the companies agreed to construct the roads and telegraph lines provided for in the act and keep the same in repair and use, to pay the bonds loaned at maturity, to transmit dispatches over the telegraph lines, and transport troops and munitions of war, supplies and public stores upon said railroads for the Government when required at certain rates, and give the Government a preference in so doing, and apply one-half compensation and 5 per cent. interest on bonds until paid. And it was provided in said acts that the companies named therein should "file their assent thereto under their seals in the Department of the Interior within one year;" and these acceptances were filed.

Now, until that was done no right passed from the Government or to these companies; when that was done a contract existed between the Government and these companies obligatory upon both, and from which neither of them could withdraw.

It must be evident to any one, who will consider the matter for a moment, that the United States in the enactment of these laws and making the contracts above mentioned acted in two distinct capacities. In creating the corporation and granting a franchise to it and to other corporations we see an act of political sovereignty, but in all other particulars we simply see the Government making contracts as a civil corporation. Under the power to alter and amend Congress unquestionably reserved certain rights in relation to these companies and to their franchises; but it could in the nature of things reserve no power whatever to alter, amend, or repeal any part of these acts which by the acceptance of the company constituted a contract. It seems to me that to take any other view of this matter would leave these corporations, after they had accepted the terms proposed by the Government, and after they had entered upon the execution of their contract and built their roads, entirely at the mercy of Congress.

Touching the authority of Congress as to its power to alter and amend such contracts, and claiming that in so doing it can not take away or destroy rights which have already vested, I desire to call the attention of the House to what has been said upon this subject by statesmen and courts.

Mr. Madison said, in the forty-fourth number of the Federalist—

> That laws impairing the obligations of contracts are contrary to the first principles of the social compact, and to every principle of sound legislation.

In the case of Fletcher *v.* Peck, reported in 6 Cranch, page 103, the court said, in substance: That legislative grants in the nature of a contract and under which rights have vested are not held *durante bene placito* of the law-making power.

In 15 Monroe, Kentucky Law and Equity Reports, page 320, it was said by an eminent judge that—

> A reservation by the Legislature in a charter of power to alter, amend, or repeal does not imply the power to alter or change the vested rights acquired by the corporation under the charter.

In the case of the Commonwealth *v.* Essex Company, in 13 Gray Reports, Chief-Justice Shaw, in speaking of the power reserved in the words to alter, amend, or repeal, said:

> Where under a power in a charter rights have been acquired and become vested, no amendment or alteration of the charter can take away the property or rights which have become vested under a legitimate exercise of the power granted.

In the case of Calder *v.* Buell (3 Dallas, page 388) it was said by the court:

> The Legislature may command what is right and prohibit what is wrong, but they can not change innocence into guilt, or violate the rights of an antecedent private lawful contract, or the rights of private property.

And Justice Swayne, in the case of Shields *v.* Ohio, in 95 U. S. S. C. Reports, said:

> Such alterations must be reasonable; they must be made in good faith, and must be consistent with the object and scope of the act of incorporation. Sheer oppression and wrong can not be inflicted under the guise of amendment and alteration.

Where, then, Mr. Speaker, is the power of the Congress of the United States to take away from these companies their vested right in the moneys already earned by them? Would any man have the hardihood to claim upon this floor that Congress could take the lands of these companies for the purposes of a sinking fund? If these companies had United States bonds, stocks, moneys, would anybody assert that Congress could take these and put them into a sinking fund? If, indeed, these companies were the owners of bills receivable and other choses in action, would it be said that Congress could seize on these, deprive the companies of them, and put them into a sinking fund? And what, Mr. Speaker, is a claim against the Government owing to these companies and withheld from them but a chose in action?

How pertinent at this point is the language of Judge Strong, to be found on page 738 in 99 U. S. S. C. Reports. He said:

> What is property? A right in action is as completely property as a title to land. A very large part of the property of the country consists in rights attendant upon contracts. The right of a promisee to demand payment when a note falls due is a right of property.

And so a claim owing by the United States to these railroad companies is a vested right, that can not be taken from them by retroactive legislation, or in any other way except by due process of law, and that has been defined to be "by law in regular course of administration through regular courts of justice."

Mr. Thurman never thought anything of this kind could be done, nor was it attempted by the act of 1873.

In 4 Devereux, North Carolina, page 1, Chief-Justice Ruffin said:

> To do indirectly in the abuse of the exercise of an acknowledged power, not given for but perverted for that purpose, that which is expressly forbidden to be done directly, is a gross and wicked infraction of the Constitution.

Mr. HEWITT, of Alabama. Will the gentleman permit me to ask him a question?

Mr. JORDAN. Yes, sir.

Mr. HEWITT, of Alabama. Are any of these roads now indebted to the sinking fund; and, if so, in what amount?

Mr. JORDAN. Four of them are not. The Union Pacific is indebted, but it claims $4,000,000 to be due to it from the Government by way of compensation for transportation. If this is adjusted there is not one of them that owes the sinking fund a dollar. But, Mr. Speaker, the next provision of this section is, if anything, more monstrous and illegal than the one I have just considered.

It proposes to take from these companies and carry into the sinking

fund the whole compensation earned on non-subsidized roads, whether owned, leased, controlled, operated, or managed by the subsidized roads, from January 1, 1873, to this date.

Mr. STRUBLE, of Iowa. The whole of the compensation?

Mr. JORDAN. No wonder it strikes my friend from Iowa as a strange proposition. Yes, sir; the whole compensation.

Now, in order that the House may understand the full force of this provision of the bill, let me make a brief statement of the facts: The Union Pacific Railway Company, including the Kansas Pacific, only received aid from the Government in bonds on 1,436 miles of its road. There is now embraced in the system of that road 4,327 miles. Eighteen hundred and twenty-nine miles are owned by the company and 2,498 miles are merely controlled or operated by the company.

The Central Pacific Railroad system embraces 3,003 miles. Only eight hundred and sixty miles were subsidized or aided in bonds, and 2,177 miles are merely leased or controlled by the Central Pacific.

Now, while not more than one-third of the Union Pacific and not more than one-fourth of the Central Pacific was subsidized, it is sought to take the earnings of 4,675 miles of road which received no Government aid. This amounts to an illegal appropriation into the sinking fund of several millions of dollars already earned, and honestly owing by the Government to these companies for transportation services on non-subsidized roads. By the charter or contract the companies agreed to allow the Government to retain one-half compensation on the subsidized or aided lines, but it did not agree to allow anything to be retained on non-aided lines, and the Government paid on such lines for many years. There was a consideration for a promise to pay the one-half compensation on an aided road, and there might be a pretense of right to require the other half to be paid into a sinking fund, but here there is no promise to pay any part of the compensation upon a line not subsidized, nor is there any consideration for such a promise.

But it is said that the Government deals with the corporations and not with the roads, and that the companies have promised to pay, and this makes them liable over the whole length of their road, whether they own it, lease it, or operate it—the same exactly as they are upon the subsidized portion of the road. Indeed, if this is so, why do you not apply the same principle that you do over the subsidized roads? Why do you not apply one-half to the payment of the interest on the bonds? Why pay it all into a sinking fund? If this proposition is correct, the companies are entitled to have one-half applied to the payment of interest, and you have no right to prevent it; and you could only carry the other half into the sinking fund.

The advocates of this bill must take one horn of the dilemma or the other. The Government either had or it did not have the same right to retain one-half of the compensation on non-aided as on aided lines. If it did have, then this provision of the bill is wrong, as it changes the application of this money by putting the whole into a sinking fund when it was bound to apply one-half to the payment of interest. If it did not have this right, then the Government should have paid this money to the companies.

Mr. Speaker, the author of this bill knew perfectly well that the Government had no claim upon the money earned upon these non-aided lines, and that it ought to have paid it over; and hence he seeks by this bill to have the whole of it carried into a sinking fund, and not one-half, as in case of the compensation on the portions of the road subsidized with bonds. But, Mr. Speaker, we need not reason or speculate upon this subject. It has been already passed upon and settled by the courts.

The first case which I cite is that of The United States *v.* The Denver and Pacific Railway Company, reported in 9 Otto, page 461. The syllabus of the case is as follows:

> The Denver Pacific Railway and Telegraph Company is not liable for the debt incurred by the Kansas Pacific Railway Company on account of subsidy bonds; and although it is bound to perform the Government service stipulated by the Pacific Railroad acts at the rates therein prescribed, and is subject to their provisions so far as they are applicable to it, no part of the compensation due it for such service can be retained by the United States.

Now let me read the note at the end of the decision:

> At a subsequent day of the term Mr. Justice Bradley remarked: "Since delivering the opinion in this case our attention has been called to the fact that, while affirming generally the judgment of the court below, we did not expressly pass upon the question of the right set up by the Government to retain one-half of the amount of compensation due from it to the claimant for the transportation of mails and other public property. This point was not overlooked in rendering our judgment in the case. We can not conceive on what principle the retention can be claimed, since the object of retaining the compensation for such services or any portion thereof, as expressed in the sixth section of the act of 1862, was to apply the amount so retained to the debt due to the Government for subsidy bonds granted to the companies that should receive the same. But the claimants in this case received no such bonds, and we decided that neither the company nor its railroad or property is liable in any way for the payment of any debt incurred for such bonds received by the Kansas Pacific Railway Company. Consequently there is no room for the application of the right of retention in this case, and the judgment of the Court of Claims was properly rendered for the whole amount of such compensation due."

In the case of The Union Pacific Railway Company *v.* The United States, reported in the sixteenth volume, page 353, of the Court of Claims Reports, the court held that compensation should be paid to a subsidized company for services on a part of its road owned but not aided by subsidy bonds. And in the same volume of reports, on page 361, will be found the case of The Central Branch of the Union Pacific Railway Company *v.* United States, in which the same court decided that compensation should be paid for services to a subsidized company on a line leased by it. These cases were regarded as so clear by the Attorney-General of the United States that they were not carried to the Supreme Court. Indeed, the decisions of the Supreme Court of the United States in the case of The United States *v.* The Kansas Pacific Railway Company, in 9 Otto, page 450, and the case of The United States *v.* The Denver Pacific Railway Company (above quoted, in the same volume of reports) had so settled the principles of these cases that it was useless to go any further in the matter.

In addition to all these decisions Hon. William Lawrence, First Comptroller of the Treasury, in one of the Pacific Railway cases, rendered an able and interesting decision, in which he reviews all the decisions upon the subject and decides the same way. The principle that I contend for ought now to be considered settled, as it has been decided by the First Comptroller of the Treasury, by the Court of Claims, and by the Supreme Court of the United States. In all these decisions the companies are held to be one thing and the roads another, and no duty or liability is held to accrue under the acts of July 1, 1862, and July 1, 1864, except upon or to the extent that the road was subsidized. Hence it is that the courts have refused to recognize any lien, right, or claim of any kind upon the non-aided lines. It thus appears that the attempt to take the earnings of these companies on the non-subsidized lines, whether owned, leased, operated, or managed, is illegal, and this section of the bill unconstitutional. This act of the Government might well be likened to the case of a mortgagee who holds a second mortgage upon a farm, and long before his debt becomes due files a bill in equity asking the court to appoint a receiver to collect the earnings not merely from the said farm upon which he has a lien, but also asks the court to require the debtor to pay to the receiver any earnings which he should make upon other farms which he should lease or control or manage. If there is any single element in this proposition upon which the court could act, then I can understand what my friend from Kentucky meant when he said that any court would sustain his bill.

Mr. Speaker, every provision of this fifth section of the bill of the committee is retroactive, and without due process of law deprives these companies of rights which have long since vested. They can neither be defended in the forum of law nor conscience. This whole section of this bill is a mere assertion of arbitrary power because the Government has got the money in its possession. It is indeed the clearest abuse of power and done without a shadow of right. It can be justified in no tribunal which proposes to do justice. It is the Government adjudicating in its own favor matters which it is unwilling to trust to the judicial tribunals of the country. It is an act by which the Government, having refused to pay what it was bound to pay, having retained by superior force or advantage of position as debtor, now seeks to justify itself.

It was once said by a distinguished judge that "a corporation had no soul to be damned nor body to be kicked;" and if this act is passed it would seem that they had no rights which Congress is bound to respect.

The next clause of the bill seeks to carry into a sinking fund the amount due from the Government to the Kansas Pacific, Central Branch of the Union Pacific, and the Sioux City and Pacific Railway Companies on their roads, whether subsidized or not. The same principles contended for above will apply to them, and I will take no further time on this subject.

The sixth section of the bill of the committee directs that all the compensation which the Government may hereafter owe to these companies for transportation over non-subsidized lines if owned, leased, or operated by them shall become and be the sinking fund. The argument above made and authorities above cited apply equally to that section, and I will not detain the House further on this subject.

Mr. BLOUNT. Does this proposition interfere with these—with the leases or contracts which these roads have made or with the payment of the amount due under them?

Mr. JORDAN. That depends upon the construction which may be given to the bill. I do not want to interpret the bill in that particular. Every member will have to do that for himself. I may say that I regard this clause of this bill as a reckless attempt to extend this octopus bill over non-subsidized lines without any reference whatever to their rights.

AS TO THE POST BILL, OR SUBSTITUTE OF THE MINORITY.

Mr. Speaker, I have said much more than I intended in this case, and I will therefore be brief upon what I have to say upon this substitute. It can well rest upon what has so ably been said by the gentleman from Pennsylvania [Mr. POST], and what may be said by the gentleman from Nevada [Mr. CASSIDY], the chairman of the committee.

It is not claimed that this bill is perfect, and indeed there are several amendments to it which have been under consideration and should be made before it is passed. The bill is before the House, and amendments can easily be made to relieve it of any objectionable features.

This bill when amended will, in my judgment, be far preferable to that of the committee as presented by Mr. THOMPSON.

It is the principle of this bill which we desire to have presented and considered by the House. If you examine it dispassionately and carefully you will adopt it. If the bill of the committee should become a law, and the amount required by it should be paid by the companies, there would still remain owing to the Government in 1898 $96,000,000. The Government would then be in the same position that it now is, except as to the amount now owing, and would have to devise some mode of collecting this debt and making a final settlement with the company. We have thought it best to make this condition of affairs known to the House, and to present a bill looking to such a settlement, and also looking to the ultimate extinguishment of the debt.

The substitute of Mr. POST provides that the amount of the indebtedness of the companies, or the present worth of such debt, should be ascertained; that this indebtedness should be divided into sums within the ability of the companies to pay; that the time for payments should be correspondingly extended; that additional securities should be given for each payment so to be made, and also for the payment of the whole debt. We are satisfied that the principle of this bill will have to be adopted at some time as the basis upon which to settle this matter with these companies. It is not so important to the Government that it shall have its money soon as it is that the debt shall be secured and its payment made certain. It is also important to the Government and the roads that this whole matter shall be taken out of Congress. A distinguished Senator from Indiana, Senator VOORHEES, in the debate at the time of the passage of the Thurman sinking-fund bill, used this language upon this subject:

> This subject ought to be removed from Congress; it ought not to be a theme of perpetual agitation in these Halls. The great interests at stake should not be made the playthings of stock speculators, brokers, and gamblers; nor should they be left open for every adventurous, aspiring, restless member of either branch of Congress to inaugurate a new agitation whenever his interests or his ambition might dictate.

The force of these remarks lies in the application.

By this substitute proposed by the minority payments are to be made every six months in certain fixed and definite sums. It is admitted by Mr. THOMPSON in his advocacy of the bill of the committee that at the maturity of the debt of the Government in 1898 there will still be due and owing by these roads the sum of $96,000,000; and the most remarkable and extraordinary thing is, that in the bill of the committee no provision whatever is made for the settlement or the extinguishment of this debt at its maturity. By the plan proposed by the minority in the substitute the amount which will be owing in 1898 will not be much greater than it will on the plan proposed by the committee. The amount required under the substitute is within the ability and capacity of the company to pay without interfering with the payment of reasonable dividends or with the successful management and operation of the roads. Neither will it require them to increase the price of freight or passenger transportation; on the contrary, it will leave them to pursue a policy dictated alike by common sense and the necessities of business, of gradually reducing to the public the cost of transportation. This substitute, if adopted, will take away every inducement of the companies to divert the business from the main trunk or subsidized lines to other roads, or to lessen in any way the amount of their net earnings. It settles at once all controversies between the Government and these companies, and makes an end of all litigation between them.

Requiring, as it does, that the companies shall give their consent to it, it yields at once to the Government all right to any moneys now owing for compensation upon aided or non-aided lines and all that may hereafter become due. It gives by consent all that is sought to be accomplished by the fifth and sixth sections of the bill of the committee. In order that the semi-annual payments may be made certain beyond question it provides that none of the earnings on subsidized or non-subsidized roads shall be paid until the bond next maturing or semi-annual payment has been made. And in order that the indebtedness to the Government may be made absolutely secure it provides not only that the Thurman sinking fund shall be continued, but that the lien of the Government shall extend not only over the subsidized roads but over the whole line of the road.

I make a part of my remarks a statement showing the mileage of roads operated January 1, 1884, by the several bond-subsidized roads. These are the main and substantial features of the substitute. I have not time nor do I care to enter into details. I am contending for an important principle. If there are any errors in the bill, let them be corrected by amendments.

Believing, Mr. Speaker, that the substitute is based upon a correct principle, that it will put an end to all the controversies between the Government and the companies, that it will be beneficial to the public in cheapening rather than increasing passenger and freight transportation, that it will quicken the disposition of these companies to pay, that it will lead to a gradual extinction of the debt, and that it will secure its payment and extinguishment of the whole debt beyond peradventure, I am heartily in favor of the principle of Mr. POST's substitute, and with slight amendments it should be adopted. If there is any mode by which additional guarantees and securities can be required from these companies or given by them, I will be glad to vote for any amendment looking to that end. Our object is to obtain a fair, honest, and just settlement of this debt.

Mr. Speaker, I have presented the reasons why the bill of the committee can not be adopted by the House, and some reasons why a bill embodying the principles of Mr. POST's substitute must be adopted sooner or later. If the House is not prepared to indorse either of these measures, or has not time in the few hours allowed for debate to give the subject the consideration which its importance demands, then let us stand where we are, leaving these companies as they now are, under their rights as created by the acts of July 1, 1862, and July 1, 1864, and under the operation of the Thurman sinking-fund act—a measure intended by its distinguished author to do the maximum of good to the Government and the minimum of injury to the companies. From a long and careful examination of the accounts of these corporations, running through many years, from a full consideration of all the information which has been furnished our committee by the friends and enemies of these companies, I am of the opinion that the Central Pacific and the Union Pacific, including the Kansas Pacific, are able—not without difficulty—to comply with their contracts with the Government and successfully carry on and manage their roads, that they can not pay any increased amount of their earnings, and that the Sioux City and Pacific can not even do that much; and I submit now, with little or no comment, the facts and figures to show the truth of what I have said.

I submit to be printed a statement prepared in the office of the Commissioner of Railroads, and which is official, of the revenue and expenditures of the entire line of the Union Pacific for the year ending December 31, 1883, as shown by the books of the company. It shows the total receipts of the company from all sources to be $23,226,862.77, the total expenditures to have been $22,958,498.05, leaving a surplus of $268,364.72. The amount earned by these roads varies considerably in different years; it may be a million or two more in one year than another, and our committee is informed that the present has been a year of loss and disaster to the company instead of profit.

An official statement prepared in the office of the Commissioner of Railroads I make a part of this argument. This statement shows the revenue and expenditure of the entire line of the Central Pacific Railway Company for the year ending December 31, 1882.

The total receipts	$26,675,502 41
The total expenditures	26,640,390 48
Leaving a surplus of	35,111 93

I submit with what I have to say a statement prepared in the office of the Commissioner of Railroads, showing the revenue and expenditure on the subsidized portion of the said company's road for the year ending December 31, 1882. It shows that after deducting from the amount earned by the company its expenditures, a dividend upon its stock, and the 25 per cent. required by the Thurman act, it would leave a deficit of $170,059.70.

I also make a part of what I have to say a statement showing the revenues and expenditures of the Central Branch of the Union Pacific Railroad Company, from which it will appear that after deducting from the amount of the receipts of said company its expenditures, interest upon its first-mortgage bonds, and allowing for a dividend upon its capital stock, and taking out the requirement demanded if the Thurman law is applied to this road.

I also have had prepared a statement, which I herewith present, showing the revenue and expenditures of the Sioux City and Pacific Railway for the year ending June 30, 1883. It shows the

Gross receipts to have been		$646,459 92
Operating expenses	$495,821 51	
Deducting new construction and equipment	33,915 28	
Interest on first-mortgage bonds	96,000 00	
Dividend on stock ($68,736.79)	60,000 00	
	685,736 79	
Leaving a deficit in the receipts of this company of		39,276 87

without paying a dollar under the requirements of the Thurman act if applied to this road.

It thus appears, Mr. Speaker, that these several companies can with difficulty comply with their contract with the Government and the requirements of the Thurman sinking fund, and that they are not able to do any more than this. It would seem wise, therefore, that we should either adopt the Post substitute or leave these roads as they now are, under the operation of the Thurman act.

Is the amount owing to the United States by the Central and Union Pacific Railway Companies secure by existing legislation?

I do not believe, Mr. Speaker, that there is any doubt whatever about it. For my part, I have no apprehension on the subject.

I do not believe that there is any danger that the United States will not receive every dollar owing to it by the Central and Union Pacific Railroad Companies, and I will occupy the House but a few minutes in showing that the debt owing by these companies is perfectly secure.

The amount of bonds advanced to the Central Pacific Railroad Company was $27,855,680. The interest at maturity of bonds will be $50,140,224. Total when due in 1898, $77,995,904.

The amount of bonds advanced to the Union Pacific was $27,236,512. The interest at maturity of bonds will be $51,000,000. Total at maturity of debt, 1898, $78,236,512.

Now observe and remember that I have in this calculation included interest for fifteen years in advance, which the companies do not owe and which the Government has not paid. In other words, in this estimate is included a sum of about $50,000,000 which would be excluded if we were considering the present indebtedness of these two roads.

But, Mr. Speaker, let us see, if gentlemen prefer it, what these two companies will owe in 1898, at the maturity of the debt, even when the Government has paid out $50,000,000 that it has not yet paid. Remember that more than $20,000,000 has already been paid by these two companies, and that under existing laws and the Thurman sinking-fund act they are required to pay nearly $3,000,000 a year, and while the debt is not being reduced, yet that the annual increase is less than a million a year.

I desire to read right here a careful estimate, not made by myself but by Mr. W. H. Armstrong, the United States Railroad Commissioner, showing the amount which will be owing by the Central and Union Pacific at the maturity of the debt in 1898. The estimate can easily be verified, and is as follows, and will be found in his report of 1883, on page 13:

CENTRAL PACIFIC RAILROAD.

Principal sum of bonds advanced		$27,855,680 00
Thirty years' interest, at 6 per cent		50,140,224 00
Total		77,995,904 00
Deduct transportation, &c., approximately, in round numbers, first fifteen years	$6,000,000	
Deduct transportation, &c., approximately, in round numbers, last fifteen years, at present rates	13,500,000	
By accumulation of sinking fund for the next fifteen years, estimated at $500,000 per annum, together with amount already in sinking fund, at 3 per cent. per annum	12,500,000	
		32,000,000 00
Balance due United States at maturity of bonds		45,995,904 00

UNION PACIFIC RAILWAY.

Principal of bonds advanced		$27,236,512 00
Thirty years' interest, at 6 per cent		49,025,721 60
Total		76,262,233 60
Deduct transportation, &c., approximately, in round numbers, for first fifteen years	$12,000,000	
Deduct transportation, &c., approximately, in round numbers, for last fifteen years, at the present rate	16,500,000	
By accumulation of sinking fund for the next fifteen years, estimated at $900,000 per annum, together with amount already in sinking fund, at 3 per cent. per annum	22,500,000	
		51,000,000 00
Balance due United States at maturity of bonds		25,262,233 60

By authority of the act of Congress of July 1, 1864, each of these companies placed a mortgage upon its road to the amount of the bonds advanced by the Government. This is the only lien or incumbrance prior to that of the United States, and the interest thereon has all been paid up. Subject to those mortgages the United States has the second lien on the whole line of these railroads and telegraph, together with the rolling-stock of every kind and description, and the act provides that "on the refusal or failure of said company to redeem said bonds or any part of them, when required so to do by the Secretary of the Treasury, in accordance with the provisions of this act, the said road, with all the rights, functions, immunities, and appurtenances thereunto belonging, and also all lands granted to the said company by the United States which at the time of said default shall remain in the ownership of the said company, may be taken possession of by the Secretary of the Treasury for the use and benefit of the United States."

This security on these two roads embraces, therefore, a railroad with a road-bed 200 feet wide, from Omaha to Sacramento City, nearly 2,000 miles in length, with all the equipments in cars and everything necessary to constitute a first-class road. Added to this is a telegraph line coextensive with the road, with all the apparatus connected therewith. These roads were built at great expense originally; they have been improved to meet the demands of business; they have constructed important branches and feeders, and now own in all about 3,000 miles of road; are interested largely in many of their branches and connections; they are in full running condition, and are operated under skillful management; the amount of their through and local business is constantly increasing; along their main lines and branches towns and cities have grown up; their business has become vast in amount and profitable in its character. By the time this indebtedness matures, in 1898, the population of the United States will have increased to 75,000,000.

The country through which this road passes will have its full share of this increased population and of the increased business which naturally comes from it. When we take all these things into consideration and add to them the power reserved by Congress in its charter over these roads, a power to take possession of the road itself and all of its equipments and property upon a failure to pay its debts to the Government, can any man doubt that the claim of the Government is entirely secure?

I have said nothing of the fact that the Central Pacific has laid aside more than $6,000,000 in a sinking fund to meet its mortgage which is prior to the lien of the Government; nor have I said anything of the valuable lands and other property owned by these companies, estimated at many millions of dollars.

Mr. Speaker, a great deal has been said as to the large amount of bonds advanced by the Government to aid in the construction of the Pacific roads, the amount advanced to each being about $27,000,000. Considering that this money was advanced by a Government representing 55,000,000 of people, there is nothing extraordinary or remarkable about it. Why, sir, the city of Cincinnati, with a population of not more than 300,000 people, a city which stands, however, without a rival in this country for the public spirit of its people and its citizens, issued its bonds to the amount of more than $20,000,000, most of them bearing interest at 7.3 per cent., and with the proceeds built and constructed and now owns a railroad running from Cincinnati, Ohio, to Chattanooga, Tenn., only one mile of which is within the limits of our city, and all the rest of it located in the States of Kentucky and Tennessee. We are now leasing this road for about enough to pay one-half of the interest which we pay on the bonds, and we will have to continue to do so until the whole of the bonds are finally redeemed. The people of Cincinnati built this great railroad for the purpose of establishing amicable and business relations with the people of the South. We did not regard this as a matter beyond the ability of the people of one city, but gentlemen upon this floor regard the amount advanced to these railroads as something marvelous and almost bankrupting the Government. Allow me to commend to the House and the country the spirit of the people of the city which I have the honor in part to represent on this floor, and which issued $20,000,000 of bonds to build the Cincinnati Southern Railroad.

I have said, Mr. Speaker, and I now repeat it, that I believe that the indebtedness owing by these companies to the Government is secure, absolutely secure. In my judgment these two railroads, with their franchises and property and rights, in possession of the country through which they run in full and successful operation, are worth more than $200,000,000. Indeed, I have been told by men of large knowledge and experience in such matters that they are worth greatly in excess of this amount. And now, sir, I have said much more than I intended to say upon the subject of these roads and their relation to the Government. But these matters have been under constant consideration by our committee for the last six months and the subject has become interesting to all of us.

Mr. Speaker, it will be seen that the advocates of the bill of the committee, and more particularly the gentleman from Kentucky, have made great outcry and clamor against these companies. Frauds committed twenty years ago, and which have no earthly connection with the questions now under consideration, are brought forward to bias our minds and prejudice the House. Language intemperate and unjustifiable has been used and employed against public men and officials of high and honorable character. Need I say, Mr. Speaker, that all these things are improper, and are wholly foreign to this subject in debate?

Need I say, sir, to this House or to the country that frauds perpetrated or alleged to have been perpetrated many years ago in the construction of one of these roads can in no wise aid us in a fair and honest judgment upon the matters now before us? So far as I am concerned, unbiased and uninfluenced by all appeals and considerations of this kind, I stand here as a member of this House endeavoring to the best of my ability to ascertain what are the legal rights of the Government and what are the legal rights of these companies.

I know no other way of looking at this matter. The rights of the Government upon the one hand and the companies upon the other are to be found, and found only, in the contracts existing between them. I know no difference between the relations that the Government sustains to these corporations and to any other citizen. In the eye of the law all rights are equally sacred, and certainly those which have been created under the acts of the Congress of the United States ought to be binding upon and respected by us as members of that body. Upon this subject I can not do better than to quote the words of Chief-Justice Waite:

> The United States are as much bound by their contracts as individuals. If they repudiate their obligations, it is as much repudiation, with all the wrong and reproach that term implies, as it would be if the repudiator had been a State, a municipality, or a citizen.

Our action in the matters now before us should be wise, conservative, just, and fair, and within our constitutional powers. Let us be careful, watchful, and zealous in the interest of the people, that every law made for the protection of their interests be enforced; let these companies be required to obey their charters, comply with their contracts with the Government, pay to it the uttermost farthing they owe; but when they have done this, let us give them the protection of the law, and see to it that the Constitution itself is not violated in an attempt to deprive them of their vested rights.

EXHIBIT No. 1.

Statement showing mileage of roads operated January 1, 1884, by the several companies to which the United States have loaned bonds in aid of construction.

RAILROADS OPERATED BY THE UNION PACIFIC RAILWAY COMPANY.

Name of road.	From—	To—	Miles.	Subsidized or otherwise.	Owned, leased, or controlled.
Union Pacific Railway	Council Bluffs, Iowa (Broadway depot).	Connection with main line	1.39	Not subsidized	Owned.
Do	Council Bluffs, Iowa (Transfer depot).	Junction Switch, Omaha, Nebr	3.73	do	Do.
Do	Junction Switch, Omaha, Nebr	Connection with C., St. P., M. and O. Railway.	2.46	do	Do.
Do	do	Ogden, Utah	1,029.38	Bonds and lands	Do.
Do	Cheyenne, Wyo	Fort Russell, Wyo	2.04	Not subsidized	Do.
Do	Niles Junction, Wyo	Coal mines	4.20	do	Do.
Do	Almy Junction, Wyo	do	5.50	do	Do.
Do	Kansas City, Mo. (Union depot)	A point on the Kansas Pacific	393.94	Bonds and lands	Do.
Do	393.94 miles west of eastern State line.	Denver, Colo. (Union depot)	245.26	Lands only	Do.
Do	Leavenworth and Lawrence Junction, Kans.	South Leavenworth, Kans	30.87	Not subsidized	Do.
Do	South Leavenworth, Kans	Leavenworth, Kans. (Union depot)	1.03	do	Do.
Do	Armstrong, Kans	Wyandotte, Kans	2.00	do	Do.
Do	Detroit, Kans	Enterprise, Kans	2.00	do	Do.
Do	Cheyenne, Wyo	Denver, Colo	106.00	Lands only	Do.
Total			1,829.80		
Omaha and Republican Valley Railroad	Valley, Nebr	Stromsburg, Nebr	90.03	Not subsidized	Controlled.
Do	Valparaiso, Nebr	Nebraska and Kansas State line	84.46	do	Do.
Do	Grand Island, Nebr	North Loup, Nebr	48.88	do	Do.
Do	Junction Switch (Scotia spur)	Scotia, Nebr	1.38	do	Do.
Omaha, Niobrara and Black Hills Railroad	Columbus, Nebr	Norfolk, Nebr	50.28	do	Do.
Do	Lost Creek, Nebr	Albion, Nebr	33.98	do	Do.
Do	Genoa, Nebr	Fullerton, Nebr	13.64	do	Do.
Colorado Central Railroad	Denver, Colo	Golden, Colo	15.57	do	Do.
Do	Golden, Colo	Colorado Junction, Wyo	114.99	do	Do.
Do	do	Georgetown, Colo	34.23	do	Do.
Do	Forks Creek, Colo	Central City, Colo	11.12	do	Do.
Do	Denver Junction, Colo	La Salle, Colo	151.16	do	Do.
Marysville and Blue Valley Railroad	Marysville, Kans	Kansas and Nebraska State line	12.70	do	Do.
Echo and Park City Railroad	Echo, Utah	Park City, Utah	28.33	do	Do.
Do	Grass Creek Junction, Utah	Coal Mines	3.94	do	Do.
Utah and Northern Railway	Ogden, Utah	Garrison, Mont	452.54	do	Do.
Do	Silver Bow Junction, Mont	Butte, Mont	9.42	do	Do.
Oregon Short Line Railway	Granger, Wyo	Weiser, Idaho	519.00	do	Do.
Do	Shoshone, Idaho	Hailey, Idaho	56.96	do	Do.
Greeley, Salt Lake and Pacific Railway	Greeley, Colo	Stout, Colo	39.46	do	Do.
Do	Boulder, Colo	Pennsylvania Gulch, Colo	14.43	do	Do.
Lawrence and Emporia Railroad	Lawrence, Kans	Carbon Hill, Kans	31.00	do	Do.
Junction City and Fort Kearny Railway	Junction City, Kans	Concordia, Kans	70.45	do	Do.
Salina and Southwestern Railway	Salina, Kans	McPherson, Kans	35.43	Not subsidized	Controlled.
Golden, Boulder and Caribou Railroad	Boulder, Colo	Marshall, Colo	6.10	do	Do.
Denver and Boulder Valley Railroad	Brighton, Colo	Boulder, Colo	27.00	do	Do.
Kansas Central Railroad	Leavenworth, Kans	C., R. I. and P. Junction, Kans	1.19	do	Do.
Do	C., R. I. and P. Junction, Kans	Miltonvale, Kans	166.14	do	Do.
Salt Lake and Western Railroad	Lehi Junction, Utah	Silver City, Utah	53.60	do	Do.
Denver, South Park and Pacific Railroad	Denver, Colo	Buena Vista, Colo	135.50	do	Do.
Do	Buena Vista, Colo	Leadville, Colo	35.50	do	Leased.
Do	do	Nathrop, Colo	7.50	do	Do.
Do	Nathrop, Colo	Gunnison, Colo	65.00	do	Controlled.
Do	Gunnison, Colo	Mt. Carbon Mines, Colo	17.00	do	Do.
Do	Garos, Colo	London Junction, Colo	15.40	do	Do.
Do	Como, Colo	Keystone, Colo	35.10	do	Do.
Do	Bear Creek Junction, Colo	Morrison, Colo	9.70	do	Do.
Total			4,327.91		

RAILROADS OPERATED BY THE SIOUX CITY AND PACIFIC RAILROAD COMPANY.

Sioux City and Pacific Railroad	Sioux City, Iowa	California Junction, Iowa	69.75	Bonds and lands	Owned.
Do	California Junction, Iowa	Fremont, Nebr	32.02	do	Do.
Do	do	Missouri Valley, Iowa	5.84	Not subsidized	Do.
Fremont, Elkhorn and Missouri Valley Railroad.	Fremont, Nebr	Valentine, Nebr	269.06	do	Leased.
Do	Norfolk Junction, Nebr	Creighton, Nebr	42.06	do	Do.
Total			418.73		

RAILROADS OPERATED BY THE MISSOURI PACIFIC RAILWAY COMPANY.

Central Branch Union Pacific Railroad	Atchison, Kans	Waterville, Kans	100	Bonds and lands	Operated for owners.
Atchison, Colorado and Pacific Railroad	Waterville, Kans	Lenora, Kans	193	Not subsidized	Leased.
Do	Greenleaf, Kans	Washington, Kans	7	do	Do.
Do	Yuma, Kans	Warwick, Kans	31	do	Do.
Atchison, Jewell County and Western Railroad.	Jamestown, Kans	Burr Oak, Kans	33	do	Do.
Atchison, Colorado and Pacific Railroad	Downs, Kans	Bull's City, Kans	24	do	Do.
Total			388		

EXHIBIT No. 1—Continued.

Statement showing mileage of roads operated January 1, 1884, &c.

RAILROADS OPERATED BY THE CENTRAL PACIFIC RAILROAD COMPANY.

Name of road.	From—	To—	Miles.	Subsidized or otherwise.	Owned, leased, or controlled.
Union Pacific Railway	Ogden Station, Utah	Utah Southern Railroad Crossing	.11	Bonds and lands	Neither.
Do	Utah Southern Railroad Crossing	Terminus of Union Pacific Railway	5.00	....do	Leased.
Central Pacific Railroad	Terminus of Union Pacific Railway	Sacramento, Cal	757.50	....do	Owned.
Do	....do	....do	.95	Not subsidized	Do.
Sacramento and Placerville Railroad	Sacramento, Cal	Brighton, Cal	5.64	....do	Leased.
Central Pacific Railroad	Brighton, Cal	Niles, Cal	103.83	Bonds and lands	Owned.
Do	Niles, Cal	West Oakland, Cal	24.31	Not subsidized	Do.
Do	West Oakland, Cal	Oakland Wharf, Cal	77.54	....do	Do.
Do	Oakland Wharf, Cal	San Francisco, Cal	2.20	Ferry	Do.
Northern Railway and San Pablo and Tulare Railroad	Tracy (via Martinez) Cal	West Oakland, Cal	3.69	Not subsidized	Leased.
California Pacific Railroad	Sacramento (via Suisun) Cal	Port Costa, Cal	57.62	....do	Do.
Central Pacific Railroad	Roseville Junction, Cal	Redding, Cal	151.60	Lands only	Owned.
Do	Lathrop, Cal	Goshen Junction, Cal	146.08	Not subsidized	Do.
Do	Oakland Wharf, Cal	Brooklyn, Cal	5.67	....do	Do.
Do	West Oakland, Cal	Masticks, Cal	3.82	....do	Do.
Do	Alameda Wharf, Cal	Melrose, Cal	5.19	....do	Do.
Do	East Oakland, Cal	Fernside, Cal	2.01	....do	Do.
Do	Niles, Cal	San José, Cal	17.54	Bonds and lands	Do.
Northern Railway	West Oakland, Cal	Delaware street, Cal	4.53	Not subsidized	Leased.
California Pacific Railroad	Vallejo Junction, Cal	Vallejo, Cal	2.00	Ferry	Do.
Do	Davisville, Cal	Knight's Landing, Cal	18.57	Not subsidized	Do.
Northern Railway	Woodland Junction, Cal	Tehama, Cal	100.74	....do	Do.
California Pacific Railroad	Vallejo, Cal	Suisun, Cal	20.10	....do	Do.
Do	Napa Junction, Cal	Calistoga, Cal	34.48	....do	Do.
Stockton and Copperopolis Railroad	Stockton, Cal	Milton, Cal	30.00	....do	Do.
Do	Peters, Cal	Oakdale, Cal	19.00	....do	Do.
Amador branch	Galt, Cal	Ione, Cal	27.20	....do	Do.
Berkeley branch	Shellmound, Cal	Berryman's, Cal	3.84	....do	Do.
Southern Pacific Railroad	Huron, Cal	Colorado River, Cal	528.56	Lands only	Do.
Western Development Company	West bank of Colorado River, Cal	Yuma, Ariz	.13	Not subsidized	Do.
Southern Pacific Railroads of Arizona and New Mexico	Yuma, Ariz	West bank of Rio Grande River, New Mexico.	551.39	....do	Do.
Southern Pacific Railroad	Los Angeles, Cal	San Pedro, Cal	24.24	....do	Do.
Los Angeles and Independence Railroad	do	Santa Monica, Cal	16.83	....do	Do.
Los Angeles and San Diego Railroad	Florence, Cal	San Anna, Cal	27.60	....do	Do.
Pacific Improvement Company	West bank of Rio Grande River New Mexico.	East bank of Rio Grande River, Texas.	.23	....do	Do.
Galveston, Harrisburg and San Antonio Railway.	East bank of Rio Grande River, Tex.	El Paso, Tex	3.61	....do	Do.
Southern Pacific Railroad	Mojave Junction, Cal	"The Needles,"	240.13	Lands only	Do.
Total			3,003.48		

EXHIBIT No. 2.

UNION PACIFIC RAILWAY COMPANY.

Statement of the revenue and expenditures of the entire line for the year ending December 31, 1883, as shown by the general books of the company in Boston.

Earnings:		
Passenger	$4,659,116 16	
Freight	14,268,291 31	
Mail (less disallowed on main line, $86,917.65)	739,133 19	
Express	705,261 96	
Miscellaneous	630,739 16	
Gross earnings		$21,002,541 78
Income from investments:		
Dividends on stocks	701,923 04	
Interest on bonds	1,465,345 00	
Miscellaneous investments	57,052 95	
		2,224,320 99
Total receipts		23,226,862 77
Expenses:		
Conducting transportation	2,596,230 38	
Maintenance of way	2,095,077 13	
Motive power	3,778,344 59	
Maintenance of cars	848,062 73	
General expenses and taxes	1,036,825 67	
Total operating expenses		10,354,540 50
Discount and interest	32,094 97	
Interest on first-mortgage bonds	2,542,363 58	
Interest on other funded debt	2,881,677 92	
United States requirements for 1883	1,898,679 85	
Company sinking fund requirements for 1883	476,488 78	
Dividends declared on capital stock	4,260,788 00	
New construction	101,177 22	
New equipment	184,545 80	
Expenses of the land department	226,141 43	
		12,603,957 55
Total		22,958,498 05
Leaves surplus of		268,364 72

*Earnings and expenses of the "entire line," which means the Central Pacific proper and all the leased lines (Southern of California, Southern of Arizona, and Southern Pacific Railroad of New Mexico); total mileage being 3,200 miles.

EXHIBIT No. 3.

Statement of the revenue and expenditures of the entire line of the Central Pacific Railroad Company for the year ending December 31, 1882, ascertained from the general books of the company in San Francisco by the book-keeper of this bureau.

Earnings:			
Passenger		$7,474,216 12	
Freight		16,302,882 72	
Mail		613,180 88	
Express		350,286 21	
Miscellaneous		922,191 19	
Gross earnings*			25,662,757 12
Receipts from other sources:			
Interest on sinking funds (included in both receipts and expenses)		281,260 00	
711 land-grant bonds redeemed (included in both receipts and expenses at par)		711,000 00	
Earnings, river steamers and barges		20,485 29	
			1,012,745 29
Total receipts*			26,675,502 41
Operating expenses:			
Conducting transportation		2,729,250 38	
Maintenance of way		2,766,941 81	
Motive power		4,328,538 85	
Maintenance of cars		946,501 87	
General expenses of operating		1,093,222 87	
Total operating expenses		11,864,455 78	
Rentals leased lines		4,202,727 89	
Total operating expenses and rentals*			16,067,183 67
Discount and interest—balance after crediting the account with $89,000 on account of Southern Development Company, Stockton and Copperopolis Company, and Pacific Improvement Company		198,021 65	
Taxes paid during the year:			
Land	$43,282 80		
General	404,722 89—	448,205 69	
General administration expenses		330,646 72	
Legal expenses		216,750 41	
Civil engineering		15,479 65	
Land department expenses—less receipts from lands rented, $13,336.26		23,700 78	
Interest on first-mortgage bonds of the aided portion of the road, paid		1,673,940 00	
Interest on first-mortgage bonds of the non-aided portion of the road, paid		1,571,451 67	
United States requirement for sinking fund		792,920 24	
Company's sinking-fund requirement		1,034,760 00	
Land bonds redeemed with proceeds of land sales		711,000 00	
Dividends Nos. 13 and 14 on capital stock		3,556,530 00	
			10,573,206 84
Total			26,640,390 51
Surplus on operations for the year			35,111 90

EXHIBIT No. 4.

CENTRAL PACIFIC RAILROAD COMPANY.

Statement showing the revenue and expenditure on the subsidized portion of the Central Pacific Railroad Company, 860.66 miles, for the year ending December 31, 1882, as ascertained by the book-keepers of this bureau from the books and accounts of the company in San Francisco.

Earnings:		
United States:		
Passenger	$35,988 01	
Freight	59,929 16	
Mail	307,837 09	
		$403,754 26
Commercial:		
Passenger	2,537,811 26	
Freight	6,007,461 22	
Express	119,809 36	
		8,665,081 84
Car service		7,165 23
Rent of buildings		18,067 00
Miscellaneous		486,547 61
Total earnings		9,580,615 94
Expenses:		
Conducting transportation	$728,722 49	
Maintenance of way	1,170,138 80	
Motive power	1,605,367 09	
Maintenance of car	313,715 98	
General expenses and taxes	917,050 63	
Total operating expenses	4,734,994 99	
Interest paid on first-mortgage bonds having priority of lien over the United States bonds	1,673,940 00	
Total		6,408,934 99
Net earnings, so ascertained		3,171,680 95
Twenty-five per cent		792,920 24
Net earnings		3,171,680 95
Twenty-five per cent. of net earnings		792,920 20
Surplus		2,378,760 75
Deduct a dividend on stock		2,548,820 45
Deficit of		170,059 70

EXHIBIT No. 5.

Earnings and expenses, year ending December 31, 1882.

[100 miles subsidy portion.]

Earnings:		
Passengers	$106,344 15	
Freight	386,779 22	
Mail	12,538 58	
Express	4,955 64	
Miscellaneous	17,447 24	
Total		528,044 83
Transportation	78,789 55	
Maintenance of way	86,198 80	
Motive power	93,610 53	
Maintenance of cars	24,473 97	
General and taxes	8,778 21	
Total		291,851 06
Deduct interest on first-mortgage bonds	96,000 00	
Twenty-five per cent. of net earnings	48,962 76	
Dividend on capital stock	60,000 00	
		204,962 76
		86,888 30

WM. H. ARMSTRONG, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF RAILROADS,
Washington, D. C., April 9, 1884.

The Tariff.

So the question still presses what legislation is necessary to relieve the people of unnecessary taxes.—*Report of Secretary of Treasury, December 3, 1883.*

SPEECH

OF

HON. WILLIAM L. WILSON,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. WILSON, of West Virginia, said:

Mr. CHAIRMAN: I am grateful to my friend from Wisconsin [Mr. SUMNER] for yielding me a portion of his time.

Mr. Chairman, we stand to-day in the presence of a fact as significant as any that can arrest the attention of the representatives of a free people. An immense surplus revenue is pouring into the national Treasury, the product of unjust and excessive taxes. Can we go back to our constituents with the consciousness of duty performed if we do nothing to relieve them of this unwarrantable exaction?

FEDERAL AND STATE TAXATION.

Is there anything in Federal taxation that makes it different in its effects and in its burdens from State or municipal taxation? The United States have no independent resources from which to gather revenue. They have no money except what they take from the people in one or another mode of exaction. But because Federal taxation is indirect, because it operates through different methods and under different names from State taxation, are we to persuade the people that what in one form and with one name is regarded as a necessary evil, under another guise and with a different name may become a blessing and a source of general prosperity and advancement? Such a suggestion is a mere jugglery of words. It may delude the unreflecting. It can not deceive those who look through the veil of language, to the fact itself. They can no more be persuaded by the interested advocates of modern times than were the American colonists persuaded by Dr. Johnson that "taxation is no tyranny," but rather a beneficent and wealth-producing exercise of the power of government.

When the State collector presents his tax bill and enforces payment, if need be, by process of law, there is none so stupid as not to see that it lessens the means with which he may acquire the comforts and necessities of life. When the Federal collector lays hands upon these same comforts and necessities and increases their cost to the purchaser the effect is the same, though the act may not be so direct and palpable. Whether you take from me by taxes a portion of the money I have earned for the support of my family or add the amount to the cost of their support, the result to me and to them is the same. The tax-gatherer for the State meets me in the way as I go to purchase the comforts and necessities of existence and forces from me one-third of my hard-earned wages; the tax-gatherer for the Government outstrips me to the store and marks up 50 per cent. the price of these comforts and necessities. In what respect does the former harm me more than the latter?

SURPLUS REVENUE.

A Treasury surplus gathered by excessive taxes is as much a wrong under the United States as under a State. It is not only a wrong, but a danger. It represents an illegal exaction, an abuse of power, without warrant in law or in any sound theory of government. It is a standing menace to the freedom of our institutions and to the purity of their administration, for it is a standing temptation to dishonesty, cupidity, and prodigality. A great thinker has truly said that the world never saw a government so pure as not to be corrupted if a surplus revenue were placed at its disposal. It is therefore a dangerous symptom, to be dealt with vigorously and summarily.

Let me dwell briefly but with some detail upon this matter of Federal revenue as brought to the attention of this Congress by the official report of the Secretary of the Treasury.

The entire income for the last fiscal year was in round numbers $400,000,000, of which amount $215,000,000 were derived from customs, $145,000,000 from internal revenue, and the remainder from miscellaneous sources. The total ordinary expenditures were less than $266,000,000, leaving a surplus in exact figures of $132,879,444.41. For the present year he estimated receipts at $343,000,000, expenditures at $258,000,000. This would still leave a surplus income of $85,000,000. Later information shows this estimate to be too small; and it is within bounds to say that for the present fiscal year, ending June 30, the surplus will be not less than $100,000,000, and without some reduction of taxes it will exceed this enormous sum next year. Consider for a moment this portentous fact: After every legitimate demand of the Government on its present liberal and extravagant scale of expenditure is met and satisfied, the rapacious hand of the tax-gatherer goes on until it sweeps into the Treasury one hundred millions more! And this at a time when business is depressed, trade feverish, labor dissatisfied, manufactures struggling, and agriculture threatened with the loss of its markets.

Where is the member of this House who will go back to his people and confess that for one whole session he stood here, seeing this great polluting flood pouring into the Treasury, gathering its streams from every neighborhood, its contributory rivulet from the home of every toiling worker in the land, and yet lifted not a finger to stay its exhausting flow? Yet, sir, that is what, in effect, we are urged to do by those who oppose all legislation in the direction proposed by this bill.

WHO PAY THESE TAXES.

From what sources are these revenues drawn and in what proportion do the people of the United States contribute to them? As I have stated, the chief sources are the tariff, a tax upon imported goods, and the internal revenue, now chiefly a tax upon tobacco in its various forms and upon distilled and fermented liquors. By whomsoever paid in the first instance, these taxes enter into the cost of producing or marketing these articles and in the sequel are paid by those who consume them. Whatever differences exist between individuals and classes in the consumption of tobacco and liquors, tariff taxes are imposed chiefly upon those articles which enter into general consumption, sugar alone contributing more than one-fifth of the entire amount, and by a vicious method of discrimination they bear in heavier proportion upon

the commoner qualities, used by the poor, than upon the finer qualities demanded by the wealthy.

Hence it is fair and correct to assert that the taxes collected by the United States, through the custom-house and the excise system, are paid more nearly according to population than any other taxes that are levied. They are distributed according to numbers rather than property, as if, to use an oft-cited illustration, the Government imposed a tax upon houses, classing all in the same category and assessing all at the same rate. What, then, does a surplus of $100,000,000 mean to the people of the several States; for it is only by bringing home to them their own share of this exaction that they can begin to understand and to feel the enormity of our excessive taxation. Take any one State for illustration. Take my own, one of the smaller and less wealthy States. By the census of 1880 its population was 618,000, or nearly one-eightieth part of the 50,000,000 of the entire country. Since then the State has doubtless kept pace with the general increase, so that this ratio still holds true. Upon this basis West Virginia, from the labor, and poverty, and consumption of her people, contributes to this surplus the sum of $1,236,000, after paying three times that amount for the necessary and legitimate expenses of the Government.

Why, Mr. Chairman, what does this sum, $1,236,000, mean to our people? It means more than the entire amount raised by State and local levies, and all other sources, for our schools, which by the last report was $829,182, and also the entire amount of the property tax raised for the support of the State government, which, as last reported, is less than $350,000. This surplus revenue belongs of right in the pockets of our people, and if left there would enable them to maintain our public schools upon a basis of greater efficiency, to pay every dollar of State taxes, and contribute largely to other public burdens. But forced from us by this wasteful and illegal exaction, it takes from the "mouth of labor the bread it has earned," it diminishes the educational advantages of our children, lessens the comforts and snatches something from the necessities of our homes, adds to the pangs and privations of poverty, clips the wings of enterprise, retards our industrial growth and development, increases the hours of labor, and hardens the struggle for existence and progress to every son and daughter of toil, whether they labor in the household, in the field, in the shop, in the mine, or in the factory.

RESISTANCE TO ILLEGAL TAXES.

Could any individual stand before the people of a single State, county, or township to tax them on a like scale of prodigality and escape their hot and indignant wrath? And are we to suppose that the American people will long tolerate any party which by the machinery of Federal taxation inflicts upon them so many unnecessary burdens and so many days of unrequited labor? However patiently they submit to sacrifices demanded for the safety or welfare of their country, it is not in the fiber of our race, as history well demonstrates, to bear submissively taxes that are unlawfully exacted or that exceed the frugal needs of the public service. Why, sir, resistance to illegal taxes has been in England and in America the very genius of advancing liberty. Our great charters, which are but so many monuments in the progress of liberty, are themselves the memorials and the achievements of successful struggles against illegal taxes. So long as the necessity is laid upon the people to be thrifty and economical in their homes will they indignantly resent and repress extravagance or waste in the Government, which is but their servant. This very day the farmers of my own State are excited over an executive order directing the assessment of certain chattels hitherto treated as exempt, because some question is raised as to the legality of the order, although it would produce but $15,000 from the entire State, every dollar of which is needed and will be carefully expended.

Can I suppose they will not approve a Representative who faithfully seeks to relieve them from the unjust burden of over a million dollars per annum? Will they strain at the gnat of State taxes and cheerfully swallow the camel of Federal taxes?

HOW REDUCE REVENUES AND TAXES.

It being then admitted that we can dispense with a hundred millions of dollars of present revenues, which for my own State means nearly one million and a quarter per annum, and this without retrenching expenditures, without defaulting in any obligations, without reducing a salary or dismissing an office-holder, the next question is how to compass this desirable end and to compass it as quickly as possible. Can any man suggest a better principle of reduction than that announced by President Grant in his message of December 4, 1871, "the greatest relief to the greatest number;" to that vast majority for whom consumption treads fast upon the heels of production; to the 16,000,000 wage-earners, who by the last census earn less than $300 per annum and consume it in their daily subsistence? A tax may be burdensome because of the subjects on which it is laid or of the methods of its collection.

INTERNAL REVENUE.

The subjects taxed by the internal revenue are tobacco and liquors. They are not necessities of life; their consumption is voluntary. They do not increase the necessary cost of living to the laboring masses. They are therefore admirable and legitimate subjects of taxation. Yet the methods of collecting these taxes are notoriously, though not necessarily, involved with grave political abuses. In sections of the country, particularly in the South, the system is an engine of intolerable political persecution and oppression. Every campaign produces its swarm of collectors and deputy marshals, who, under the pretext of public employment, perform iniquitous partisan work. At other times they conspire with informers to defraud the Government of fees and to extort money from the people, becoming so odious that the agent of the Department of Justice has officially reported that it is not to be wondered at that they have been shot down as enemies of the people. Believing that such abuses are outrages which disgrace the Government, and that the security of the people in their lives, liberty, and property is the prime object for which Government exists and levies its taxes, I can uphold no system which, however legitimate the subjects it taxes, gathers its revenues in such a way as to put the life, liberty, and property of the citizen in jeopardy.

I would therefore lay a vigorous hand upon our internal-revenue system, and severely free it from all capacity for such abuse, and I would remove all restrictions upon the sale or exchange of the products of agriculture in the hands of the original producer. Consistent with this freedom I would preserve all possible revenue from this source for the reason already given, and because it all goes into the Treasury, and it is well known that if the pending bill leads to a law, the dominant party in this House has determined through its caucus to follow it with a bill which will accomplish this reform and greatly reduce internal taxes.

TARIFF.

Let us now consider the tariff as to the subjects it taxes and the manner of its collection.

Import duties are largely collected through custom-houses at a few of the chief ports of entry. With some of the possible abuses of the excise system, this collection is made in a manner little oppressive to the people. The importer pays the tax to the Government. It then becomes a constituent of the price at which the article is sold, and is eventually paid by the purchaser or consumer.

There may be necessity for some reform in the machinery of our custom-houses. But the tariff taxes the subjects which form the necessities and enter into the comforts of every household; it taxes sugar 50 per cent. and common articles of food in like proportion; it taxes clothing, whether cotton, woolen, linen, or silk; it taxes glass and earthen ware, china and cutlery; it taxes tools and the machinery and implements of labor. In a word, it is hardly possible to conceive of any home so humble or any household so poor from which it does not daily exact its tribute. Here, then, the legislature can do something to relieve the tax-payer; can retrench the surplus exaction of the Government and in proportion diminish the cost of food, of clothing and shelter, of the furniture of the bed-room and the table, of transportation, of tools and machinery, and of the implements of agriculture.

DIFFICULTY OF REFORM.

But, Mr. Chairman, when we reach the tariff we encounter a chorus of appeal, entreaty, denunciation.

The people and the people's representatives are warned away as if it were a holy of holies into which none but the high priests of protection have a right to enter. Why is this, and why has the reduction of taxes in this particular domain been impossible of achievement hitherto? Because we here confront watchful and aggressive private interests which share in the profits of heavy taxes. A tax levied upon a pound of sugar or a common blanket imported from abroad goes into the public Treasury, but it also saves the home producer of the same goods from competition with the imported article at the mere cost of its production and importation. In other words, it protects him, to the extent of the tax levied, from such competition. This is a necessary and inevitable incident of all duties levied upon imported articles which compete in our markets with like articles produced at home. The full amount of this tax is not generally profit to the home producer, because he may not be able to produce the article as cheaply as the foreigner even with the cost of transportation added, but it is generally all loss to the consumer, whether he buy the home or the imported article, because without the tariff he could buy the latter with the tax off.

In either event the home consumer pays the tax, in the one case as a tax proper into the public Treasury, in the other as a compulsory bounty to the home producer. This, I say, is a necessary incident of a tariff for revenue or for revenue only. It can no more escape from it than a body can escape from its own shadow, and this is a protection which few practical statesmen have ever decried and, I may add, under our present industrial conditions few would not discriminate to secure. But there has always been a school of economists and statesmen who have regarded this "incident" with chief interest and affection and have contended that the quantity of protection to be secured in framing tariff laws was a matter of equal if not greater consideration than the amount of revenue to be produced. This view was moderately advocated by Mr. Hamilton in the infancy of our Government to build up those manufactures which were essential to our power and independence as a new-comer in the galaxy of nations. It was subsequently urged by Mr. Clay and Mr. Greeley as a temporary fostering of infant industries, to nurse them into vigorous and self-sustaining existence.

At the present day it is vehemently urged by the leaders of the Republican party, and to an extreme never before ventured as a permanent policy, for the alleged purpose of protecting American labor and indus-

tries. It is not my intention to discuss these opposing theories. That has already been done so exhaustively and ably that any restatement would be waste of time. Let me rather consider the reasons assigned by those who warn us from any attempt to deal with the tariff as a forbidden subject.

BUSINESS QUESTION.

First, we are told it is exclusively a business question, to be dealt with not by legislators but by business men, and that its present agitation is disastrous to the "business interests" of the country. To this I answer, that while the details of a tariff, the classification and arrangements of its schedules, may be business questions requiring the minute and technical knowledge of the expert, yet the general question of revenue is the vital question of free government. "The revenue of the state" says Burke "is the state" and the settlement of this question on correct political and economical principles is the dividing line between freedom and slavery. It can not be settled in the counting-room or the warehouse, but by the full, free, and intelligent action of the people. They who pay the taxes, not they who share in them, have the paramount right to determine as to their amount and as to the manner of their collection.

Again, sir, the right of the people to be relieved from excessive taxes is superior to any "business interests" in the country, and if there be such "interests" as can not stand the agitation necessary to obtain this relief they can expect neither repose nor stability until it is fully and permanently secured.

REVISION OF 1883.

But again we are told the tariff was revised by the last Congress and that its frequent agitation is unwise and without justification. I fully agree that such agitation, without imperious necessity therefor, would be inexcusable. Let us therefore carefully examine this claim.

The last Democratic tariff, framed by Robert J. Walker, Secretary of the Treasury under Polk, was designed to be, and I believe is conceded to have been, carefully and skillfully framed on a revenue basis. It continued, with some reduction of rates in 1857, until 1861. To judge of its effect, especially upon labor and industry, we may compare the decade from 1850 to 1860 with other decades in our history, and I quote first from Mr. Walker himself in his letter to the people of the United States of date November 30, 1867:

Under the tariff of 1846, as shown by the census, our wealth increased from 1850 to 1860 126.45 per cent., whereas from 1840 to 1850 the increase was only 64 per cent., from 1830 to 1840 42 per cent., and from 1820 to 1830 41 per cent. So also from 1850 to 1860 our agricultural products increased 95 per cent. and our manufactures 87 per cent., being in both cases nearly double any preceding ratio of increase. So also our exports, imports, and revenue nearly tripled in the same period of time, and our domestic trade rose nearly in the same ratio. This augmented ratio is not the result of increase of population, which from 1850 to 1860 was less than 36 per cent.

The decade from 1860 to 1870 alone shows larger industrial progress, but that is upon a basis of depreciated currency and with the unnatural stimulus of our civil war. The figures for the decade 1870 to 1880 are much smaller. From the report of the Tariff Commission I find that manufactures increased from 1860 to 1870 124 per cent.; from 1870 to 1880, 27 per cent. The increase as above shown from 1850 to 1860 was, on a gold basis, 87 per cent. It will thus be seen that the decade of the Walker tariff was marked by the most healthy and stable growth of any decade in our history, and this no less for manufactures than for other industries. With the accession of the Republican party in 1861 the revenue policy of the Government was changed and the Walker tariff gave way to the Morrill tariff, framed upon the avowed principle of protection and distinguished by very high duties on articles competing with our own manufactures. It was not supposed that higher rates would ever be asked or tolerated in peace times. The war came. The Government was obliged to explore every possible source of revenue. Heavy domestic taxes were laid on every article and business that promised income, reaching in 1865–1866 the enormous sum of $310,000,000, of which more than $128,000,000 were laid upon domestic manufactures alone.

Tariff duties were raised from time to time by the act of 1862; again 50 per cent. by one act of 1864, and to the highest possible point by the general revision of June, 1864. This increase was declared by Mr. MORRILL himself to be "a war measure," "a temporary measure fit to be introduced because of the imperious necessities of our present condition," and he warned manufacturers that these excessive rates were not to be considered as "lawful prizes of protection," but as compensation for the internal taxes laid upon their products. The war ended. Every tax upon domestic manufactures has long been repealed. Nothing of our internal taxes remains but that on bank circulation and the taxes on tobacco, which have been reduced from 40 to 8 cents per pound, and the taxes upon liquors, which in the case of distilled spirits have been reduced from $2 per gallon to 90 cents. Yet the war-tariff taxes, upheld by a vigilant and bold combination of great private interests, and by that overweening corporate and monopoly influence, which has so largely and so selfishly shaped the policy of the Government for the past twenty years, still remain to burden the people in all their pursuits and to fill the Treasury with needless taxes. Like the horse in the fable, who, hard pressed by his enemy, the stag, submitted to a rider that he might gain the victory, and in so doing lost his own freedom, the American people having from motives of patriotism and under the stern necessity of a contest for life submitted to these grievous burdens, have hitherto found themselves thwarted in every effort at release. Indeed, every effort at relief has but seated their insatiate master more firmly in the saddle. Let me quote from the vigorous language of Senator BECK in his able speech of April 3, 1884, in the Senate:

Mr. President, the truth is, that protectionists at last believe that they can control the legislation of the Government, and not only hold on to the subsidies they now receive, but many of them clamor for more. Their organizations are perfect, and ramify every part of the country. They elect or defeat Senators and Representatives in many places, as they think best for their interest; they own a powerful and intelligent portion of the public press; they can afford to spend and squander hundreds of millions rather than have their privileges curtailed or their bounties diminished. They have their operatives, many of them very intelligent men, so dependent upon them for the support of their families that they can by threats of reducing their wages, if Congress dares to reduce their subsidies, make the workmen, against their interest and often against their will, protest vigorously by petition and otherwise against all reduction of taxation. Dismissal from position follows a refusal to vote and protest as they are expected and often ordered to do. They move like well-trained veterans in every contest, knowing that the tax-paying masses have no combinations, and can have none, no hired press, and no paid advocates. The protectionists are as trained regulars in a conflict with raw militia. Union is strength, wealth is power, and a common interest is a strong bond of union. The cohesive power of public plunder animates the consolidated bands in their raids upon the public Treasury. With all their pretended zeal for the welfare of their operatives, they look upon them as the feudal barons did upon their retainers; as bearers of burdens, to be cared for because they are useful as dray-horses, born saddled and bridled, while they were born booted and spurred ready to ride them by the grace of God.

In 1872 an attempt at reduction was made by what is known as the "Dawes bill." It failed, and a horizontal reduction of 10 per cent. was made, only to be repealed in 1875. Popular discontent and clamor began to rise, and President Arthur, in his first message, December 6, 1881, urged a revision of the tariff, referring to the large surplus income from taxation in these words:

If the revenue laws remain unchanged this surplus must year by year increase on account of the reduction of the public debt and its burden of interest and because of the rapid increase of our population.

At present rates even, he said, the entire debt could be paid in ten years, but added:

In view of the heavy load of taxation our people have already borne, we may well consider whether it is not the part of wisdom to reduce the revenues, even if we delay a little the payment of the debt. It seems to me the time has arrived when the people may justly demand some relief from their present onerous burden, and that by due economy in the various branches of the public service this may readily be afforded.

COMMISSION APPOINTED.

Congress itself attempted no relief, but responded to these recommendations and to the pressure of public opinion by the act of May 5, 1882, establishing the Tariff Commission, "to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff on a scale of justice to all." This commission, consisting of nine members, was appointed by the President, and was composed exclusively of protectionists, of men who regarded the tariff not more as a source of revenue than as "a defense of our national industries." Their report was made to Congress December 4, 1882. I quote therefrom what has been so often quoted in this debate, to show how a protectionist commission, reporting to a protectionist Congress a scheme of a protective tariff, judicious, and "on a scale of justice to all," spoke:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. No rates of defensive duties, except for the establishment of new industries, which more than equalize the conditions of labor and capital with those of foreign competitors, can be justified. Excessive duties, or those above such standard of equalization, are positively injurious to the interest which they are supposed to benefit. They encourage the investment of capital in manufacturing enterprise by rash and unskilled speculators, to be followed by disaster to the adventurers and their employés, and a plethora of commodities which deranges the operations of skilled and prudent enterprise. Numerous examples of such disasters and derangements occurred during and shortly after the excessively protective period of the late war, when tariff duties were enhanced by the rates of foreign exchange and premiums upon gold.

Excessive duties generally, or exceptionably high duties in particular cases, discredit our whole national economic system and furnish plausible arguments for its complete subversion. They serve to increase uncertainty on the part of industrial enterprise, whether it shall enlarge or contract its operations, and take from commerce, as well as production, the sense of stability required for extended undertakings. It would seem that the rates of duties under the existing tariff—fixed for the most part during the war under the evident necessity at that time of stimulating to its utmost extent all domestic production—might be adapted through reduction to the present condition of peace, requiring no such extraordinary stimulus. And in the mechanical and manufacturing industries, especially those which have been long established, it would seem that the improvements in machinery and processes made within the last twenty years, and the high scale of productiveness which has become a characteristic of their establishments, would permit our manufacturers to compete with their foreign rivals under a substantial reduction of existing duties.

Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commissioners that the reduction will reach 25 per cent.

In furtherance of these views it submitted schedules which professed to embody and effect this substantial reduction. This report was received with general favor. It was believed by the people that they had at last achieved a diminution of their burdens, and that this troublesome question was removed from current politics; nor was there either agitation or panic in the business interests. Those who leaned upon the tariff as their "industrial defense" acquiesced in the proposed reduction of that defense on a scale of 20 to 25 per cent. as a "measure of justice to consumers," of which they could no longer complain. The New York Tribune, organ of the highest protective sentiment of the country, on December 7, three days after the submission of the report, and before any examination of the schedules could be made, urged its party to "reform the tariff by adopting the scheme of the Tariff Commission as a whole. * * * If the Republicans allow the 4th of March to find them without a simplified and reduced protective tariff, they will deserve the defeat they invite."

WORK OF THE COMMISSION.

Had the work of the commission been carried out in accordance with, or in any reasonable approximation to, its fair professions, this troublesome question had not returned to plague us at this session, and its agitation at this time would be foolish and criminal. But, unfortunately, discussion and examination soon disclosed that the revision was in promise not in effect, was in the report not in the schedules, and the whole commission, in the main composed of able and honorable men, one of them from my own immediate neighborhood, was enveloped in scandal by the discovery that two of its members, while professing to act on "a scale of justice to all," were really the attorneys of special interests and engaged in clandestine correspondence and conspiracy with those who were aiming to advance their own fortunes by fastening high rates of taxation on the people. Of another member, the president of the commission, it has been stated not by an enemy, but by one who approved the fact, Hon. Columbus Delano, late Secretary of the Interior, that he was in the pay of the manufacturers both before and after his temporary service on the commission.

The schedules were handed over to the parties interested in framing them. They were so cunningly framed as to baffle even those long accustomed to deal with tariff legislation. This charge should not be lightly made, and therefore I quote from Mr. ALLISON, now chairman of the Committee on Appropriations in the Senate, and formerly a member of the Committee on Ways and Means in this House, speaking of the cotton schedule, February 3, 1883:

> The truth is that the Tariff Commission did not examine this cotton matter at all, it may as well be said on the floor of the Senate; nor did they make this schedule which is called the Tariff Commission schedule. It was made by a cotton manufacturer from Boston, with an expert appraiser in New York, and the Tariff Commission accepted it. When the knowledge of that fact came to me I had no particular faith in the Tariff Commission report on this cotton schedule.

And later:

> I do not choose to express my opinion of this report on anything else

ACT OF MARCH 3, 1883—NO REDUCTION.

But I will not dwell on this matter. It is known to all the world and has been officially conveyed to us, that the revision which was to be a substantial reduction of taxes, certainly 20 and possibly 25 per cent., resulted in the act of March, 1883, the existing law, which makes scarcely any reduction and lightens no burdens. The same interests which had hitherto delayed and thwarted all reform were again too strong for the people, and the burdens still remain upon their bending shoulders.

The official statement of the Treasury Department accompanying the report upon this bill, and which I will append to my remarks, gives the operation of the "revision" for its first six months. It shows that the proposed reduction of rates has not been made; that whereas heretofore the average cost of importing one hundred dollars' worth of merchandise has been $42.65, under the revision it is $40.91, and that in some important schedules there has been an increase instead of a reduction.

Take the woolen schedule. The farmer is reduced from 3 to 11 per cent. on his wool, while the manufacturer, getting the advantage of this reduction, secures also an advance of 2.19 per cent. on his fabrics. For this reason I may say, in passing, I voted to restore the rates upon wool. The "cotton manufacturer from Boston, with the expert appraiser in New York," added 2.46 per cent. to his bounty for the relief of the people's pockets, and further, in tender consideration for the American laborer, the revision reduced the taxes on silks nearly 9 per cent., and increased the rates upon earthen and china ware nearly 5 per cent. Such is the revision so sacred that we are warned not to criticise or disturb it, affording no relief to the 16,000,000 ill-paid toilers, but binding more closely the burdens under whose weight they have so long bowed; indeed, increasing those burdens, for a surplus revenue is the *reductio ad absurdum* of that kind of protection which is preached to us by the gentleman from Pennsylvania, Mr. KELLEY, and from Ohio, Mr. McKinley, and their associates upon this floor. They can not deal with it, for it sets at naught their theories and statesmanship. In the face of a fact so full of present injustice and future peril they stand in helpless imbecility. They can not put forth their hands to relieve the many, because they must first satisfy the demands of the few. They can not say to the people, "How much can you bear?" or to the people's agent, the Government, "How much do you need?" For they must first ask the private interests, "How much do you demand?" And they must meet that demand, no matter how great the resulting burden to the people or how great the unneeded flow into the Treasury.

They have but one remedy for high taxes, and that is higher taxes, for it is well known that when once you have passed protective rates the greater the taxes imposed the less goes into the public Treasury and the more into the private coffer. For the patient, half frenzied by drink, they have no remedy to restore him to rational sobriety; they can only stimulate him into the quiet of stupefaction.

SECRETARY OF TREASURY ADVISES REDUCTION.

Again, Mr. Chairman, do those who use this argument forget that notwithstanding the pretended revision, the Secretary of the Treasury in his report to this Congress returns to the question of a reduction of taxes? After showing that the present rapid extinguishment of the public debt can not long continue, as we shall soon pay off all that can be called in, and can call in the rest, if at all, only by purchase at heavy rates of premium, he says:

> There is forced upon our attention the question, how shall a heaped-up surplus of public money be avoided? The discussion of this question in former reports of this Department admits of but one consistent answer from it now. The views therein expressed have not been given up. THERE OUGHT TO BE A REDUCTION OF TAXATION.

And again:

> So the question still presses, what legislation is necessary to relieve the people of unnecessary taxes? As elsewhere suggested, it should not be assumed that the surplus in the Treasury will be consumed by lavish expenditures for objects of doubtful expediency or legality, or that the scheme which has been proclaimed, of exacting money from the people for the purpose of returning it to them by filtering distribution through State governments, will find any favor with Congress or the people. * * * My last report said that taxes upon spirits and tobacco, being upon things not needful, should be retained rather than those upon the common necessaries of life; which as a proposition is not to be controverted. But it was conceded by all that a substantial reduction should be made upon nearly all imported articles subject to duties.

He declares that the intentions and calculations of reduction from the tariff revision have not been verified, and after suggesting that present relief from the surplus may be obtained by extending the bonded period for the whisky-dealers, he concludes:

It—

The Department—

> adheres, however, to its conviction, that ultimately the just and expedient method of relief from taxation, and of limiting the revenues to the needs of an economical government, must be found in a reduction of the duties on imports.

Such is the official statement of our financial minister, and yet in this Republic, where no task ought to be more agreeable to representatives of the people than to reduce taxes, and none undertaken with more heartiness and alacrity, we are urged to do nothing whatever. But there are two objections urged against this bill by those who profess to be in favor of some reform.

CRY OF FREE TRADE.

The cry of "free trade" has been raised and the attempt made to cover those who favored its consideration with whatever prejudice exists in the minds of some of the people against this name. There could be nothing less accurate, less candid, or more deceptive than this cry. Indeed, I have found it difficult to believe that many upon this floor or in the press who have so opposed the measure have taken care to inform themselves of its provisions. True, it was inevitable, as indeed it was most wholesome, that in the discussion of any revenue measure there should be some discussion of fundamental principles. Indeed, it is the mark of the statesman as distinguished from the empiric or politician to deal with the principles as well as the details of legislation, and a frequent recurrence to first principles has been enjoined by a great statesman in the bill of rights of a great state as part of that vigilance which is the price of our liberty.

But this bill does not require such discussion. It does not even foreshadow a departure from our long-established policy of gathering the bulk of our revenues from a tax upon imports. It does not attempt a forced transition from protection to free trade or even to a revenue tariff. Its declared and real object is to reduce unnecessary taxes by passing from a high war tariff to a high peace tariff. It provides in effect that as a rule 80 per cent. of existing rates shall hereafter be levied upon imported goods, and while it fully guards against the concealed enormities of the present law by prescribing a maximum rate of 60 per cent. ad valorem on wool and woolens, of 50 per cent. on metals, and of 40 per cent. on cotton goods, it carefully declares that it shall not, except in a few specified instances, operate to reduce the duty on any article below the highest rate of the Morrill tariff of 1861. Now I have shown that the Morrill tariff was framed for protection, and its author asserted that it "would place our people on a level of fair competition with the rest of the world."

The author of this bill [Mr. MORRISON], whose authority will be as little doubted as his candor, assured us in opening this debate that "the reductions proposed are so limited as never to place our people below, but to leave them far above, the level of fair competition on which the Morrill tariff placed them." Can any protectionist require more than this? It is far beyond what President Garfield desired as

the solid basis of a tariff system. Speaking in this House July 10, 1866, he said:

One of the worst features of our industrial system is the irregularity and uncertainty of the legislation in reference to the tariff. It subjects the business of manufacturing to the uncertainty of a lottery. If the prohibitionists succeed one year, the profits are enormous; if, as is quite probable, the reaction of the next year puts free-traders in power, the losses are equally great. Let either of these parties frame the tariff, and the result will be calamitous in the highest degree. What, then, is the point of stable equilibrium where we can balance these great industries with the most reasonable hope of permanence? We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers by rendering it impossible for our manufacturers to compete with them, while the other extreme school, by making it impossible for the foreigner to sell his competing wares in our markets, would leave no check upon the prices which our manufacturers might fix upon their products.

I hold, therefore, that a properly adjusted competition between home and foreign products is the best gauge by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign product, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the price as they please. To this extent I am a protectionist. If our Government pursues this line of policy steadily, we shall year by year approach more nearly to the basis of free trade, because we shall be able more nearly to compete with other nations on equal terms. I am for a protection that leads to ultimate free trade. I am for that free trade which can be achieved only through protection.

With what pretense of information can any man denounce this bill as a free-trade bill when its author assures us its reductions are so limited as to leave our people far above the level of the Morrill tariff, which tariff, by the assurance of its author, the most ultra protectionist that ever framed an American tariff, placed "our people upon a level of fair competition with the rest of the world;" and fair competition was all the late President sought as the stable equilibrium of our great industries and the necessary protection of our people against extortion and monopoly? How idle and baseless then is this clamor, gotten up to blind the people as to the real scope and purpose of the measure, to prejudice them against it as the visionary scheme of a new school of theorists and doctrinaires. Sir, it would be just as candid and quite as true to raise the cry of improper exposure against any one who, beneath the genial sun of this spring day ventured to lay off some of the heavier clothing of midwinter, as to cry free trade against this and all other efforts to free the people in these halcyon days of peace from some of the burdens with which they encumbered themselves in the stress and rigors of the great war.

This bill is but an effort to redeem our promises and to perform our duties to the people. It seeks to lighten the burdens of the "great mass of workers," who pay "the bulk of our taxes" from their "too-scanty means of comfortable living." It is estimated that it will annually reduce "something like $8,000,000 on sugar, as much on cotton and woolen goods, and $14,000,000 on other articles used in every home;" in all, a relief of $30,000,000 of tariff taxes. But this is not all the relief. The incidental taxes under the tariff are much greater than those which go into the Treasury. How much this excess can not be accurately stated. The Saint Louis platform of the Democratic party in 1876 declared that the tariff, practically the same as exists to-day, cost the people five times more than it produced to the Treasury. Mr. R. J. Walker, in 1867, estimated that the $150,000,000 then collected enhanced the price of rival protected articles at least $350,000,000. Taking this lesser estimate as accurate, and no higher authority can be cited, a reduction of our customs revenue of $30,000,000 would carry with it relief to the people to the extent of $70,000,000 more. And all of this, Mr. Chairman, can be accomplished without reducing American industry to the level of fair competition with the foreigner.

HORIZONTAL REDUCTION.

The other objection to the bill is because of its "horizontal" reduction; and the word itself has been made the target for abuse and raillery, as if it involved something before unheard-of and inherently absurd. My friend from Texas [Mr. MILLS] has already cited many instances where duties have been "horizontally" reduced or raised. He has shown that Mr. Clay's great compromise tariff of 1833 provided for successive horizontal reductions every alternate year for ten years. So much for precedent. But I am constrained to say that, so far from being a bungling mode of legislation in a bill which does not profess to revise the tariff, but solely to reduce taxes, keeping the rates well above the protective standard, I can conceive of no method more effective and reasonable than the "horizontal" one. But it is not altogether horizontal. There is a maximum rate prescribed in three schedules; in two schedules, liquors and silks, there is to be no reduction at all, and the high-water mark of the Morrill tariff limits the downward cut. It is calculated to effect a reduction of less than 16 per cent. from present rates, which, added to the reduction of March 3, 1883, reported at 1.74 per hundred dollars, does not yet reach that substantial reduction of from 20 to 25 per cent. at which the Tariff Commission aimed, which the best conservative sentiment justified, and the protectionists through their organs urged Congress to adopt.

INDIRECT BURDENS.

But it is not alone in its direct burdens that the present war tariff oppresses our people. Not only does it bear most heavily and unevenly upon the American laborer, but by unduly increasing the cost of living and the cost of production it disables him from sharing in the general trade and prosperity of the world. Our manufacturers, taxed at every step in the process of production, upon their raw material, upon their plant, upon the cost of their machinery, can not compete in the great markets with those who produce under lighter burdens and happier conditions. Instead of having the whole world for customers, the enterprise of our people, their inventive skill, and their unequaled resources are confined to the pent-up Utica of the home market, which can give neither free play to capital nor steady employment to labor, and so American industry, like a great pendulum, is ever swinging from unnatural activity to disastrous idleness. Scarcely does it get into the full sweep of progress, filling the land with new life and quickening the pulse of business throughout our borders, when the warning cry of "overproduction" and "a glutted market," like that of "breakers ahead," is heard. The wheels must be clogged, the cheerful hum of the machinery ceases, the fires are banked, and capital hies to its coverts, while labor sits vainly begging for employment.

AGRICULTURE.

So, too, with agriculture, the chiefest of our industries, and the great hope for the vigor, the purity, and the perpetuity of our institutions.

The farmer struggling with these public burdens, so needlessly and cruelly increased, taxed upon his food and his clothing, the furniture of his home and the implements of his calling, and upon his transportation, sells his surplus grain and meat products in foreign markets and in competition with those who produce under lighter taxes, and must content himself with more precarious and scanty rewards for his labors and his anxieties.

Indeed he is, this very day, threatened with the loss of these markets and their complete occupation by the farmers of India and Australia. Wheat at 80 cents in Chicago is the startling announcement, which, like the fire-bell at night, should arouse him to a sense of his dangers and his difficulties.

COMMERCE.

But still more humiliating to our pride is the decay of our commercial marine. Our flag to-day floats only over the home market. It has been driven from the seas, not by the superior force but by the superior enterprise of other nations. The products of our farms and our factories, nay, even the traveler from our shores, can find no exit but upon foreign vessels. American enterprise cowers upon the shore; the paths of the ocean are not for it, nor the spoils of its fields. One hundred and twenty millions annually paid as freight to foreign sailors! What a mockery as the result of legislation claimed to be in the interest of American labor! How much of employment, of prosperity, of wealth for American labor in these $120,000,000! And yet it is as completely shut out from participation as by a forbidding statute. In 1860, after ten years of low tariff, 66.5 per cent. of our foreign trade was carried in American bottoms. In 1883, after twenty years of high taxes, 84 per cent. is carried in alien ships. Who does not recall in this connection the words in which, more than a century ago, Edmund Burke extolled the hardihood and enterprise of our sailors:

No sea but what is vexed by their fisheries; no climate that is not a witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people—a people who are yet in the gristle and not yet hardened into the bone of manhood.

Contrast this with what I have just stated, and with the fact cited by the gentleman from Ohio [Mr. HURD], that in the grand procession of nations through the Suez Canal last year, in all the thousands of vessels bearing the commerce of the world, not one bore the flag of this great ocean-bound country! Sir, is not this enough to make us hang our heads in shame and to kindle one patriotic outburst against a system of taxation so grievous, so pervasive, and withal so largely unnecessary as to reduce us to this level of helplessness and inferiority?

THE BILL NOT EQUITABLE IN ALL RESPECTS.

Mr. Chairman, I have said enough to indicate my support of any wise scheme for the reduction of taxes. I voted for the consideration of this bill. I shall vote to-morrow against the motion to strike out the enacting clause. This does not imply an indorsement of the bill as it stands. It simply means a willingness to consider and support a bill with the general object professed by this one, "to reduce import duties and war-tariff taxes." If we do not strike out the enacting clause, but proceed to consider the bill by sections, it can be amended and perfected wherever this may be necessary. A vote in favor of that motion presents itself to my judgment as a vote to prevent all legislation at this session for the reduction of taxes and for the relief of the people and of our industries. The same vote that can strike out the enacting clause can strike out everything after the enacting clause and substitute such a bill or such provisions as may be wiser and better. As I have said, I favor a bill for the reduction of taxes. Where this bill departs from its general scheme of merely reducing taxes and seeks to enlarge the free-list, it bears unevenly and, as I believe, unjustly upon some of the interests of my own State.

To take any one great interest and transfer it suddenly to the free-list is to hold it tributary to all the rest while depriving it of any share in the common "protection." Whatever reduction is made should be made so gradually as not to wreck, to disturb, or to alarm any of our great industries, and this return toward a peace tariff ought to be

made by even progress and on a scale of justice to all. This bill would permit reciprocal free coal with Canada, a provision I think little apt to be carried out, and free coal from England. Coal is now free so far as the foreign and coastwise trade is concerned, having otherwise a duty of 75 cents per ton, which is less than 20 per cent. ad valorem, under a tariff whose general average is over 40 per cent. Should we proceed to the consideration of this bill by sections, I shall present to the committee such facts and figures as will bear fully upon this question, and I have every confidence—indeed I may add I have every assurance that can now be given—that this inequality and discrimination will be corrected and the interests of my own State share only in the general fortune of all.

Being intrusted with the representation of a district whose people are chiefly engaged in agricultural, pastoral, and mechanical pursuits, yet in common with other sections of my State possessing vast areas of mineral and other resources, to whose development no one looks forward with more of hope and confidence than myself, I am anxious to meet the high trust with which I am honored to place no barrier to the progress of that development, but so far as properly may be done, to remove some of the impediments and hinderances that now retard it. I stand here as the representative of no special interest and will never do so, but the most anxious reflection assures me that in seeking to promote the general welfare I advocate no detriment to any interest, present or prospective, of my immediate State. I seek for her that steady and consistent progress which will speedily give her an industrial prominence among her wealthier sisters. I would save her from the hope deferred, which results from the so-called spasmodic, progress alternating between feverish activity and deathlike slumber. I would wish no hum of industry that drowned the cries of distress and poverty; no smoke of furnace that darkened the home of thrift and labor.

In advocating a reduction of public burdens I am but helping to bring relief to all, with wrong and hurt to none. For to lessen these burdens is to take no profit from capital, but to give it a steadier movement, a more stable progress, a much broader field of enterprise, a much wider command of market. Still less is it to diminish the rewards of labor or lessen the opportunities of employment. On the contrary, it is to secure to the workman more of the fruits of his own labor, to keep for his own use and the use of his family the many days out of every year in which he now toils to put this hundred millions of surplus into the Treasury, to add something to the comforts of his home, something to the education of his children, something to the purchasing power of his wages, to insure the constancy of his employment; in a word, to bring more light to his threshold and "a sweeter liberty to his fireside."

APPENDIX.

Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the ad valorem rate of duty collected, during the six months ended December 31, 1882 *and* 1883.

Articles.	Six months under the old law—1882.			Six months under the new law—1883.			Increase (+). Decrease (—).	
	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Ad valorem.
	Dollars.	*Dollars.*	*Per ct.*	*Dollars.*	*Dollars.*	*Per ct.*	*Dollars.*	*Per cent.*
All dutiable merchandise	260,856,237	111,266,507	42.65	235,898,109	96,514,136	40.91	— 24,958,128	— 1.74
Sugar and melada	44,432,311	23,180,590	52.17	46,800,671	23,121,601	49.40	+ 2,368,360	— 2.77
Iron and steel, and manufactures thereof	32,499,426	12,713,996	39.12	23,698,937	7,924,225	33.44	— 8,800,489	— 5.68
Wool:								
Clothing	1,210,689	671,415	55.46	2,399,515	1,073,311	44.73	+ 1,188,826	— 10.73
Combing	135,123	67,839	50.19	615,677	267,704	43.48	+ 480,554	— 6.71
Carpet	3,505,980	974,202	27.79	4,345,385	1,087,094	25.02	+ 839,405	— 2.77
Manufactures of wool	22,400,387	14,943,626	66.71	22,064,512	15,202,183	68.90	— 335,875	+ 2.19
Manufactures of cotton	14,967,850	5,629,658	37.61	12,067,631	4,835,714	40.07	— 2,900,219	+ 2.46
Manufactures of silk	19,999,119	11,738,469	58.69	21,286,252	10,617,057	49.83	+ 1,287,133	— 8.86
Earthen and china ware	4,423,146	1,896,705	42.88	3,824,951	1,830,363	47.85	— 598,195	+ 4.97
Glass and glassware	4,271,305	2,327,660	54.49	3,943,197	2,187,362	55.47	— 328,108	+ .98
Spirits and wines	5,203,625	3,706,142	71.22	2,945,001	2,659,312	90.30	— 2,258,624	+ 19.08
Malt liquors	511,772	227,370	44.43	490,315	235,823	48.10	— 21,457	+ 3.67

TREASURY DEPATMENT, BUREAU OF STATISTICS, *March* 10, 1884.

JOSEPH NIMMO, JR., *Chief of Bureau.*

Removal of Causes from State Courts.

SPEECH

OF

HON. RICHARD W. TOWNSHEND,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 7, 1884,

On the bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

Mr. TOWNSHEND said:

Mr. SPEAKER: I shall vote for this bill, but it falls far short of what I believe the condition of the Federal court dockets, the rights, convenience, and economy of the people demand. Ever since my first appearance in Congress I have endeavored to secure reform of our Federal jurisdiction, but at every session timid but well-intentioned friends of this reform have urged that the full measure of reform can not be accomplished at once and have insisted that we must be content with homeopathic or broken doses. They say we must accomplish by piecemeal what public necessities demand as a whole.

I do not believe in such a line of policy. We should with courage and determination demand the repeal of all those provisions of the statutes bearing upon this question that occasion the evils which have grown up in our Federal judicial system. But as I have discussed this subject at some length in the past three Congresses I can not enter at length upon its discussion now without going over ground which I have already occupied before this House and the country. I shall therefore ask the privilege of laying before the House the remarks which I submitted on June 12, 1878, and which will be found in the record of the proceedings of that date. Before doing so, however, let me say that a copy of the bill which I was then advocating, and which provided mainly for repeal of the laws authorizing the removal of certain causes from the State to the Federal courts, was reported from the Committee on Revision of the Laws in the Forty-sixth Congress with a favorable recommendation, and that it would have passed the House had it not been for the filibustering, obstructive expedients resorted to for several weeks by its opponents on the other side of this House. I now ask attention to my remarks on this subject as delivered in the Forty-fifth Congress:

SPEECH OF HON. RICHARD W. TOWNSHEND

On the bill (H. R. 5069) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

CONDITION OF THE FEDERAL COURTS.

Mr. TOWNSHEND. Mr. Speaker, it is known to those acquainted with such matters that the Federal courts are overcrowded with business. They are so far behind with their work that it will require three years to dispose of the causes now pending in them. But it can not with any accuracy be determined when the new cases flowing into these courts can receive attention. The expenses of these courts are rapidly growing to an enormous extent. Their cost to the National Treasury in 1850 was only $497,558.54; in 1860, $936,477.61; at the end of the next decade it was $2,162,109.82. In 1875 it had reached $3,322,182.27. At the beginning of the present term of the Supreme Court there were nearly nine hundred cases on the docket. I have no means of knowing with certainty the number of causes on the dockets of the various circuit courts.

But we may form some idea of the number on those dockets from a statement made lately in the debates in another place, in which it was asserted that there were pending, on January 1, 1876, in the court of Chicago, which is in the northern district of Illinois, 3,045 suits. There were pending in that court on January 1, 1877, 3,702 suits, and on January 1, 1878, 4,388 suits. I have not had access to the statistics in other circuits. I will, however, assume that the condition of the division just cited furnishes a fair sample of the remainder. These figures show the rapidity with which the cost of the courts and the amount of business grow, but they do not reveal to us the enormous expense to litigants which must result from the delay and inconvenience of litigation in these courts.

Justice is an essential attribute of good government; but in order that it may be a blessing it must be dispensed freely, without delay, and be within the reach of all.

NATURE OF THE BILL AND AMENDMENT.

Let us now endeavor to ascertain the best way to remedy this condition of the courts and avoid future evils of the same nature. The bill before us from the Judiciary Committee does undoubtedly furnish some remedy, and it meets with my approval; but it does not afford that full measure of relief which is easily attainable and demanded by public interest. It is a very wholesome measure as far as it goes, and will be hailed with much gratification by the people, but it does not go far enough. I shall offer an amendment to this bill which will operate as a permanent and effectual relief. In the remarks I may make I shall devote my time mainly to the discussion of this amendment and to the discussion of principles applicable thereto:

"Strike out all after the word 'petitioners,' in line 51, and all from line 52 to line 56, inclusive, except the words 'or a controversy between the citizens of a State and foreign states;' also strike out the words 'or subjects,' on line 57; also strike out the word 'and,' in line 58; also strike out all from line 59 to line 75, inclusive; also strike out the words 'and if in any action,' in line 102; also strike out all from line 103 to 129, inclusive, and insert after the word 'jury,' in line 129, the following:"

"That sections 639, 640, 641, 642, 643, 644, 646, and 647 of chapter 7 of the Revised Statutes, in relation to the removal of causes from State courts into the circuit courts of the United States, be, and the same are hereby, repealed.

"SEC. 2. That section 2 of an act entitled 'An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes,' approved March 3, 1875, be amended by striking out the words, 'or in which there shall be a controversy between citizens of different States, or a controversy between citizens of the same State, claiming land under grants of different States, or a controversy between citizens of a State and foreign states, citizens, or subjects.' Also, by striking out in the same section the words 'and when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the plaintiffs or defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district.' Also, that section 3 of said last-mentioned act be amended by striking out all of said section after the words 'and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court:' *Provided*, That nothing contained in this act shall affect any causes in which proceedings for removal from State courts shall have been commenced before the passage of this act."

The main features of this amendment were embraced in a bill introduced by myself on October 29, 1877, as an original bill, and referred to the Judiciary Committee, it being one of the bills for which the pending measure is reported as a substitute. It does not in any degree abridge the grounds of original jurisdiction in the Federal courts. It leaves them in full and undisturbed possession of all the power which Congress has conferred upon them as courts of original jurisdiction. It does not deprive them of a single case which may be legitimately brought therein at this day, nor does it take away from them the power to remove causes from the State to the Federal courts in any case arising in law or equity under the national Constitution or made under their authority, or any cause affecting embassadors, other public ministers and consuls, any case of admiralty and maritime jurisdiction, any controversy to which the United States is a party, any controversy between two or more States or between a State and citizens of another State.

The purpose of this amendment is to prevent the encroachment of the Federal judiciary upon the State courts in cases actually commenced in those courts and over which they have acquired and ought to acquire jurisdiction.

UNAMERICAN AND EVIL TENDENCIES OF PRESENT LAW.

This law of removal is un-American in its tendencies. It is stealthily introducing beneath the foundation of our present constitutional form of government a lever by which the advocates of centralization may overturn and revolutionize the Government of Washington, Jefferson, and Madison, and in lieu thereof establish the Government which Hamilton and John Adams sought to fashion for us.

That law has already nearly demolished the independence of the State judiciary and threatens to destroy their very existence. It disturbs the constitutional balance of the Government, and may bring on a conflict between the State and Federal judicial power which will tax the patience of the people and the wisdom of the ablest statesman to the utmost in order to save the country from violence and civil war. It has inflicted much inconvenience and great expense upon the people, often defeating the ends of justice by practically placing it beyond the reach of the weak and the poor. It has inundated the Federal courts with a flood of cases far beyond their capacity to adjudicate. It has heavily increased the burden of taxation in a period of direful distress.

If I have correctly stated the effect of the law, can any conscientious and intelligent representative of the people hesitate to vote for its repeal? I am sensible of the fact that we should approach the discussion of questions affecting the judiciary system entirely free from sectional and partisan bias, and should fully realize that we are the chosen representatives and law-makers for the whole Union; that our enactments are to affect the peace and welfare of every locality and every class under our flag. If we are solemnly impressed with this responsibility, we are prepared to take into consideration with coolness and deliberation questions which may produce the greatest good to the greatest number.

The past reveals to us that he who advocates most effectively maintenance of the constitutional balance of our Government, preserving the energies of each branch, does in the largest degree promote liberty, order, and peace. I am as ready as any one to concede and defend the rightful and constitutional powers of the Federal courts, and do reverentially bow to all their decisions whenever they deserve homage, and I entertain high admiration for the great minds who have illuminated the Federal judiciary. When acting in its rightful sphere, none shall be permitted to yield more willing reverence for its decrees or be a more zealous friend of its legitimate authority than myself. The Federal Government is supported by three independent pillars: the legislative, executive, and judicial. If either be ruthlessly thrown down the grand fabric will fall. While resting on its proper basis each supports the other and renders the whole strong enough to resist any assault.

STATE AND FEDERAL GOVERNMENT.

But the system of government under which we live is dual, the States being a miniature of the National Government in its form; yet each and their governmental departments are separate and independent within their proper limits. In order that there may be stability and harmony, each must be confined to its true functions without trespass upon each other. While I insist upon the independence and observance of the rights of the national judiciary, it is no less my solemn duty to guard with jealous care the independence of the State judiciary. If I failed to raise the signal of danger and resist efforts to carry either beyond its constitutional limits, I would be disloyal to the trust reposed in me by the people whom I represent upon this floor.

We know that no good government can long exist without an efficient judiciary, and it is especially true in a republic that justice should be found at its basis, to which all should be made to yield, ruler and ruled, those of high as well as of low degree, the upright as well as the vicious. In the dispensation of justice by freemen, Bentham's idea of equality should be adopted as a cardinal maxim: "Everybody to count for one, and nobody to count for more than one."

The line between the Federal and State governments is clearly enough defined in the Federal Constitution.

They who made that instrument employed simple and plain language so that its meaning might be grasped by those of ordinary capacity upon all questions arising between the States and Federal authority. In order to avoid mistake and guide the understanding unerringly the tenth amendment was subsequently added, by which it is declared that all powers not delegated to the United States nor prohibited to the States shall be reserved to the States or the people. We are told in the Federalist that the powers delegated to the Federal Government "are few and defined" and relate chiefly to external objects, while the States retain a residuary and unrestricted sovereignty over all other subjects. And yet the dikes and barriers erected to defend the State judiciary, and through it the liberties of the people, have been broken down by Congressional action and insidious construction of the courts, until the limits of the Federal judiciary have become so obscured that the clearest legal mind can not accurately discover them.

Judge Story says the power to remove causes pending in a State court to the jurisdiction of the Federal courts "is not to be found in express terms in any part of the Constitution; if given it is only given by implication." (2 Story's Const., 1745.)

In my judgment, sir, it has its origin in the unjustifiable interference by Congressional enactments, but to a great and more dangerous extent by constructions of the Federal courts, which go beyond the letter or spirit of either the Constitution or acts of Congress.

CONSTITUTION IN DANGER FROM THE CONSTRUCTIONISTS.

I insist that there is sufficient ground for the fear that the Constitution may be destroyed by construction to arouse the attention of the lovers of the Constitution and the present form of our Government. Alexander Hamilton had perhaps more to do with originating the Federal judicial power than any one person. He had but little faith in the practicability of our Republic. In his desire to establish a strong centralized government, or monarchy, he no doubt in this insidious manner seized upon this opportunity to sow the seeds of centralization. If such was his design he displayed wonderful power of forecasting the eagerness of the Federal judges to aggrandize their power even at the expense of the sovereignty of the States as represented in their judiciary.

WHAT WAS THE MEANING OF THE FOUNDERS OF THE GOVERNMENT?

Suppose the language of the Constitution in this regard was not clear, will not sound lawyers admit that the canons of construction, so familiar to all, should be observed and its true meaning sought for from the intentions of those who made the Constitution? If so, can you review the spirit and principles of the men who created that instrument, can you study the debates over its provisions by the founders of the Government when fresh from a bloody conflict with centralization and monarchy, remember their jealousy of the independence and rights of the States, how they met and drove to the wall every advocate in that great convention who sought to frame a government of strong centralized powers, and then believe that these men intended the work of their hands to be made an instrument for such an invasion of the rights of the States?

No, sir; if the men of 1776 and 1787 apprehended such a danger to be possible from Congressional enactment or the construction of the courts, they would have established such ramparts around the independence and powers of the State judiciary, and would have placed such limitations upon the jurisdiction of the Federal courts, that construction would fail in its ingenuity to devise a way to overleap.

JEFFERSON'S VIEWS ON THE DANGER OF JUDICIAL POWER.

The apprehension I have expressed of serious danger to the Government arising from the lust of judicial power and of a conflict between the jurisdiction of the Federal and State courts is not based upon idle fears. It was an apprehension which disturbed the mind of Jefferson. Looking into the future, he predicted dangers arising therefrom to the very existence of the Government, and which, if permitted to go on unchecked, would eventuate in the total overthrow of the Republic.

No man whose name is connected with the history of this country knew more of the true character of this Government and the proper relations of the States to the National Government than that profoundly philosophic statesman. Indeed its republican features are due more to the plastic hand and the giant intellect of Thomas Jefferson than of any other mortal being. Our system is really Jeffersonian, or based on his theory. He is the greatest genius of free government found in the history of the world. The republic of Plato was utopian. Every effort of man to establish and maintain free government had been an utter failure. No one had preceded him in formulating a practical republic. Whether it shall be enduring depends alone upon the virtue and intelligence of its citizens and their adherence to the fundamental principles on which it was established.

Jefferson was not only the master-mind in forming the outlines of our Government, but he studied and left the impress of his genius upon its details. He viewed the encroachments of the Federal judiciary with serious alarm, and fearlessly denounced them with his trenchant pen. But let him speak for himself. In a letter to Mr. Thomas Ritchie, in 1820, he wrote:

"The judiciary of the United States is the subtle corps of sappers and miners constantly working under the ground to undermine the foundations of our confederated fabric."

He wrote to Archibald Thweat, in 1821:

"I am sensible of the inroads daily making by the Federal into the jurisdiction of its co-ordinate associates, the State governments. * * * The judiciary branch is the instrument which, working like gravity, without intermission is to press us at last into one consolidated mass. * * * If Congress fails to shield the States from dangers so palpable and so imminent, the States must shield themselves and meet the invader foot to foot."

To Mr. C. Hammond he wrote, in 1821:

"It has long, however, been my opinion, and I have never shrunk from its expression, * * * that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary, an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction, until all shall be usurped from the States and the government of all be consolidated into one."

To Mr. T. Barry, in July, 1822, he wrote:

"The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the removal of every check, every counterpoise to the ingulfing power of which themselves are to make a sovereign part."

If this subject in its infancy excited such serious alarm in the immortal author of the Declaration of Independence, may I not be pardoned for expressing fears to-day when the court has made such rapid strides in absorbing the jurisdiction of the State courts? If the sage of Monticello felt justified in hurling his anathemas at the Federal judiciary while it was illumined and presided over by him who has been held to be the ablest and one of the purest of the Federal judges (Marshall) and when its abuses were but a small stream, what

would be his language to-day if he were out of his grave and could witness the stream, swollen into a mighty river, whose banks are overflowing with waters gathered from streams in every State, leaving behind empty channels?

THE DANGER OF CONFLICT BETWEEN STATE AND FEDERAL COURTS.

None will assert that Story was given to idle fears and wrote without reflection. He, too, apprehended danger from this cause. Mark what he said in his great work on the Constitution:

"If State courts should deny the constitutionality of the authority to remove suits from their cognizance, in what manner would they be compelled to relinquish the jurisdiction? In respect to criminal cases there would be at once an end of all control and the State decisions would be paramount to the Constitution; and though in civil suits the courts of the United States might act upon the parties, yet the State courts might act in the same way, and this conflict of jurisdiction would not only jeopard private rights but bring into imminent peril public interests."—2 *Story's Const.*, 1746.

The conflict has been avoided in the past because the invasion by the Federal judiciary "has been noiseless and therefore unalarming" to the people, and because prior to the war neither Congress by positive enactments nor the courts by construction had gone so far as to materially affect the convenience of the people or the business of the State courts. They therefore preferred to yield than to array active opposition. The injury was so light it was believed that public weal demanded submission rather than disturbance.

ENCROACHMENT OF THE FEDERAL COURTS OVER STATE COURTS.

Of late years the Federal judiciary has gone with "noiseless step" so far into the territory which lies beyond their domain, and apparently so harmless, that the people have become habituated to its presence and have patiently submitted to what could have been resisted as an unwarranted invasion of their rights had it come in more robust and ruthless form.

In our civil-war period we found as in all civil wars that *inter arma silent leges*. When the minds of the people were concentrated upon the smoke of battle and the conflict of arms, and when the confusion following the war had seized upon the public mind, the Federal judiciary and the advocates of centralization in Congress stole a march upon the people. Prior to that period it hung upon the outskirts of the domain of the State judiciary, but during the war and the confusion resulting therefrom they have advanced to the very heart of that territory and have asserted as a claim of right what before was based upon sufferance. The steady advance of this power must be arrested or the danger of total annihilation of the independence of the State judiciary will be apparent to all, and centralization will obtain a triumph which only revolution by force can overthrow.

Let me direct your attention to a case which recently occurred, where if the people of the State had not become inured to the centralizing tendency of the Federal powers the hour of danger apprehended by Jefferson and Story would have arrived. The Wisconsin Legislature attempted to avert demolition of the independence of her State judiciary by an enactment providing that grants of charters to insurance companies, or their privilege to do business in that State, should be allowed on the condition that it should not remove suits against it from the State to the Federal courts. A company accepted its charter on that condition, but afterward disregarded this provision. The Supreme Court of the United States held that the act of the Legislature was unconstitutional and the agreement of the insurance company void. Now, if the judiciary of Wisconsin had adhered to the legality of the charter and maintained the constitutionality of the legislative act, and in defiance of the Federal decision by its process enforced the rights and dignity of the State, an alarming conflict would have ensued without any superior authority to determine the conflict.

LEGISLATION ON REMOVAL OF CAUSES FROM STATE TO FEDERAL COURTS.

Most of the legislation on this subject of removal of causes has been enacted since the war. From 1789, when the original judiciary act was passed, down to 1866 our Federal judiciary had that essential quality of a good system—permanency.

No very bitter complaints from the people against the Federal courts were heard during all that long period. It is true that a few wise statesmen who had seen the rocks ahead of the ship of state had warned us of the dangers of wrecking upon what was beneath the surface of the judicial system. But as I have already intimated, the people had never, to any considerable extent, felt the oppression of these courts; they disregarded the prophecies of Jefferson and others. The dangers are now upon them and they cry aloud for relief. In his compilation of the laws and decisions bearing on this subject Judge Dillon remarks:

"That the small tide of litigation that formerly flowed in Federal channels has swollen into a mighty stream."

And he further remarks:

"Certain it is that of late years the importance of the Federal courts has rapidly increased, and that much, perhaps most, of the great litigations of the country is now conducted in them. This is notably so in the Western States."

And:

"The limited right in this regard [removal of causes from State courts] given by the judiciary act has been enlarged from time to time until a very considerable portion of the contested cases in the Federal courts now reach them through this channel."

I call attention to his testimony on this point because he has done as much to enlarge the jurisdiction of the Federal courts by the dangerous power of construction as any judge who has sat upon the Federal bench. But the learned judge fails to tell us that the "limited rights in this regard" have been enlarged far beyond their boundaries by constructions of the laws of Congress in decisions of the Federal courts which have excited the surprise and anxiety of some of our soundest constitutional lawyers and most patriotic citizens. He also fails to tell us that this enlargement of the jurisdiction of the Federal courts has resulted in encroachments upon the legitimate domain of the State judiciary.

In the course of my remarks I shall refer to some of the statutes and decisions conveniently compiled by Judge Dillon in this work.

ORIGINAL JUDICIARY ACT OF 1789.

As I have already indicated, from 1789 until the act of July 27, 1866, the twelfth section of the judiciary act remained as the only statute authorizing the removal of causes from the State courts to the circuit courts of the United States on the ground of citizenship of the parties. Omitting the cases of aliens, we find that the instances in which removals were authorized are very limited. It was restricted or allowed only to the defendant or defendants, and must be applied for by all the defendants.

If some of the plaintiffs were not citizens of the State where the suit was brought, or if some of the defendants were citizens of the same State with plaintiff, or if the defendant answered or submitted to the jurisdiction of the State court before applying for the removal, or if all the real defendants did not apply for the transfer, then in neither of such cases could there be a removal under the original judiciary act, or until the enactments of 1866 and those of subsequent years. When we compare the law as we find it to-day with those prior to that period, we can not be at a loss to discover the reason that the people were so content and patient in this regard. Very few cases were or could be then ravished from the State courts.

THE ACT OF 1866 MANGLED THE JURISDICTION OF STATE COURTS.

But mark the change in 1866. Are not the people justified in their complaints when they contemplate the inroads upon the State jurisdiction; the impoverishment of State courts; the annihilation of the independence of the State judiciary; the invasion of the rights of citizens of the States, and the enormous increase of the cost of the Federal courts to the tax-payer.

Some features of the act of 1866 were very peculiar, I may say absurd. It is therein provided that where a suit is brought by a resident plaintiff in a State court against a resident defendant and a citizen of another State, the suit could by the non-resident defendant be split into two, one half remain in the State court and the other half would go to the Federal court to be adjudged by it. The constitutionality of this act was doubted by some of the Federal judges. Even Judge Dillon was forced to remark:

"It may be inferred that Congress doubted the power under the Constitution to authorize the removal of the whole case since part of the case provided for would be between citizens of the same State."

Mr. Speaker, that act mangled the jurisdiction and insulted the dignity of the State judiciary.

It was a reflection upon the integrity of the people of the States. Thus dividing the case into two delayed the course of justice, embarrassed and annoyed the parties with inconvenience and expense. I am certainly warranted in characterizing the act as an absurdity in implying that the State court was only capable of determining one-half the case.

My time is too limited to draw your attention to all the features of the subsequent acts; I shall only allude to a few of the most important.

ACT OF 1867 AUGMENTED HARDSHIPS OF RESIDENT LITIGANTS.

The act of 1867 went still further in violation of long-established legal principles, as well as augmented the hardships of resident litigants. That act, among other things, provided that the cause might be removed "at any time before trial or final hearing of the suit." This act, for the first time in any country where the common-law system prevails, gave the plaintiff the right to turn his back upon the forum he had voluntarily chosen and drive his antagonist into the Federal courts.

In the case of Johnson *vs.* Monel, the plaintiff was a citizen of Iowa, one defendant was a citizen of Nebraska and the other a citizen of New York; the last was not served with process and did not appear; the case was tried in the State court of Iowa, but after the court had set the verdict aside the Supreme Court of the United States sustained the plaintiff in the privilege of further harassing the defendant by dragging him from the jurisdiction where he was first assailed into the far more expensive and inconvenient tribunal afforded by the Federal jurisdiction.

In the case of Insurance Company *vs.* Dunn (19 Wall., 214), the State jurisdiction was arrested in a more offensive manner to the dignity of the State court. The plaintiff in this case had a verdict and judgment thereon against the insurance company in the State of Ohio. The defendant applied in the State court for a new trial and filed a bond, which it seems in that State has the effect of vacating the judgment. And then the defendant turned its face to its next friend, defied the mandate of the court where it had voluntarily submitted to be tried, and before order to set aside was made applied to remove the cause under the act of 1867. The Federal judges held that there had been no final trial; that the application was in time, and that the suit was removable; and the Supreme Court of the United States nullified the judgment of the State court.

If you regard this ruling, so degrading to the State judiciary, flagrantly erroneous, what redress can you find? These courts have arrogated to themselves the power of determining their jurisdiction without regard to the opinions of the State courts. No matter to what extent the inordinate desire for judicial power may carry the Federal judges, the laws of Congress fail to provide a balm for the wounds ruthlessly inflicted upon the dignity and independence of the State courts.

Thus, as we see, non-residents and foreign corporations have two chances while residents only have one. The act of 1867 still remains in force and is not repealed by any subsequent legislation. It is supposed this law was enacted for the benefit of persons who had gone into the Southern States immediately after the war. If so, the era of good-will and peace, now so happily restored, admonishes us that no excuse remains for such a plain violation of the rights of the State judiciary.

ACT OF 1875 DELUGES FEDERAL COURTS AND IMPOVERISHES STATE COURTS.

The act of March 3, 1875, goes far beyond all previous acts and deluges the Federal courts with a flood of causes removable from the State courts, thereby crowding the Federal courts beyond their capacity and greatly increasing their cost, while the States are being left with large judicial machinery to rust upon a small amount of labor. The right of removal is enlarged by this act as to subject-matter irrespective of the citizenship of the parties, and in other cases to citizenship irrespective of the subject-matter. It removes the limitation prescribed by the judiciary act and prior removal acts, requiring one of the parties to the suit to be a citizen of the State where the suit is brought.

Whether the acts of 1866 and 1875 are constitutional I believe are still open questions with the courts. I am not aware that there has been a direct decision of the United States Supreme Court upon them, and although it would seem that any one comparing the act of 1875 with the provision of the Constitution upon which Federal judicial power is based could hardly believe the act constitutional, yet, if we are guided by the uniform decisions of those judges in the past on questions of jurisdiction, it can not be doubted that they will sustain the constitutionality of the acts which add to their judicial power.

It will, however, require some ingenious argument to give plausible coloring to the proposition that when the Constitution in explicit terms limits to cases "between citizens of different States" it shall be construed to embrace suits between citizens of the same State, as the act of 1875 contemplates. The act of 1866 sought to avoid this difficulty by dividing the suit in parts, but legislators had become sufficiently inured to violations of the Constitution in 1875 to ignore and trample under foot the rights of the State judiciary without hesitation or remorse. The construction given by the court to the original judiciary act when Marshall, Story, and Taney were on the bench would be against the jurisdiction, but their seats are filled with others now. Time will tell whether they understand the Constitution any better than their early predecessors.

ABUSES OF THE LAW OF REMOVAL.

But let us come to the examination of some of the abuses of this law which have become so oppressive to resident litigants.

The Federal courts by their decisions, and even by *obiter dictum* upon questions affecting their jurisdiction, have given to the language of the law very singular construction. In the long line of their decisions we find an almost unbroken current running in one direction, aggrandizing their power and magnitude.

CONSTRUCTION IN REGARD TO CITIZENSHIP.

In the interpretation of statutes as well as contracts we all know the rule is that when the language employed is plain and unambiguous there is no room for construction; but that rule seems to have been disregarded by the Federal courts in passing upon questions of jurisdiction, as will be seen by reference to the following instance: The acts of Congress authorizing the right of removal from State courts are based upon that provision of the Constitution which declares that the "judicial power shall extend to all cases of law and equity * * * between citizens of different States," &c.

Worcester defines a "citizen" to be "an inhabitant of a republic who enjoys the rights of a citizen or freeman, and who has a right to vote for public officers; as, a citizen of the United States." This would undoubtedly contemplate a be-

ing possessed of mental and physical faculties, of mind, flesh, and blood; a breathing, moving, creature of God, having a soul. When Taney presided the court held that a free negro of the African race whose ancestors had been brought and sold in this country as slaves was not a citizen within the meaning of the Constitution, and could not bring a suit in the Federal courts. And yet the Federal courts in a number of cases have held that a corporation, a mere fiction of the law, a fleshless, heartless, soulless thing, not a creature of God but a creature of man, is clothed with sufficient attributes of citizenship to remove a cause from the jurisdiction of State courts into the Federal courts.

In other words, for this purpose a corporation of another State, a railroad company, a banking company, a shipping company, is a citizen, and that such an organization under the laws of Russia, Turkey, or England is an alien and endowed with the privilege of defying and scorning State judicial power. Thus the subtle refinement of the constructionists have rendered necessary a new definition of the word "citizen" and "alien." Corporations were indebted for this superior privilege to the ingenious invention of the law-interpreting, not to the law-making department. This encroachment of the Federal judiciary is so far-reaching in its effects they have declared that a State is powerless to deprive a corporation of this right of removal, even where the corporations have made an agreement to waive the privilege.

By act of Congress in 1868 the right of removal is in express terms granted to corporations authorized by the laws of the United States. When we find the language used in the Constitution is "citizens" and "aliens," it is difficult to understand where Congress finds power to confer this power on "corporations."

They have lifted the corporation above and beyond the sovereignty of the State or the binding force of its contracts. They have made it an *imperium in imperio*. They hold that when petition and bond is presented to the State court for removal the State court has no power to refuse the demand for removal, that its rightful jurisdiction ceases *eo instanti*, that no order for removal is necessary, and that the State can do no subsequent lawful act affecting the case; and one distinguished Federal judge held that the State court could not even inquire into the sufficiency of the bond, but it may be robbed of its jurisdiction and the resident suitor be forced from its jurisdiction without even the privilege of a look into the sufficiency of the bond.

It was held by Judge Drummond, in Osgood *vs.* Chicago, &c., Railroad Company, that where the petition and bond for removal was filed with the clerk in vacation, without action or knowledge of the court, without any examination by the court of the sufficiency of the petition or bond, *ipso facto* deprived the State court of its jurisdiction. How considerate are these law-givers of a certain privileged class, who are relieved of the degradation of even appearing in the presence of the State tribunal!

In another case it was held that where the United States court refuses to return a cause to the State court improperly brought before it, the party can not return to the State court and proceed with his cause, but he must remain in the Federal courts and abide their final action. On the contrary, if the State court asserts jurisdiction, after a proper application for removal, the party does not waive his right of removal by remaining and contesting the case in the State court, and he may follow the case to the supreme court of the State, and if unsuccessful there he has the right to sue out writ of error in the Supreme Court of the United States, and upon the record, without examination of the merits of the case, the Federal court may reverse the judgment of the highest court of the State, with a mandate to reverse the judgment of the lower court, and order a transfer of the cause to the circuit court of the United States. These courts claim the power to stop and tie up the proceedings of a State court by injunction. Truly the State judiciary is made the sport and foot-ball of the Federal judiciary.

WHO WILL DECIDE THE CONFLICT OF AUTHORITY?

Suppose a Federal court should assume jurisdiction of a cause not contemplated by the statute and which clearly belongs to the State court? Some may say such action of the Federal court would be void and not binding, because they can only exercise jurisdiction where it has been conferred by the statute; but if the court should proceed to enforce their illegal decrees by its process and come in contact with the State jurisdiction, who would decide? Shall the decision be left to the physical forces employed by the sheriff and the marshal? Each of these jurisdictions under our system of government is independent and supreme within its legitimate sphere.

Such a conflict is not by any means improbable. The Federal courts have been heretofore unrestrained and with impunity have infringed upon the territory of the State courts; but I tell you that judges of these courts have seen the barriers of their rightful jurisdiction thrown down so often that they are becoming restless under these invasions, and may ere long feel that their solemn obligations to the people will demand resistance to the depredations and encroachments upon their lawful domain. If so, in the language of Story, who will decide the conflict? In such a conflict the triumph of the Federal courts will be a subversion of the Constitution; on the other hand confusion and disorder may follow. The law authorizing the removal of causes is the great source of this danger. I propose by my amendment a simple remedy. Repeal this law and make plain the boundary of these jurisdictions. Thereby you will prevent the Federal judiciary from invading the State courts and taking from their dockets causes of which they have acquired rightful jurisdiction.

The Federal courts have long enough ignored, defied, and commanded the State courts as tribunals of the most inferior character. They are in no sense inferior courts when exercising their legitimate functions.

THE FEDERAL JUDICIARY NO LONGER A SANCTUARY IN POLITICAL STORMS.

Sir, the judicial department of this Government has in the remote past been regarded as the sanctuary for the protection of individual and State rights. Amid the darkest hours of political storms in this country, when the executive and legislative branches of the Government seemed guided in the performance of their duty by mere prejudice and party passion, the patriot has looked with hope and confidence to the Federal judiciary as the guardian of liberty and law, as the pure and impartial power to stay the hand of mad ambition and of those who forget the Constitution and the Republic.

But, sir, he is pained of late years with apprehensions that this department of the Government—the sheet-anchor of his hopes—is erecting a centralized power upon the ruins of the Republic. Every year witnesses with sorrow and terror the fences erected by the fathers around the sovereignty of the States thrown down by judicial construction—sees one by one the reserved rights of the States annulled and annihilated. They who formed this Government did not dream that when they had shaped the judicial power in the Constitution they had forged a weapon which would destroy the form and life of that Government for which they had suffered and labored. Had they conceived such a peril to the Republic possible they would undoubtedly have placed guards around the State judiciary in language too plain for misapprehension.

In a letter to Judge Johnson, dated March, 1823, Jefferson wrote:

"There is no danger I apprehend so much as the consolidation of our Government by the noiseless and therefore unalarming instrumentality of the Supreme Court."

To Mr. Corry he wrote, October, 1823:

"At the establishment of the Constitution the judicial bodies were supposed to be the most helpless and harmless members of the Government. Experience, however, soon showed in what way they were soon to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that their decisions nevertheless become law by precedent, sapping by little and little the foundations of the Constitution and working its change by construction, before any one has perceived that invisible and helpless worm has been busily employed in consuming its substance."

When the Federal Constitution was before the Virginia State convention for ratification or rejection, Patrick Henry uttered this prophetic language:

"I see arising out of that paper a tribunal that is to be recurred to in all cases where the destruction of the State judiciary will happen, and by it the State courts will soon be annihilated."

The fears which haunted Patrick Henry and Thomas Jefferson in the evening of their lives are being realized now in the tendency of the Supreme Court and other branches of the Government to centralization and in destruction of sovereign and reserved rights of the States. If permitted to go on without restraint our system of government will in truth be revolutionized, and the change from a republic to a monarchy will be made easy. I deplore this. I believe the reserved rights of the States the most precious of the rights of the people; they furnish the best safeguard for the protection of the life, liberty, and property of the citizen. Let us stay the threatened dangers by saving our State judiciary from annihilation. Do not increase the Federal judiciary, lest it will like Aaron's rod eat up the rights of the States.

INCONVENIENCE OF FEDERAL COURTS.

The great inconvenience occasioned by this law to residents of these States furnishes a sufficient reason to warrant the adoption of this amendment. That profound moral philosopher, Paley, in treating of courts, said:

"If the court be remote and solemn it becomes by these qualities expensive and dilatory. The expense is unavoidably increased when witnesses, parties, and agents must be brought to attend from distant parts of the country, and where the whole judicial business of a large nation is collected in a few superior tribunals, it will be found impossible, even if the prolixity of forms which retards the progress of causes were removed, to give a prompt hearing to every complaint or an immediate answer to any."

In our own country and times, where localities are remote from points in which the Federal courts hold their sittings, these laws have operated in many cases to defeat the ends of justice. The section in which I reside is about two hundred and seventy miles from the State capital, where the United States courts are located, to which our causes are removed when taken from the State courts. I can say of my own knowledge that just and meritorious causes have been abandoned against insurance companies for the reason that the plaintiffs could not bear the oppressive expenses of litigation so far away from home. This is a denial of justice to the poor.

OPPRESSION BY CORPORATIONS.

The practice has perhaps become universal that litigious insurance companies, even in cases where a widow sues in a State court for the life policy of her deceased husband or a man sues for the policy on his dwelling destroyed by fire, these companies resort to the privilege of removal. They shield themselves under the protecting wing of the Federal courts, force its adversaries to bring their witnesses, and incur the enormous expense attending the slow process of securing a trial in the overcrowded Federal courts. This vexatious expense and delay enable wealthy corporations to crush many holding just claims against them and force them to either relinquish their suits altogether or compromise on such terms as are dictated by the agents of their powerful and heartless antagonist.

RIGHT OF TRIAL WHERE LITIGATION ORIGINATES.

When the right of trial by jury—that bulwark of civil and political liberty—was established in our parent country it became a part of the law that the trial should be had in the county where the offense was committed, and so jealous were our ancestors of a subject so vital to the security of the citizen they went still further and required that the jury itself should come from the vicinity where the crime was alleged to have been committed. Except in transitory actions the same reasoning with regard to this applies to civil as to criminal proceedings.

Judge Story has said that—

"One of the fundamental objects of good government must be the due administration of justice."

Is it not vain to claim that we have such an administration when the private rights and property of the citizen is left to the avarice and selfishness of powerful corporations and wealthy non-residents? Can it be of any advantage to the widow and children of the deceased husband that she has a right of action in a court beyond her reach for the policy on the life of her deceased husband? From the scanty earnings of a life of toil he may have promptly paid every installment of the premiums. He may have suffered self-denial; his wife and children may have endured privation and want in order that if death should remove their supporter a legacy would be left to keep away the lean wolf of hunger from the home of his bereaved family.

Now, when the sod has been heaped upon his grave, is it any consolation for the helpless family to say to them if they have the means to employ lawyers, pay witness fees and expenses far away from home, follow the case from the State to the United States circuits, and then perhaps a thousand miles or more away to the Supreme Court at Washington, where it must lie at least three years in a contest with a corporation having millions under its control? Such a law, sir, is a solemn pageantry, a mockery of the widow in her grief-stricken and lonely condition. It has been said by a wise man, a profound legal thinker, an able exponent of constitutional law in this country, that—

"If the people are enlightened, honest, and zealous in defense of their rights and liberties it will be impossible to surprise them into a surrender of a single valuable appendage of the trial by jury."

I appeal to you now to regain what has been surrendered of the "valuable appendages" of having the trials, juries, and courts among the people. It is only in the State courts that justice can be obtained without delay. The right to a speedy trial comes to us from Magna Charta. "*Nulli vendemus, nulli negabimus, aut differemus rectum vel justitiam.*" "We will not refuse or delay to do justice" is its language.

Sir Edward Coke, in explaining that principle of Magna Charta, said:

"Therefore every subject may take his remedy by the course of the law and have justice and right for the injury done to him, freely and without sale, fully without any denial, and speedily without any delay."

Can you say that we enjoy this right so legitimately inherited from a brave ancestry who at the peril of their lives extorted it from a tyrannical king in a rude and dark age? Our title to it is six hundred years old. Is the wisdom and courage of this enlightened century unable to maintain this great charter in a land of freedom?

Can it be said justice is dispensed freely, fully, and without delay, where power is given to an arrogant and powerful litigant, in defiance and contempt of the jurisdiction of the courts, in Illinois or California to remove a cause from the docket and force its feeble opponent into another jurisdiction two hundred miles away, and, if poverty and despair have not compelled an abandonment of the suit, carry the cause to the Supreme Court in this city, one thousand or three thousand miles away, and still further clog the wheels of justice with three years' delay?

Such a law places in the hands of the mighty the dreadful weapons of poverty and despair in their battle with the poor and unfortunate. Some may say this is justice, but many who are not altogether without wisdom will call it more in

the nature of mockery and cruelty. One of the prime objects for which governments are instituted is to protect the weak from the injustice of the strong. Shall we tolerate the reversal of this doctrine by permitting the Government to be used as an instrument of oppression in the hands of the strong?

PLANS FOR INCREASE OF FEDERAL JUDICIARY.

The Attorney-General has recommended in his last annual report that the number of judges on the Federal bench be increased, and that an intermediate appellate court be established in order that the overcrowded condition of the Supreme Court may be relieved. This is also advocated by able and experienced gentlemen in another body. I am opposed to this scheme and can not agree with its promoters. It does not do away with the enormous expense of litigation in the Federal courts, but will add greatly thereto. It will largely increase the expenses of the Federal judiciary. God knows we have enough life officers in this Republic drawing salaries from the earnings and labors of the people. Confine the United States courts to the legitimate limits of their jurisdiction as designed by the founders of the Government, and the judges will not complain of being overworked or of the necessity for increase on the bench.

REPEAL OF BANKRUPT LAW WILL RELIEVE THE COURTS.

An act has been passed within the last few days which will relieve these courts of a very large portion of that character of business now overcrowding them. I refer to the repeal of the bankrupt law. A very large portion of their work during the last ten years has been due to the bankrupt law. I have not had access to the statistics which will show the number of cases of which the courts will be relieved by the repeal of the bankrupt law, but a statement was made in another place the other day upon which we may base some opinion.

From a statement furnished by the clerk of the northern division of Illinois, it was ascertained that out of 4,606 on the dockets of the various branches of the court in that division on May 1 last, 1,167 were bankruptcy cases, being about one-fourth of the causes in court. If this is a fair average for the other courts of the United States, by this means the work of the Federal courts will be diminished one-fourth. The amendment I offer in connection with the bill introduced from the Judiciary Committee will undoubtedly relieve the courts of at least an additional one-fourth or one-third of its business.

LITIGATION REDUCED ONE-HALF.

Pass this bill and amendment, and you will complete the legislation that will diminish the work of these courts at least one-half and thereby reduce the enormous expenditures of the Federal judiciary and remove all cause for the creation of new judges or the machinery of the courts. Delay will be avoided, and will have secured that object so greatly desired in the administration of justice, promptness and cheapness.

ECONOMY OF THIS MEASURE.

Let us discuss this question for a while from the standpoint of economy. Surely no one will complain of me for treating the subject in this view when the distress in the country and the heavy burden resting on the tax-payers are considered.

I have obtained from the Chief of the Bureau of Statistics a statement of the cost of the United States courts which should arrest the attention of every conscientious legislator who desires to lop off unnecessary expenditures of public money.

The table which I have shows the expenditures of the United States courts for the years named as follows:

1850	$497,558 54
1860	936,477 61
1865	1,192,272 84
1870	2,162,109 82
1875	3,332,182 27

Three millions were appropriated for the fiscal year of 1877, but the Attorney-General reports that it was inadequate to meet the expenditures of these courts, and a large deficit was called for.

It is said "figures do not lie." They tell us that in no year during the seventy-seven years from 1789 when the original judiciary act was adopted down to 1866, when the first act was passed enlarging the jurisdiction of the Federal courts by widening the way for transfer of causes from the State to the Federal courts, did the expenses of these courts reach $1,200,000. And they further show from that time onward these expenses have grown with marvelous rapidity as each additional act of Congress has been passed. When only six years had elapsed since the act of 1866 went into operation the expenses of these courts (1873) had increased threefold.

What has been the effect of this legislation on the State courts? Let lawyers practicing in them give the answer. I know the answer from the West, and perhaps from the South, will be they have been rapidly depleted every year since the acts I have mentioned went into effect. It is rare that a suit is retained on their dockets in which corporations are parties.

TRANSPORTING JUDGES FROM OTHER CIRCUITS.

If I had not already consumed so much of your time I would dwell upon an abuse which has grown up in recent years of transporting persons from other circuits and appointing them judges in circuits where they have never had a residence.

Almost every judge who sits on the bench in the fifth circuit is an importation. That circuit embraces the States of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The judge on the Supreme Bench who has charge of that circuit is a resident of New Jersey. A judge ought to have some acquaintance with the people among whom he presides and should undoubtedly be thoroughly conversant with the systems of jurisprudence established in the States embraced in his circuit. When we remember that the civil law purely prevails in Louisiana, and to a large extent in the States of Louisiana, Florida, and Texas, is it not passing strange that no one could be found in all those States fit to be trusted with that appointment, and that it was necessary to select one of the common-law lawyers of New Jersey, a State where the common law prevails, to represent those States on the Supreme Bench? It seems to me it would have been better to select one familiar by practice with the civil law and the treaties made with the mother governments of those States, and their statutes. There are only nine circuits in the whole Union, yet the judges representing two of these circuits on the Supreme Bench have been appointed from Ohio and hold their residences there to-day. Three of the supreme judges have charge of circuits in which they do not reside.

In order to afford greater protection to the people of the States, I would, by legislative enactments, stay the hand of the power which forces litigants from the local courts before a judge on the Federal bench, who is not only a stranger to the people, but a stranger to some extent of the systems of jurisprudence he is called upon to administer.

THIS MEASURE BRINGS THE ADMINISTRATION BACK TO FUNDAMENTAL PRINCIPLES.

This bill and the amendment seek to bring the administration of law and the Government back to fundamental principles.

Those who formed the organic law of my State made this injunction a part of the constitution: "A frequent recurrence to fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty." This is language worthy of a place alongside of that found in the bill of rights of the Old Dominion: "That no free government can or the blessings of liberty be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles." Let us, then, return to fundamental principles. Let there be equal and exact justice to all.

But it will be a delusion and a snare if it shall not be so dispensed that it may be within the reach of all. History has perpetuated the infamous memory of Caligula, who wrote his laws in very small characters and hung them high upon pillars, so that the people could not read them. Beware lest we be accused by the historian of making justice so dear and difficult of attainment that its blessings are only within the reach of the rich and powerful. Let it not be said of us as was said by the poet of another land: "That its laws grind the poor and the rich men rule the law."

You do not desire that it shall be said of our courts, as was said by the immortal bard of Avon of the courts of his day—

> "Plate sin with gold,
> And the strong lance of justice hurtless breaks,
> Arm it in rags, a pygmy's straw doth pierce it."

Justice is more easily and quickly obtained by the poor in the State courts than in the Federal courts. This bill and amendment will promote liberty, promote justice, promote economy, and promote the general welfare.

I trust the members of this American Congress will give careful, intelligent, and conscientious consideration to a question fraught with such deep import to the autonomy of the States, the sovereign and primary rights of the people, and their convenience, peace, and fortunes.

Before leaving this question I beg leave to call attention to the following extracts from a pamphlet recently issued by Mr. William M. Meigs, of Philadelphia, who, although writing several years after my speech above quoted and taking similar ground to that occupied by myself, yet it seems that he had not seen my remarks but had been led by his own experience and observation to substantially the same conclusion in his search for relief of our Supreme Court. I beg leave to quote from his pamphlet the following:

THE RELIEF OF THE SUPREME COURT OF THE UNITED STATES.

The question of the relief of the Supreme Court of the United States has been much discussed for a few years and has excited not a little interest. The accumulation of old cases hanging on from term to term, and growing greater annually in number from the inability of the court even to dispose of the new cases yearly reaching them, shows plainly that, for the benefit of suitors, even more than for the relief of the judges, some change is imperatively demanded. This is doubtless a fact in the problem which few will question—something must be done. But, when we come down to the means of attaining the end, the question becomes much more difficult. When the American Bar Association discussed the subject at Saratoga in 1882 it appeared that irreconcilable differences existed not only in the committee which had been appointed to consider the subject, but in the body itself as well; and the resolution recommending the plan of a court of appeals was only carried by 39 votes to 27. The question has been the subject of much discussion since then in different parts of the country, and there have been introduced into Congress more than a dozen bills, many of them radically differing from each other. In the midst of such great variety of opinion, it is entirely impossible to say what will be the outcome of the matter, though it may be presumed from the interest manifested that, within a few years at most, some important legislation on the subject will be passed.

The plans, which appear to receive the most support are, (1) the establishment of a court of appeals, wherein shall be finally decided many of the cases which now reach the Supreme Court; and (2) the division of the court into sections, which shall sit separately, the decisions in all cases to be rendered by the whole court. The first-named or Davis plan seems to meet with most favor, and its features occur more or less markedly in several of the pending bills. The very serious objection that it would far from conduce to uniformity of decision has been met by other bills embodying a part of its plan.

It is not our purpose, however, to enter into any elaborate examination of the different bills before Congress, for we are unable to see that any such great change in the matter is needed as is generally advocated. We think it can be shown that by repealing a few of the acts giving jurisdiction to the Federal courts in certain specified classes of cases, it can be made easy for them to dispose of their whole annual accession and in the course of some years to bring the lists again down to a condition where they can be cleared up each year. If this is possible, without depriving suitors of rights which they ought to have, we assume that it is desirable. There can be no question that, by itself alone, the creation of a new court is not to be wished. The expense of the body is a fair argument against it, unless it is a real necessity; and, more than that, it is certainly the case, and it seems to be conceded, that the present constitution of the Federal courts is preferable to the proposed new one, with a court of appeals intermediate for some cases. One of the main objects to be obtained is the avoidance of those great delays which are a practical denial of justice in many cases; and it should not be forgotten that, whatever plan for the court of appeals might be fixed on, some, at least, of the cases would have to drag their weary length through both the court of appeals and the Supreme Court before the unhappy suitors would at length be released. This is not desirable. The present plan, if it can do the work, is certainly preferable, and thus much, we believe, is admitted on all sides.

The growth of the Federal judicial business was for many years very gradual, the cases on the lists of the Supreme Court being decidedly few in number until the middle of the century; not until 1858 did they even reach 300, and in 1870 for the first time they exceeded 600. In 1875 there were 974 cases on their list, in 1876 1,000, in 1880 1,202, in 1881 1,013, in 1882 1,026, and in 1883 1,070. The total average annual accession for the last ten years has been about 425 cases, the new cases docketed to October, 1881, numbering 399; to October, 1882, 422, and to October, 1883, 419. The number of cases annually disposed of varies of course not a little, but it averages 360. It is therefore clear that their business has grown unmanageable only within the last fifteen years, and it is further clear that the great number of cases on their docket is liable to be not a little misleading; the vast majority of these cases are *remanets*, reaching back not a few years. The average annual accession exceeds the number of cases they are able to dispose of by about sixty-five (a very little over 18 per cent). This increase of business is owing to different causes, but there is one which stands out specially prominent. Judge Strong (North Amer. Rev., cxxxii., p. 438) pointed out the causes at length in his article written shortly after he left the bench, and the same subject has been recently examined more elaborately by a committee of the Law Association of Philadelphia. They found that over one-third (34.5 per cent.) of all the cases found their way to the Supreme Court exclusively on the ground of citizenship, and they at once saw that here was an opportunity for reduction.

Others also have seen the same thing, and several of the pending bills propose a reduction by closing a part of this avenue. But can not more be done? Why not cut off the whole of this branch of jurisdiction at once, and thereby relieve the court from 34 per cent. of its labors? This would at once put them on their feet again, and enable them to do more than dispose of the annual accession of new cases, for we have already shown that a relief of slightly more than 18 per

cent. is all that is imperatively demanded. Judge Strong has considered the expediency of more or less radically altering the classes of cases to be decided by the Supreme Court, and he lays special stress (*ubi supra*, pp. 446, 447) upon the difficulty and comparative want of importance of citizenship cases.

It has been suggested, we believe, that it would be unconstitutional, but this can hardly be contended. The provision of the Constitution certainly does not, *proprio vigore*, vest the full extent of the Federal judicial power in the courts which Congress may establish, and confer upon them power to exercise it without legislative regulations. It can not have this meaning, for an unanswerable question would be which of the inferior courts is to exercise the jurisdiction and under what regulations? Though the judicial power does extend to controversies between citizens of different States, yet Congress need not call it into being, just as it need not pass a bankrupt law, declare war, or execute other powers conferred by the Constitution. And it is a well known fact that for over eighty-five years Congress exercised but little comparatively of its power in conferring jurisdiction in citizenship cases, and this was never held to be unconstitutional.

It is therefore apparent that more than one-third of the cases reaching the Supreme Court can be cut off by this simple process, and there are strong reasons why it should be done, and we, at least, fail to see any valid argument against it. This class of cases is one that gives special and peculiar trouble to the court, owing to the fact that it calls upon them to examine so many systems of law. The lawyer who has more than a faint acquaintance with the law of two or three States is not only a man of learning, but must have been endowed with a most rich measure of that precious gift—memory. The most learned of us is in reality not competent alone to undertake and conduct a law proceeding in a State where he is not at home. He may have the theory perfect and at his fingers' ends, but some wretched little point, which the lawyer of the *locus* would be entirely familiar with, will miss him, and he will soon be in a snarl. So difficult is it that at least some lawyers decline the practice entirely. Yet the Supreme Court is called upon to examine into the law of no less than forty-seven different jurisdictions other than that properly of the United States. The difficulty of this must be enormous and hardly capable of exaggeration; we all experience trouble enough in settling the law of one jurisdiction.

Probably the judge arises from the argument of a case of this nature, after the conflicting and not always precisely accurate statements of the law by counsel, with but the vaguest knowledge of what the law really is. He has, then, subsequently to spend laborious hours in searching through statutes and law reports which are new to him; and, in this labor, a portion at least of the usual incentive is wanting, for he is not working in his own field nor is he spurred on by the knowledge that his work will be of daily use to him in the future. (See Judge Strong's article, *Id.*, pages 440–446, where the difficulty in this class of cases is specially emphasized). Then there is this additional trouble that, as the Supreme Court does not universally, in cases of this nature, follow the law of the State, their labor is not at an end when they have discovered the latest State decision upon the subject; but they must make an elaborate examination and decide whether there has been a conflict of decision in the State upon the subject, and what was the law at the date the plaintiff acquired his rights; and then finally whether on the whole case it is one where, under their own decisions upon this very difficult subject, they will feel obliged to adhere to the latest State decision or will decline to follow it.

We think these facts show that the jurisdiction depending exclusively on citizenship involves great and peculiar trouble, and it would seem, therefore, that the decision of a hundred such cases must demand not a little more time and labor than does an average hundred cases of strictly Federal law. Therefore, as the citizenship cases constitute slightly more than a third of all their cases, we should, by abolishing root and branch this source of jurisdiction, reduce their labor considerably more than a third. This is a vast reduction, and the only question that remains is the advisability of the step. Is there any reason to-day for the court's being troubled with this mass of cases which do not belong to the system of jurisprudence which it is their function to erect? We can not see that there is. The reason for the constitutional grant of jurisdiction in such cases is well known and was doubtless a hundred years ago a very valid one, but it would seem to have no vital force any longer. At the time the provision was adopted we were emerging from a condition in which each State had been actively engaged in erecting its own walls of restrictions, with the view of helping itself and injuring its neighbors, and there is no doubt that there were strong feelings of jealousy and distrust among the different States of the confederation.

This condition of affairs was the very reason for the making and adoption of the Constitution, and it is highly natural, therefore, that it contained the provision. There would likely, otherwise, have been frequent bickerings and discontents about verdicts and decisions going against citizens suing in the States where they did not live, and one of the very purposes of the Constitution would have been frustrated for a time. But the course of nearly one hundred years has changed all this. It is hackneyed now to speak of the nearness of all parts of the country to each other and of the closeness with which we are bound together in all the affairs of daily life, but it is only the more true because hackneyed. It is undoubtedly the case that San Francisco is effectively as near to us to-day as Boston was to Richmond a hundred years ago. The New Yorker is vastly better acquainted to-day with the Chicagoan than he then was with the man from New Haven. We are all closer together in point of mere time, and in other matters our closeness to each other is even greater. And this constant intercourse and knitting of interests has had that effect which was to be expected.

We have become better friends, more similar in manners and customs, more willing to trust each other, and we do not now look with staring eyes at the citizen of another State as he passes us in the street or we deal with him. On the contrary, we daily see and deal with many of them, without even knowing it, or caring, if we do. It may fairly be said that that prejudice which was the cause of the constitutional provision is a thing of the past. If it was then, it is no longer the case that a citizen of any State need fear that he will fail of receiving a fair trial, let his suit be in what State you please. We must not forget that, in the Federal as well as the State court, he will meet with a jury of citizens of another State than his; and if the change proposed is made, the only difference will be that he will have his trial presided over by a judge who is also a citizen of another State than he, which may possibly not be the case when he has the right to sue in the Federal courts. We should be loath to believe that this would put the party from a distance in any peril of not getting an impartial trial, nor do we think there is any evidence whatsoever that such would be the case. If we are right as to the question of prejudice, there is certainly no valid reason why the jurisdiction should not be abolished.

If it is said that their jurisdiction is necessary in such cases on account of questions of commercial law; the answer is plain that by far the greater number of such cases—and often growing out of a transaction identically the same as that which it is argued the Federal courts should decide—must inevitably be subject exclusively to the courts of the State; and that system sadly lacks uniformity, which holds a defendant not liable on one contract and yet liable on another, when the sole difference between the first and the second is that the parties to the second are entitled to sue in the Federal courts. And in the vast majority of such cases, the Federal courts are, by universal admission, called upon, merely owing to adventitious circumstances, to administer the law of another forum. It is certain that they can not exercise this function any better than the courts of the State, whose very breath of life is the law in question. As to the comparatively few cases of this nature in which they decline to follow the law of the State as expounded by her tribunals, it is submitted that their soundness, as also their expediency, are matters of grave doubt.

This line of decision has given rise to another great element of uncertainty as to party's rights—as well citizens as non-citizens of the State—and has unquestionably not attained any such degree of definiteness as enables counsel to advise on the subject. The decisions are undoubtedly very conflicting; the question is one of the greatest difficulty and obscurity in itself, and the court has not succeeded in elaborating any system out of it, which offers a reasonable prospect of a scientific basis. We think, therefore, that even those who support this class of decisions must feel that their importance is not sufficiently great to render it worth while to yield up the great prospect offered of relieving the court without the creation of new courts and complicated machinery. It is apparent that this one change will make such a reduction that there would probably be no necessity for several decades, at least, to erect a new court, and he is an unwise physician who applies radical remedies before there is an imperious necessity. The country is certainly growing with tremendous strides, and it is likely that litigation will increase with the growth of population, but we can by no means say that it will grow in anything like the same proportion; and if one simple remedy can enable the court at its present rate to dispose of considerably more than the annual accession, it is surely not advisable to apply such heroic remedies as are advocated. The future is so uncertain that it is not best to make great changes when a small one will remedy the present evil.

Let us rather provide for our present needs by simple means, and not legislate in the dark for a condition of affairs which is, maybe, to exist several decades from the present time. Who can say what effect the vast changes going on in our midst in monetary affairs and commercial relations will have upon the law business of the country? Who can say what will be the effect of that tendency to centralization of business, which is one of the most striking features of the day, and which is but beginning to have its effect? Where, in the past, a thousand transactions were performed by as many different people, they are often now performed in an hour or two by one individual or officer of a corporation. And, whatever we may think of the corporations and their modes of doing business in certain aspects, there can be no doubt that, in the long run, there must be less litigation growing out of a given number of cases operated by one practiced hand than by the many.

The one hand is soon far more skillful than is the average of the many, and is, moreover, likely to act under the guidance of better legal advice than are the many. There can be no doubt, we take it, that the tendency of companies for the insurance of titles to real estate is greatly to lessen litigation on that subject, and the same may be said of all bodies of a kindred nature. Such bodies are daily springing up among us, and have undoubtedly had a marked influence in some places in reducing law business. Is it not to be presumed that they will continue to increase in number and in the classes of subjects to which they apply, and that they will spread over the whole country? This is not the place to go into these questions at length, and we merely cite them as elements on which we can put our hands, and which we can see must have a marked operation as a set-off to the tendency to increase of judicial business from growth of population. Others could be named, and there are probably a thousand similar elements, which we can not even see, let alone know their effects; and we submit again therefore, that it is not the part of a wise statesman, in the midst of such uncertainty as to the future, to advocate radical change until the time arrives when it is apparent that some fundamental measure is the only means of attaining the needs of the then present.

Besides the citizenship cases, there is at least one other source of jurisdiction the necessity of which it is difficult to see. We refer to cases from the District of Columbia. These reach the Supreme Court in large numbers, constituting a little over 5 per cent. of their total business. Their removal would therefore be a marked relief, and a bill has been introduced into the Senate with that view by Mr. INGALLS. It is not easy to see why the time of the highest Federal court should be wasted in deciding miserable disputes growing out of contracts to pave the streets of Washington, or to hear cases depending exclusively upon the old Maryland law, whenever the sum in dispute exceeds $2,500 and the defeated party is of a litigious nature. The only *desideratum* would appear to be that these cases should be decided by a competent tribunal under the control of Congress, and with a revisory body. The supreme court of the District certainly fills these requisites. The passage of the Ingalls bill would therefore seem to be highly advisable.

Territorial cases involving more than $1,000 constitute another class of cases, which seems to us out of place in the Supreme Court, though we speak with much diffidence on this subject, as no bill has been introduced to cut off this source of cases, and as there may be some controlling reason for the existence of the jurisdiction of which we are not aware. The Territories must sooner or later elaborate a system of law for themselves as States, and it would probably be well for them to begin early and not to enter the Union as States without an "unwritten law" based on law decisions of their own. Of course all questions growing out of their organic law would necessarily reach the Federal Supreme Court as involving the meaning of a United States statute, but why questions upon the law of negligence or of emblements and kindred subjects in a Territory, should be permitted to make a drain upon the time of the Supreme Court, when that time is so imperatively needed for other things, we are at a loss to see. The review they already have in their own supreme courts ought to be enough for their comparatively unimportant business. The cases from these courts constitute a little more than 4 per cent. of all the cases in the United States Supreme Court, and it would, therefore, doubtless be quite within bounds to assume that, if this branch were cut off, it would make a reduction of 2 per cent.

The jurisdiction conferred upon the district courts (and thence indirectly to the Supreme Court in error, when the matter in dispute exceeds $5,000) by the fifteenth clause of section 563 of the Revised Statutes of all suits by or against national banks also offers an opportunity for reduction. There is no good reason why an ordinary suit depending entirely on State law (*e. g.*, a suit on promissory note or upon mortgage) should take the time of the Federal courts simply because a bank is a party; and the jurisdiction in such cases could easily be taken away, leaving questions of the interpretation of the charter or the powers of the corporation under the United States laws to reach the Supreme Court on other well-known grounds. The cases by or against national banks constitute a little less than 5 per cent. (4.73), and this ground of relief, it may therefore be assumed, would remove from 1½ to 2 per cent. at least of the cases, another very material reduction.

We think we have shown conclusively that the needed relief of the court can be attained in the way proposed, without the creation of any new court whatsoever, and without in any way damaging either the court itself, the rights of suitors, or the interests of the Government; and surely, if this be so, it is immeasurably the preferable mode. The measures proposed would enable the court in the course of not very many years to dispose of all their arrearages, and, even if it is thought that those arrearages should be cleared up more rapidly, it would be very easy to create a commission for that purpose. Such a body could be arranged upon the plan of one of the pending bills, and all the cases now on the list which do not involve a question distinctively of Federal law be referred to it for its final decision, with such other regulations as might be thought best. But even this temporary new court does not seem necessary or even expedient.

Summary: Number of new cases per annum, 425; number of cases decided per annum, 360.

The relief of the court from the citizenship cases only would reduce the new cases per annum to two hundred and seventy-nine, and thereby enable them to dispose of as many as eighty-one old cases each year; and the list would not become unmanageable again until the annual accession of cases increases by from one-quarter to one-third.

Their relief from citizenship and District of Columbia cases would reduce the new cases per annum to two hundred and fifty-eight, and enable them to dispose of one hundred and two old cases each year; and the list would not become unmanageable again until the annual accession of cases increases by from one-third to one-half.

Their relief from citizenship, District of Columbia, national bank, and Territory cases would reduce the new cases per annum to two hundred and forty-three, and enable them to dispose of one hundred and seventeen old cases each year; and the list would not become unmanageable again until the annual accession of cases increases by nearly one-half.

WILLIAM M. MEIGS.

PHILADELPHIA.

The Labor Question in the Present Congress—What Has Been Done and What Ought to Be Done.

SPEECH

OF

HON. ALBERT S. WILLIS,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884.

The House having under consideration the bill (H. R. 2350) to prohibit the importation and immigration of foreigners and aliens under contract to perform labor in the United States, its Territories, and the District of Columbia—

Mr. WILLIS said:

Mr. SPEAKER: I recognize the fact that the maximum of temperature on this floor is the minimum of patience on the part of the members. I shall therefore be very brief in what I shall say. I congratulate the committee, I congratulate the country, upon the prospective speedy passage of this bill. It touches interests wide as humanity; it vitally concerns every workingman, every wage-laborer in the land.

IMPORTANCE AND NECESSITY OF SUCH LEGISLATION.

The need and importance of this and similar legislation are known to all. By the last census the total number of workmen in the United States was 17,392,099. Over one-third of our whole population, therefore, will be affected by any bill which undertakes, as this does, to regulate the importation of labor. Not only is this large number of our people interested in such laws, but their need of such legislation has grown greater with each year of our history. Rapid increase of population, crowded thoroughfares of business, and wonderful inventions of labor-saving machinery mark our material progress, but the welfare and comfort and contentment of the great majority of our people have not made equal progress. A few men like Gould and Vanderbilt have become billionaires; but nine-tenths of our people still find it a hard task to make both ends meet. The rich have become richer and the poor poorer. Men of moderate salaries find it more and more difficult to live in comfort and independence. Our progress has inured to the benefit of the few and the injury of the many. In a republic the true maxim of legislation is the greatest good for the greatest number. The pending bill comes within that maxim. It proposes to remove one of the greatest dangers which now threaten the workingmen of our country. Its passage will make their condition of life more prosperous, happy, and hopeful. Its urgency therefore requires no argument.

THIS CONGRESS A FRIEND TO WORKINGMEN—THE LABOR COMMITTEE.

This urgent appeal Congress has heard and heeded. Nor is this the only evidence of the growing importance of questions connected with the labor interests of our land. In a most signal manner these interests have been recognized by the present House of Representatives. In the very first days of its sittings, upon the motion of the distinguished gentleman from Missouri [Mr. O'NEILL] this House created a new committee—known as the Committee on Labor—and made it their duty to investigate and prepare legislation upon "all matters relating to labor." For many years we have had committees on "banking and currency," on "commerce," on "railways and canals," on the "militia," on "naval affairs," and upon numerous other subjects demanding attention and legislation. This, however, is the first Congress which has appreciated the magnitude and importance of the questions relating to the industrial classes, and as the result we have now a committee on "labor." If there was any doubt as to the propriety and necessity of such separate committee it has been completely dispelled by the diligent and successful manner in which its duties have been discharged.

BUREAU OF LABOR STATISTICS.

The first measure which the Committee on Labor presented to our consideration was one establishing a bureau of labor statistics. The Committee on Education and Labor, of which I was a member in the last three Congresses, had carefully investigated the nature and necessity of such legislation. As the last Congress failed to enact a law upon the subject, I introduced a bill (H. R. 645) in the beginning of the present session. The honorable chairman of the Committee on Labor [Mr. HOPKINS] and other gentlemen introduced similar bills. The Committee on Labor promptly reported a bill, and the House having with equal promptude given it a day for consideration, it was passed, and is now awaiting the signature of the President. I hope no material amendment was put on by the Senate. The bill as it left us was acceptable to those whom it was specially intended to help, and their judgment is worth much in such a matter.

The establishment of such a bureau is not a new thing in American legislation. As far back as June 23, 1869, the State of Massachusetts passed a law establishing a bureau of statistics of labor.

NATURE AND BENEFITS OF STATISTICS.

The scope of its work was similar to that provided for in the bill which we passed and is best explained in the words of the law:

The duties of such bureau shall be to collect, assort, systematize, and present in annual reports to the Legislature statistical details relating to all departments of labor in the Commonwealth, especially in its relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the Commonwealth.

The good results which this bureau accomplished in Massachusetts are well known. Some of the most valuable laws regulating the relations between labor and capital and correcting some of the flagrant abuses and evils of the struggles between them owe their origin to this bureau. So successful and beneficent were its operations in that State that New Jersey, Ohio, Pennsylvania, and several other States—twelve in all—have established similar bureaus. Congress has now provided a bureau which will collect such statistics in all the States and Territories, so that we will soon have authentic and full information from all parts of our Union upon all the important labor questions of the day. Among other facts, this bureau will tell us the average earnings of all persons employed in our mechanical and manufacturing industries; the wages of laborers, skilled and unskilled; the cost of living; the effect upon wages and production of the reduction of the hours of labor; the condition of tenement houses; the causes and effects of strikes; employment of convict labor; the distribution of wealth, as shown in the ownership of real and personal estates, and in the deposits in our savings-banks.

Such information will be invaluable in determining what within the province of Congressional legislation can be done to secure peace and prosperity to the industrial interests of the country. We must know the nature and extent of evils before we can make laws to remedy them. The creation of a permanent bureau to collect such statistics is therefore a great step toward the correct understanding and proper solution of the great industrial problems of the hour.

IMPORTED LABOR A CRYING EVIL.

But, Mr. Speaker, while there are some questions in this connection which may await the collection of facts through this bureau, there is one evil of such pressing importance that this House can not delay its preventive action. I allude to the importation of aliens under contract to perform labor in the United States. That large numbers of degraded and unskilled workmen have been imported here is a fact thoroughly established by the testimony taken before the House and Senate committee as well as by other evidence. The United States consul at Buda-Pesth, Hungary, Mr. Henry Sterne, in an official letter to the State Department in 1882, says:

I have information that agents are managing the business a good deal in the manner of the cooly trade, and that these immigrants are shipped to the United States about like so many cattle.

The gentleman in charge of this bill [Mr. FORAN] has just informed us that the Hungarian consul at New York, Count Esterhazy, has called upon this Congress to pass a law "to put a stop to such immigration" for the reason that they are "owned by capitalists."

Mr. P. J. McGuire, general secretary of the Brotherhood of Carpenters and Joiners, testified before the Senate Committee on Labor, in 1883, as follows:

Within the last few years it has come to pass that a large body of the cheaper class of foreign laborers, people unused to our habits of living in this country, are brought over here under contracts made in their own countries through the influence of United States consuls, with the avowed object of aiding the iron and coal corporations to reduce the wages of their employés. * * * This importation of labor to this country was noticeable in connection with the strike in the coke region around Steubenville, Ohio, where a large number of those Hungarians who had lived in the interior provinces of Hungary and had been subjected for years to the most brutal conditions were brought over here; and you can judge how low they have become when it is a fact which is quite generally known by all whom I met about Steubenville that while they were working in the service of the coke company there they took the dead carcass of a mule, sliced it up, and dealt it out as rations.

The systematic efforts to import alien labor are detailed in the able report of the committee, from which I read:

Mr. John Swinton, of New York city, in a recent issue of his paper, states that in the lower quarters of New York city there are quite a number of firms engaged in trafficking in human flesh. They are, as a rule, engaged in the "banking business," but their ventures in the slave traffic are quite extensive. Going into one of these establishments for the ostensible purpose of securing Italian laborers for an iron company, the agent stated, in answer to an inquiry, that during the time they had been in business 14,000 Italians had been brought to

this country under contract, 6,000 of whom had returned to Italy. It was further stated that they had agents at Naples, that the American companies paid the passage of the men from Italy, and their fare from New York to destination, which amount the imported Italian agrees to pay back with 6 per cent. interest. The men are shipped from New York to destination by the car-load, cars being chartered for that purpose. The men receive from the American companies from $1 to $1.25 per day. Mr. Swinton also states that the Hudson River Iron and Ore Company, in Linlithgo, Columbia County, New York, had in June, 1883, a large number of Hungarian laborers employed at $1 per day. They were paid monthly, fifteen days being invariably retained by the company. The men were huddled together in shanties, and live mainly upon rye bread and potatoes. They had been brought there under contract to fill the places of American workingmen, to glut the market and thus depress wages.

The Pittsburgh Commercial-Gazette, in its issue of December 11, 1883, publishes a "special" from Erie, Pa., to the effect that H. W. Heichhold, son of the United States inspector of customs of that name, had that day (December 10) returned from Lake Superior and reported a distressing condition of affairs at Jack Fish Bay and other points on the northern shores of Lake Superior. He stated that at these points 3,000 Italian laborers were left in a terrible state of destitution. They were brought from Italy by agents with the understanding that they were to have employment on the Canada Pacific Railway. As they perhaps reached there late in the season, when work had partially suspended, their agents deserted them in many instances and left them without money, food, or shelter. Some of them made their way to the United States or southern shores as stowaways. They complained bitterly of the treatment to which they were subjected by the agents, who held out great inducements to get them here and then sold their labor at so low a rate that it was impossible for them to procure more than the actual necessaries of life while they worked, after which they were turned adrift. Thousands of them were on the northern shores, cut off from civilization, in the middle of winter, many of whom no doubt have ere this died of exposure and starvation. Those who reached our shores are in all probability, for the present at least, a charge upon the communities where they found shelter.

In view of these facts it is not surprising that an indignant protest against this system has come to this Congress from all parts of our Union. Nor will this surprise be lessened when the character and habits of these imported white slaves are known.

DEGRADING HABITS OF THIS CLASS OF IMMIGRANTS.

Abominable as are the habits of the mass of Chinese immigrants, they are not more so than the ignorant, helpless, and brutish creatures whom greed and avarice have brought to our shores. Some of the evidence upon this point will not bear public recital. The idea of home, so dear to our own native and adopted workingmen, seems to them unknown and unappreciated. The respect and love which the humblest laborer in our land feels and exhibits toward the wife of his bosom and the children of his own flesh and blood, are trampled under the feet of these semi-barbarians. The coarsest food satisfies their appetite; the cheapest clothing half conceals their nakedness; the rudest hut or hovel suffices for their shelter. That this picture is only half drawn will be seen from the testimony from which I will briefly read:

Mr. Barkley, of Pennsylvania, testified before the Committee on Labor in regard to the Hungarians as follows:

The class imported by the coke manufacturers are the lowest beings that have ever been in the State of Pennsylvania, subsisting upon what an American laborer could not eat—such as mules, hogs, &c., which have been killed or died with cholera and other diseases. Not one has ever been known to become an American citizen, but all return to Hungary within a limited time (about four years) with what money they can save by living in this miserable condition of filth and squalor. Women and children work, too, drawing coke and forking coke into cars, commencing work about 1 or 2 o'clock a. m. and returning to their shanties as late as 7 p. m., working through all kinds of weather from two to five days per week. They seldom sleep in beds, but lie on the floor, with a board or a stick of wood under their heads, as large a number probably as forty in one house intended for a miner with an average family, one female serving about ten men in all relations between male and female, housewife, and laborer in the coke-yards. They are not known to purchase any of the luxuries which tend to elevate and enlighten the people, living in filth and wretchedness, but hoard up their small earnings, which they promptly forward to Hungary; thereby draining our district of the circulating medium. Being low in the scale of intelligence, they are the willing slaves of the coke manufacturers, willing to submit to almost any conditions.

P. H. McLogan, representative of Chicago Trade Assembly, then in session in New York city, August 24, 1883, said:

We think, also, that the Congress of the United States ought to pass a law prohibiting the importation of foreign laborers under contract. We know that, notably, men working the mines in the upper lake region frequently make contracts in Europe, in Sweden, and Denmark, and import a number of laborers from there. It may be said to be, in a modified form, the Chinese cooly system over again. It is the same system in a modified and less objectionable form. Those men are imported from Europe, and they work from one to two years under contracts made in Europe. That system is a source of great dissatisfaction to a great many American workingmen, for while a great many of us believe that American workingmen ought to have "protection" so as to get better wages, still we can not conceive how we can be really protected when the same manufacturer who advocates the "protection" of American labor can, in case of a lockout, go over to Germany, or some other part of Europe, and import as many mechanics or laborers as he pleases to compete with our American mechanics here at home. That was done notably in the case of the glass-blowers in New Jersey. We consider that any "protection" now given to American mechanics is of no avail so long as capital can import this cheap European labor in that way.

Ex-Mayor Powderly, of Scranton, the general master workman of the Knights of Labor, has just returned from a trip to the Connellsville coke region of Pennsylvania, and the scenes of want and degradation which he witnessed there among the imported Hungarian laborers are a disgrace to humanity. Women and children were at work at and around the glowing furnaces performing the hardest and most menial services. In a published letter Mr. Powderly says:

I had often heard of the employment of women at the coke ovens, but never had an opportunity of seeing it before. At 6 o'clock in the morning I went to the coke works and there I saw that the stories I had heard about this matter had not been exaggerated. At one of the ovens I saw a woman, half naked, drawing the hot coke from the chamber. She had no covering on her head and very little on her person. Her appearance was that of one whose spirit had been broken by hardship and hard work. Her attire consisted of a coarse chemise and a pair of cowhide boots. In a freight-car close by stood another woman forking the coke as it came to the car. Forking is the term used to indicate the disposition of the coke when it is thrown into the car. This woman stood in the doorway and was dressed in a coarse, loose-fitting outer garment and an apron. Her person from the waist up was exposed. When she stooped over to handle the coke she caught her hair between her teeth in order to keep it out of her way. Her feet were incased in a pair of heavy shoes, her legs were exposed from the knees down. Her babe, which she brought to the works with her, lay in front of the car with scarcely any covering except the shadow of a wheelbarrow which was turned up in order to protect the child from the rays of the sun. Many more such scenes as this met my view, some of them even worse than the ones I have described. These will, however, suffice to give your readers an idea of what Hungarian labor really means.

Before the Hungarian was imported the task for an ordinary man was to draw five ovens, but the Hungarian takes the contract for six ovens for less money than the American formerly received for five. He compels his wife or grown-up daughter to accompany him to the ovens in the morning and assist in the work until about noon; after that she may go home.

While the owner of the works does not employ the women, he is responsible for the crime of permitting them to work there, and should be held up to public execration and scorn.

These imported men show no disposition to become citizens of this country, but, on the contrary, seek to obtain a certain sum of money, which they consider a competence, and with it return to Italy or Hungary. I have seen eight of these people and one woman living in a small house, without beds or furniture, sleeping on the floor, and have been informed by reliable authority that these nine persons' expenses for one month was only $27. I have seen them in the Frostburg region of Maryland, where they had been brought by agents, who engaged them at Castle Garden, living in a wooden building, sleeping on bunks, this building being fenced in to prevent them being communicated with by the people whose places they had taken. The diet of these men was water and mush, with a small quantity of meat on Sunday. These men are brought into competition with skilled as well as unskilled labor, and it is fast becoming as bad as the competition of the Chinese in the West.

Such is the testimony of Mr. Powderly, who represents half a million workingmen in America.

Mr. William F. Barclay's evidence before the committee is equally strong:

We have a great many of these so-called Hungarians. They are not Hungarians, but Slavonians. They are not brought to our region on a written contract. There is an agency in Pittsburgh and in New York for the employment of these people, and to send them where they are called for. We are against the importation of these people because their influence is degrading. Firms employ these people in preference to Americans or other emigrants. They are easily imposed upon, not 5 per cent. of them being able to read. They perform this soft-coal mining very well, as it requires little skill. They have usually about one woman to every ten men. Their habits are disgusting in the extreme. I saw and counted one day thirty-five women and children employed forking coke and working about the ovens; the children poorly clad, of every age ranging from 5 years upward. They do not work on Sunday. To illustrate how they live: A yard boss who went to get men to work got thirty-seven men out of a house containing four small rooms. They had no beds, but laid on the floor, heads and tails, I suppose.

I never knew one of these men to stay in the country. They spend comparatively nothing, saving their money to return home. Even when sick they go to the poor-house, until at last the authorities refused to longer entertain them while they had money. They will eat anything. They hang their meat out in the sun that it may become soft and tainted. The business men of the region are opposed to them. They get the same wages as the Americans, except when they work by the day; then they are paid 33 per cent. less, which is all they are worth. This importation has reduced the price of mining, and makes it impossible for the men to do other than submit to whatever the operators demand or require of them, regardless of its justice.

These statements present a picture of woe and penury and degradation at which every friend of humanity will shudder. It is hard to believe that such things can be true in this land blessed with free institutions and boundless resources of wealth. Shall we consent to such a condition of affairs? Shall we suffer the ignorant and outcast of the world to be brought here under contracts which make them virtually slaves? Shall the self-respect of our laboring men and the modesty of their wives and daughters be laid a willing sacrifice upon the altar of avarice? These are questions which vitally concern the peace, happiness, and stability both of society and of government.

FREE TRADE IN LABOR.

We have heard much on this floor and elsewhere about "protection" and "free trade." That there are members before me who are warm friends of "protection" I know to be a fact, for "they themselves have said it." They want high protective duties upon all the products, whether food, medicine, or clothing, that come from abroad. If there is any member on either side of this House who advocates "free trade" I do not know it. There are many here, and I agree with them, who think that if the present tariff was modified so as to put the heaviest duties upon silks, diamonds, and other luxuries, and reduce them on food, clothing, and the necessaries of life, the wages of the workingman would buy more and his home would be happier. There are some of us also who think that a change in the tariff would give a larger and more remunerative market to our manufacturers, thus enabling them to keep their founderies and factories open all the time, and giving wages which would not only be high, but continuous and permanent. I do not consider that our belief of these and kindred propositions make us "free-traders."

But, Mr. Speaker, there are "free-traders" in this body and in the country, and these "free-traders" are all "protectionists." I do not say that all protectionists are free-traders, but I do say that all free-traders—in the sense in which I now use the term—are protectionists. Who, then, are these free-traders? They are the men who advocate and countenance by their votes and secure by their agents the importation of cheap and degraded laborers to compete with our home people. They

are not all but many of the capitalists and corporations of the country. They are the men who traffic in human flesh, who buy their ignorant fellow-men for a mess of pottage, whose cry, like the daughter of the horse-leech, is ever for "more." They are the honorable but misguided gentlemen who in this Congress and in previous Congresses have voted in favor of Chinese immigration—who voted that a low, immoral, squalid race should supplant by their labor and dishonor by their example the honest, worthy, and industrious workmen already in our midst. These are the only avowed "free-traders" in American politics. "Protection in the products of labor" but "free-trade in labor itself" seems to be their motto. Against this I enter my solemn protest. Where is the consistency of such a position? If the capitalist must have protection for what he makes; if his goods and property must be kept sacredly guarded against all competition with the markets of the world, why should not his employé ask and receive the same protection? The brain and muscle of the molder or weaver is his only property. Why not protect it as you do the property of its employer? Why let the brain and muscle of China or Hungary be brought into ruinous competition with it? Why shut the gates against all foreign competition in the products of labor, thus increasing the price of the necessaries of life, and at the same time throw them wide open to all the imported labor of the world? This is the very perfection of injustice. You smite the workingman with a two-edged sword. You refuse to let him buy where he can buy the cheapest, and you let in this degraded labor, which lessens his wages with which he can buy. Such a policy is at once grotesquely absurd and cruelly unjust. To correct that injustice this bill is intended. It puts an end to contract or servile imported labor.

TERMS OF THE BILL.

The first section embodies the substance of the bill:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, paid or special, expressed or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

The second section declares that all contracts with "any foreigner or foreigners, alien or aliens, to perform labor or service in the United States previous to the migration or importation of such persons into the United States shall be utterly void and of no effect."

The third section imposes a penalty of $1,000 for "every violation of any of the provisions of sections 1 and 2 of this act."

The remaining sections are in the same direction.

A HEARTY WELCOME TO BONA FIDE IMMIGRANTS.

It will thus be seen that there is nothing in this bill which forbids or discourages the coming to this country of voluntary immigrants. Nor does it prohibit the bringing over of the family or relatives of foreigners now in our country. At the end of section 5 is a proviso:

That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

Across the waters we extend the hand of welcome to all who will identify themselves with our institutions, respect our laws, and advance our common interests. Most cordially has this generous invitation been accepted. In every land the hearts of its oppressed and liberty-loving people have turned to free America as the prisoned plant turns to the sun. The official statistics show that since 1820—that is to say, for the past sixty years—the voluntary immigration to this country has reached the grand total of 10,808,189 people, nearly four times as great as our whole population in 1790. We welcome all who desire or intend to make this their home or who expect to become permanent citizens of our Government. The German, the Irish, the French, and other immigrants have quickly and successfully adapted themselves to our institutions. Descended myself from such ancestors, I should be the last one to complain of their coming or detract from their virtues. Their conduct and history is their best praise. Prompt to defend the honor and to promote the welfare of their adopted land, yielding ready and cheerful obedience to its laws and customs, they have illustrated in their lives and indicated by their conduct the wise policy of immigration. As kindred drops of water they have mingled and been lost in the great stream of American life. All such immigrants are welcome, and they know it. It is right to invite this class of immigrants, and it is also right to shut our ports against these imported laborers, who are willing to live in filthy hovels, half fed, and ignorant as the beasts of the field. Through the first comes to us fresh, healthy blood, which helps to build up and strengthen the body of the Republic; which creates a brave, patriotic, self-reliant, assimilative citizenship. Through the second comes only stagnant, diseased blood, which weakens the sinews of the country, and which, if not removed, will bring decay and death.

THIS LEGISLATON NOT NEW—THE ANTI-CHINESE LAWS.

But it has been said here that this legislation is a "new departure." I see, sir, no ground for such a charge. We all know that years ago what is known as the "cooly" law was passed, which is similar in its principle to this. We all remember the more recent anti-Chinese legislation. As chairman of the subcommittee I had occasion six years ago to examine this question. We were satisfied both as to the policy and rightfulness of such legislation. In behalf of the Committee on Education and Labor I presented to Congress the first anti-Chinese bill. It was vetoed by President Hayes, but the efforts we made forced a new treaty with China. Under that treaty our committee subsequently in the Forty-seventh Congress introduced another bill which was vetoed by President Arthur. Another bill was then offered more in conformity with the views of the Executive, but much less satisfactory to the people of the Pacific Slope. That bill became a law, and this Congress to make it effective has added certain amendments. This whole subject is, therefore, familiar to us. The Chinese, like these imported Hungarians, were degraded, groveling white slaves, without self-respect, wifeless, childless, and unfit for American citizenship. We, therefore, excluded them from the country; and in so doing I contend we violated none of the traditions or principles of American nationality. It is neither possible nor desirable for two races as distinct as the Caucasian and Mongolian to live under the same government without assimilation. The degradation or slavery of one or the other would be the inevitable result. Homogeneity of ideas and of physicial and social habits are essential to national harmony and progress. From an industrial standpoint also the Chinese are equally objectionable. Our laboring people can not and ought not to be subjected to a competition which involves the surrender of the sacred and elevating influences of home and the sacrifice of the ordinary appliances of personal civilization. No self-governing country can afford to diminish or destroy the dignity, the welfare, and independence of its citizens.

The action of the present Congress, therefore, in amending and strengthening the anti-Chinese law afforded a precedent for the passage of the bill against the importation of alien laborers, and at the same time is another evidence of its desire to do full justice to the workingmen of our country.

CONTRACT CONVICT LABOR.

Another bill, in the same direction as the two just mentioned, is the one (H. R. 995) abolishing what is known as the contract convict labor system, so far as the prisoners of the United States are concerned. In most of the States the system of contracting out the labor of the criminals exists. The report of the committee and the evidence recently published by the Senate Committee on Education and Labor show the necessity of such legislation:

The evils of the contract system are many, but your committee deem it necessary to only mention the following:

(1) The contract system is wholly adverse to reform, and therefore should be abrogated. The prisoners are treated as if they were so many dumb beasts, being driven to their daily tasks by men whose aim is to get a certain amount of work out of them each day.

Dr. Wines says:

"It places for the entire working day all the prisoners contracted for, to a great extent, under the control of men with no official responsibility; men who see in the convict only so much machinery for making money; men whose only, or at any rate, whose chief recommendation to the positions they hold in the prison is that they are the highest bidders for the human beings hired by them. It introduces into the prisons agents of the contractors, who, for the most part, have not only no interest in aiding reform of the convicts, but are too ready to oppose it, by offering mischievous indulgences to the convicts as an inducement to further industrial efforts."

Dr. Wines says further, to show that no reform is possible under this system:

"In former times, especially conspicuous in New York was the fact of the establishment in the prisons of a power behind the throne greater than the throne; a power well-nigh omnipotent within its sphere; a power that coerces, bribes, and threatens in pursuit of its selfish ends; a power that makes and unmakes officers, imposes and remits punishment through agents whom it has been able to bend to its will, and even stoops to mean devices to get the poor prisoner who has incurred its wrath into straits and difficulties, that its revenge may be gratified by the sight of his punishment."

(2) The contract system works great injury to honest labor in many branches of industry. Investigations by committees of State Legislatures has shown this fact repeatedly. The special committee of the Sixty-third General Assembly of Ohio on prison labor in their report say:

"The testimony shows conclusively that the contract system carried on in our penal institutions is directly responsible for a large percentage of the reductions which have taken place in the wages of thousands of mechanics during the past four years. Nearly every manufacturer who testified before your committee attributed a large percentage of the reduction in wages to the system which enabled manufacturers who have prison contracts, and who employ large forces of convicts at cheap rates, to go into the market and undersell them. There is little or no room for doubt as to the evil effect of this system upon the interests of free labor. It not only tends to pauperize honest labor, but it is, in a great measure, responsible for the overcrowded condition of many of our penal institutions."

The result of the investigations by the commissioner of the bureau of labor statistics of the State of New York is:

"The contract system of prison labor is directly responsible, to a great extent, for the reduction of wages and loss of employment suffered by mechanics engaged in the same branches of industry which are carried on under the contract system in the prisons."

No argument, however, is needed upon a subject so familiar. This House has by unanimous consent set apart a day for the consideration of this bill, and also for the bill relative to the eight-hour law. I hope when the day is reached both of these measure will be promptly passed.

THE EIGHT-HOUR LAW.

Four years ago this House by a two-thirds vote declared the meaning of this eight-hour law and demanded its enforcement. I well remember the great interest which the workingmen of the whole country manifested in this law. A committee of the most intelligent and influential representatives of the labor unions came to this city in behalf of its execution. I may be pardoned for reading a letter which those

gentlemen voluntarily addressed to me as a member of the committee then in charge of the matter:

WASHINGTON, D. C., *June* 8, 1880.

DEAR SIR: On behalf of three-quarters of a million of organized workingmen of the United States, whose organizations we have the honor to represent, we cordially thank you for your efforts of yesterday in aid of the resolution for the enforcement of the national eight-hour law.

Hoping for better success on the next trial over open enemies and cowardly "dodgers" and filibusters, we are, sir,

Very truly, yours, &c.,

JOHN G. MILLS,
Secretary Eight-Hour Delegation.
R. F. TREVELLICK,
Chairman, Detroit, Mich.
DYER D. LUM.
Northampton, Mass.
C. H. LITCHMAN,
Marblehead, Mass.
A. R. PARSONS,
Chicago, Ill.
S. C. HUNT,
Boston, Mass.

Hon. ALBERT S. WILLIS, M. C.,
House of Representatives, Washington, D. C.

Then, as now, this question was near to the workingmen.

Then, as now, the failure to execute it was inexcusable. What are the facts? On the 25th June, 1868, Congress passed a law which is embodied in section 3738 of the Revised Statutes and is in these words:

Eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed, or who may be hereafter employed, by or on behalf of the Government of the United States.

If this is the law, and if it means what it says, what reason can Congress give for refusing to declare that meaning to the world? If any doubt as to its meaning could exist it would be removed when we recall the circumstances which preceded its introduction and the debate at the time of its passage.

Petitions had been sent to Congress from all parts of the country, petitions not only from the arsenals, navy-yards, and other places under the charge of the Government, but from the laboring people generally. One large petition, I see from the record of that time, came from my own city, Louisville, in which there never was an arsenal or other Government work where this law would operate.

These petitioners claimed that the experience of mankind showed that in the long run men could accomplish as much work by working eight hours steadily as could be done by attempting to work for ten; that man's physical capacity for manual labor was limited, and that it was not wise to attempt to extend it beyond its reasonable capacity; that such a reduction of the hours of labor was proper in view of the increased work done by machinery, and that as full results would be secured to the Government within that time as within ten or fourteen hours.

Passing to still higher considerations, these laboring men contended that as our Republic was based upon the intelligence of the people, it was the duty of every man who was a voter to fit himself for the proper discharge of his duties as such, and for this purpose he should have a portion of each day to devote to his education and improvement. Contending, therefore, that the health of the laborer and the general interests of society would be promoted by this reform, these petitioners came to Congress asking that the Federal Government should put their theories to a test, hoping and knowing that if it proved successful in the case of the Government the example would be followed in all private establishments. It was in response to such appeals that this eight-hour law was passed. The debate at the time it was passed showed what its meaning and purpose was. Its terms are plain, and the experiment it proposed is worth the cost. The bill I have referred to proposes to pay these men according to this law. Can we afford to refuse this? Will a refusal secure that respect for and obedience to the law upon which more than anything else the harmony and perpetuity of our free institutions depend? Sir, if there were no questions of private right involved, if there were no merit whatever in the original proposition, I should feel it my duty to demand the enforcement of this law as an example to be placed before the country. If we in this place ignore, nullify the solemn statutes of the land, how can we look elsewhere for anything but riot, anarchy, and insubordination?

LANDS FOR THE LANDLESS.

Another subject which has largely occupied the time of the present Congress, and which is of great interest to every wage-laborer, is that of the public lands. It is well known that under an unwise and indefensible policy the public lands which ought to be sacredly set apart for the use and benefit of the people have been within the past twenty-five years given to railroad corporations. Two hundred millions of acres have been thus granted away—an immense empire in itself. The Atlantic and Pacific road in 1866 received 49,244,803 acres. The Northern Pacific and the Texas Pacific, the Iron Mountain, the California and Oregon, and numerous other corporations were given many millions more. Not content with this, other monopolists began a system of buying and unlawful fencing up of public lands, thus aggregating thousands and hundreds of thousands of acres in one great ranche. The Commissioner of the Land Office presents the facts. One single corporation, the Arkansas Cattle Company, has fenced in 921,600 acres. Many foreign companies have fenced up or bought up millions of acres which were intended for the general public. In Texas, Nebraska, and throughout the West and Southwest these have grown in size and enormity.

Congress has dealt a deadly blow at this triple-headed monster of land monopoly. This House has passed laws forfeiting over 70,000,000 of acres which these railroads claimed and restoring them to the people. It has also repealed the pre-emption laws, through the fraudulent abuse of which these immense bodies of land have been aggregated, and has restored these lands to *bona fide* homestead settlers. This House has also by a law put an end to this unlawful fencing of the public domain. These, Mr. Speaker, are measures which vitally affect the welfare of the great body of our people. We want no great land monopolies; we want no landed aristocracy; our population is rapidly and enormously increasing. Except for some legislation of this kind these great land and cattle companies and the railroads will have absorbed all the available lands of the country. This legislation alone will entitle the present House of Representatives to live in the grateful remembrance of the American people.

FEDERAL AID TO EDUCATION.

But, sir, in making this hasty enumeration of acts of legislation in the present Congress favorable to the laboring man and the great masses of our people I come lastly to the most important of all. I refer to the measures looking to the education of our people.

As far back as last February the Committee on Education reported a bill which is now on our Calendar extending aid for ten years to the States for educational purposes. The Senate committee within a few days thereafter reported a similar bill and for a larger amount—seventy-seven millions. The Senate bill is on the Speaker's table, and this House will bear me witness that as chairman of the subcommittee in charge of this legislation I have faithfully endeavored to secure action upon it. I hope before we adjourn that this bill will become a law. If, however, the pressure of the appropriation bills prevent action during the present session, I shall immediately upon the opening of the next session press this bill upon the attention of this House.

I need not here urge the importance of such a law. Intelligence is the prop, the cementing bond, the sheet-anchor, the very life-blood of our free institutions. We need no standing armies in a republic. We need only that the people should know their rights and advantages, and such knowledge will be always a sure rock of defense. No free, intelligent, and self-governing people can ever be overcome either by open foes or internal dissensions.

CONCLUSION.

I have thus, Mr. Speaker, called attention to a few, and only a few, of the acts of legislation which this House has brought forward, and most of which have already been favorably voted upon. Good laws make good citizens. Let Congress recognize the rights of all our citizens; let the toiler by the wayside, the delver in the mine, the workman at the forge, the plow, the loom, and the anvil feel that these laws are made for him as well as for the more powerful members of society; let it be believed that Congress and the Federal Government are governed by that old and approved democratic maxim, "equal rights to all, exclusive privileges for none," and you will have laid in the hearts and interests of all our people the foundations of a republic which will stand and flourish

Till the wave in the bay
Where the Mayflower lay
Shall foam and fall no more.

Chinese Immigration.

SPEECH
OF
HON. JAMES H. BUDD,
OF CALIFORNIA,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 3, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882—

Mr. BUDD said:

Mr. CHAIRMAN: When fuller information concerning the Chinese and the effect of their competition upon our people is possessed east of the Mississippi River there will be no opposition to further needed anti-Chinese legislation.

The learned gentleman from Massachusetts [Mr. RICE] states that this bill "adds no single barrier to the coming of Chinese into our country." If this be so, why did he so violently oppose the measure? Such opposition certainly proves that, to his mind, the bill is very restrictive. The second point made by him is that as there have been fewer arrivals since the act of 1882 took effect than before that time, the pres-

ent law is perfect and a new one unnecessary. This position has been fully answered by my colleagues Messrs. SUMNER and GLASCOCK. To what they have said I can add but little. That there have been fewer arrivals since the act of 1882 than before is true. From August, 1882, to November, 1883, only 2,652 Chinese landed at San Francisco, whereas 14,086 departed therefrom. Of the latter, 12,181 had return certificates. The loss by departure was but 1,905. There are many reasons for this condition of affairs. I will state a few:

First. The act of 1882 and the agitation for its passage stimulated Chinese immigration during 1881–'82, during these years 56,381 Chinese entering the United States, nearly double the influx of any other two years. Every Chinaman desiring to come, who could secure passage, found his way into the country. Thousands were prevented from coming only through lack of transportation facilities. Ships and steamers violated the navigation laws and were laded far beyond their regulated capacity. Every available vessel was pressed into service. Naturally a calm followed this storm. Stimulations are almost invariably followed by periods of relaxation.

Compare the stimulated increase of 1873, 1874, 1875, and 1876 with the relaxation of 1878, 1879, and 1880. The Chinese immigration in 1873 was 18,154; in 1874 it was 16,651; in 1875 it was 19,039; in 1876 it was 16,679. Then began the relaxation. In 1877 the immigration fell to 10,379; in 1878, to 8,418; in 1879, it was 9,189, and in 1880 it had ebbed to 7,011.

Second. There was a rush to enter before the act of 1882 became a law, as the operation and construction of it could not then be determined. The desire to come was not lessened, the fear of law deterred. This law must be tested before it was safe for the Chinese to again pour into our country. Chinese came over in violation of the intention of the law; able attorneys were employed, and the act was put to the crucial test of judicial construction. The weak points of the act were judicially determined, and the modes shown by which it could be evaded. The judges could not agree as to its proper construction. In the East the law was given one effect, in the West another.

Now that the Chinese know how to evade the operations of the act of 1882 they will do so, unless an act be passed remedying the defect of that law and removing from the domain of judicial determination its disputable points.

But the number given as coming to the United States is not correct. It does not approximate the truth. I am informed by George C. Israel, a leading attorney of Olympia, Wash., that the Chinese have devised many effective modes of crossing the border in direct violation of law; that it is worth from $50 to $100 for each Chinaman brought in. Mr. Israel relates many of these methods, but I have not time to specify them. Suffice it that hundreds come in of whom no record is kept. Mr. Israel is corroborated by the reports of the United States officers of Washington Territory.

SUMNER'S AMENDMENT.

It was to remedy these evils, which my learned colleague Mr. SUMNER foretold months before any official report was made thereof, that he proposed the amendment giving peace officers of the States and Territories the powers of United States marshals and deputy marshals for the purpose of enforcing the provisions of the act. This is one of the most important amendments to the bill, and one without which nearly every other provision might easily be violated. This amendment alone shows the error of Governor Rice's assertion.

But, I might ask, would it be any argument against amending a law shown by judicial construction to be worthless to assert that after its passage and prior to its judicial construction less crime had been committed?

The proper questions to answer are: What can be done under the present law? Does it carry out the intent of its framers? Has it defects? How has it been construed? If the law does not carry out the intent of its framers, or if it has defects, or if it has been rendered useless by judicial distortion, a bill carrying out these intentions, remedying these defects, and preventing these distortions should be passed.

That is the present case. That is the object of the present amendatory bill. I do not claim that the bill is perfect. I consider it not full enough in some particulars and unhappy in the expression of a few others. The bill is the best that could be expected under the circumstances. It is not the work of any one or two men. It is the work of the Pacific coast delegation in Congress. The people of the coast are a unit in their demand for the passage of some bill that will cure the defects of existing law. This bill covers most of them. To remove the question from the domain of politics and give the measure adopted an indorsement that would command speedy action, the Delegates, Representatives, and Senators from the coast met in joint committee. As amendments were proposed they were discussed, and adopted or rejected. When the ground had been fully covered all the amendments adopted were copied, and the bill thus framed placed in the hands of one of the members [Mr. HENLEY] to introduce for all. The individual wish was subordinated to the majority judgment. The bill is a good one and will prove effective.

NO TREATY VIOLATION.

The claim that it violates the treaty because it regulates the manner in which merchants and other privileged persons may enter the country and the evidence of their status is absurd.

As well could it be claimed that registration laws violated the Constitution and prohibited citizens from voting because they prescribed the manner thereof and the proper evidence of the right.

Regulations are not prohibition. And proper regulations and certificates are beneficial to the true merchant, because they save him from expense and annoyance. They are only objected to by such as have no right to enter the United States, and under this act will be prevented from securing the evidence of such right.

But should the act have violated treaties, what then? Well, if just and needed it should pass, for we owe more to our own people than to the other nations of the earth. Treaties must give way to matters of right protecting citizens of our own country.

NUMBER OF CHINESE IN THE UNITED STATES.

The number of Chinese in the United States has been variously estimated. The census of 1880 places it at 105,465. This is incorrect; it is too small. Any one familiar with the Chinese understands the impossibility of obtaining exact statistics concerning them.

I will prove that the number is larger than given in the census.

In 1869, H. C. Bennett, secretary of the San Francisco Chinese Protective Society, with the aid of the Chinese companies, made a careful estimate of the number of Chinese in the United States. This, coming from such sources, approximates accuracy. The figure was 90,000. Yet the census of 1870, only one year later, gave the number of Chinese as being 63,199. The census was incorrect.

In 1876 Mr. Alfred Wheeler appeared on behalf of the Chinese before a joint committee of Congress. From the custom-house records of San Francisco he proved, on behalf of the Chinese, be it remembered, that there were then only 93,963 Chinese in the State of California, and only 113,000 in the United States who had come through the port of San Francisco. He did not include one Chinese person who had come into the United States through Oregon, Washington Territory, or any port other than San Francisco. (See page 1196 of the testimony before the joint committee on Chinese emigration of 1876.)

Assuming the figures of either Bennett or Wheeler as correct—and the presumption is that neither are too high, for they were calculated to favor the Chinese companies, which were even then endeavoring to prove as small a number of Chinese in the country as possible—now, by adding the number of arrivals since 1869 or 1876, as the case may be, we have, after deducting for departures and deaths, a far greater number than given in the census.

Take Bennett's figures: Chinese in United States in 1869, 90,000; arrivals from 1869 to 1882, 205,431; a total of 295,431. Of these less than 100,000 have either died or departed since 1869. This would leave 195,000 yet here.

Take Wheeler's figures: In 1876 there were here 113,000. There have entered the United States since then 93,955, a majority of whom remain. This would give us over 150,000 to-day in the United States. In this estimate are not included those Chinese who entered prior to 1876 through any port other than San Francisco. It will therefore be safe to say that from 175,000 to 200,000 Chinese are now in the United States. In confirmation of this estimate I desire to call attention to the statements of gentlemen who have given the subject careful study.

In 1876 Frank M. Pixley calculated from 150,000 to 175,000 Chinese on the Pacific coast. In 1879 Hon. J. K. Luttrell and Hon. Frank Page stated on the floor of the House that there were in California 150,000 Chinese. Senator Sargent spoke to the same effect.

The joint committee which carefully examined into this matter reported, February 27, 1877, that Chinese in California equaled the number of voters therein (150,000 and over), and Mr. WILLIS, on February 25, 1878, reported from the Committee on Labor and Education, "that the lowest estimate of the Chinese in the Pacific States is 150,000."

I feel certain the number in the United States is not less than 190,000, of which at least three-fourths are on the Pacific Slope.

WHY CHINESE LABORERS SHOULD BE EXCLUDED.

It is asked, why is there an attempt to exclude Chinese and not other laboring classes? No person who has fully studied the subject will ask this question. The situation evidently is not understood. Let facts answer.

POPULATION OF CHINA.

China contains one-third the population of the world. Great Britain, France, and Germany united contain less than one-third the population of China. In 1812, when the United States had a population of less than 8,000,000 of people, a census was taken in China showing 360,279,897 inhabitants. According to the Almanach de Gotha for 1875, China proper had 404,906,514 inhabitants, and the empire contained a population of 425,000,000. The customs returns of 1882 lower this considerably.

The struggle for existence of the working people of China is bitter. Fully one-sixth of the population could be spared to the benefit of the remainder. Over 100,000,000 people, nearly double the population of the United States, could leave China to the benefit of that country.

The introduction of labor-saving machinery into China is opposed by the people, as it would compel an exodus or cause a famine. When it is introduced to any considerable extent millions must die or migrate.

The Chinese cloud that now hovers over the Pacific slope may some day burst on the civilized world.

When Beaconsfield proposed to bring the native soldiers of India into European warfare, the protest that prevented this step was not the result of idle fears.

When arms of precision and machinery of war are possessed alike by all nations and military science generally understood, numbers and valor will decide warfare and determine the dominant powers. This is not idle talk. I call attention to the known fearlessness of the Chinese, to their utter disregard of death, to the tenacity with which they fight, to the present absence of proper military training and equipments, and to their efforts to remedy this defect.

For evidence of their great military possibilities I direct attention to the report of General Upton, of the United States Army, who in 1876, under the direction of this Government, made an inspection of the armies of the world. I also call attention to the performances of the "Invincible army" under Gordon during the Tai-Ping rebellion. It needed only military genius to utilize the raw material of the Chinese Empire.

But it is the unarmed invasion against which we are now providing.

CHINA AND INDIA.

China and India are certain to have powerful influences upon the welfare and policies of nations. What figure will their climate, position, physical resources, and exhaustless supply of cheap labor cut in the commercial world?

When factories are fully established in these countries will free-trade England change her policy? As factory hands the Chinese are spoken of with praise. There is nothing they can not do. The introduction of them into the factory at North Adams, Mass., and the statement of their employer show how common coolies may speedily become expert workmen. It also shows how they may be used as a bludgeon to beat honest laboring men into reductions of wages.

Climate and physical conditions render necessary more food, more clothing, and more shelter here than in China. If, then, among us and under heavier expenses, their competition is so disastrous, how will it be when in their own country under far less expense they begin a competition in the products of exchange? Already India is forcing down the price of cereals by increasing the supply and producing at a price impossible here.

Her rapid strides in the cotton line are thus soon being felt in England.

What is to prevent these and like countries, in few years to come, from using America and Europe as the vent for their cheap productions? They possess cheap labor and cheap raw material, and these will grow more cheap when capital introduces labor-superseding machinery. But I can not follow the thought further at this time.

CHINESE AT HOME.

The Chinese at home live from hand to mouth. They can and do subsist upon less than any other known semi-civilized people. Education, habit, and ages of privation have bred into them economy, energy, and frugality.

Possessing many defects, the natural outgrowth of their idolatrous religion, overcrowded condition, and system of government, they also have some commendable qualities.

Economy, intelligence, energy, and adaptability to all employments are some of the latter. It must be confessed that these very qualities, added to their manner of living and customs, make the Chinese such formidable and undesirable competitors of American labor. Each Chinese laborer here is a machine, run at a daily cost of a few cents, to the displacement of a citizen on whose earnings depend a family.

LABOR AND WAGES IN CHINA.

I shall in a few words speak of labor in China.

Spear, in his pro-Chinese work, page 497, says:

The wages of labor in China in the larger cities is but a few cents a day.

Nearly everything is made without machinery.

At Foochow, a city of 1,000,000 inhabitants, the wages are low. Says Doolittle:

The wages of the common people are very low. Carpenters and masons obtain from 20 to 30 cents per day, boarding themselves. Hired men and women who do coarse work in the fields or in houses as servants generally receive from four to six dollars per month, and board themselves. If their employers board them they get from one to three dollars per month. Clerks and accountants receive from ten to thirty dollars per annum, with their board. School-teachers often obtain only from thirty to sixty dollars, besides small presents from their pupils, per annum. Literary men who are poor, and who fail of acquiring government employment, are frequently glad to teach school at almost any price. Food, clothing, and rents are cheap, and yet the poor of all classes are enabled to support themselves only by great frugality.

This is true of all the cities, and Rev. Dr. Gibson, who is strongly pro-Chinese in sentiment, confirms it in his evidence before the joint committee of 1876. Back from the coast wages are even lower and the condition of the people worse than at Foochow or Pekin. Tea-pickers get from 6 to 8 cents per day.

Nevins, in his pro-Chinese book, says on page 31:

A boat manned by two persons and of such size that ten Chinamen think they can sleep comfortably in it may be chartered for $1 a day.

Boat and two Chinamen only $1 a day!

General Upton, speaking of Che-foo, says:

The town is a desolate one, streets narrow, gutters filthy and reeking with blue mud, the men dirty, ill-dressed, and squalid.

This is a good description of a model Chinese city.

Again he says of Tien-Tsin:

Tien-Tsin is a city of 400,000 inhabitants, one-half of whom reside outside of the walls. The houses are mostly of mud; the streets are unpaved, narrow, filthy, and redolent of bad odors. To one who has seen the worst streets of New York a comparison there with would convey but a slight idea of Tien-Tsin. Squalid men and women, half-famished dogs gnawing offal from the butcher-shops and the kitchen, hogs wallowing in the gutters and rooting up their malarious contents, cats, wheelbarrows, mules, and donkeys—*voilà* Tien-Tsin.

Again, speaking of the country between Tien-Tsin and Pekin—the latter has 1,300,000 inhabitants—he calls attention to the poverty of the Chinese in these words:

In many respects the country which we traversed resembles the prairies of Illinois, even to its corn fields, but here the poverty is apparent, from the fact that the cornstalks are dug up for fuel. The villages are all composed of mud huts, roof and wall alike, which in floods and heavy rains often wash down and disappear. In going through one of the villages a member of our party sought to change a silver dollar. He was told it was too large a coin to circulate in that town, and retired with his ideas of Chinese wealth essentially modified.

The streets in China are from six to ten feet wide, and are dark and dirty. Of the hotels in this country Williamson, in his admirable work, says that hotels in China have no beds, a raised stone or mud dais serves as such, and under these at night a fire is built for warmth. Travelers carry their own blankets. The only furniture are a bench and table.

The food of the people is principally vegetable. Their energies are constantly strained to keep the wolf from the door. Besides vegetables, fish, dogs, cats, hogs, ducks, and such other animals as cost nothing to raise, in fact such only as raise themselves, are used as food. Black cats and dogs are preferred, and are on the *menu* of the restaurants. So says Williams in his Middle Kingdom. It is also asserted that rats are a common diet, but a careful investigation leads to the conclusion that this is not a diet of preference but of necessity. On this subject of labor and wages in China United States Consul-General Denney, in writing to this Government in 1880, treats fully.

CONSUL-GENERAL DENNY'S ACCOUNT.

Of the higher class of laborers, the silk-weavers and artists, he says:

Each is contented if he and his family earn enough to live upon; and if, after providing for a parent's funeral expenses and contributing toward one of his children's weddings, he has economized sufficiently to assure an honorable funeral of his own remains and those of his wife, he feels as though he had accomplished the object of his existence.

That I may not be charged with buncombe I will give the following extracts from the official report made in 1880:

The grand average of an income under the head of skilled labor is as follows:
For a master, per week, $3; $156 per annum.
For a workman, per week, $1.50; $78 per annum.
For youngsters or females, per week, 50 cents; $26 per annum.
The expense of living will be, respectively:

For a master per annum:

For food, &c	$72
For rent, &c	36
For clothing, &c	12
Total	120

For a workman per annum:

For food, &c	$45
For rent, &c	12
For clothing, &c	8
Total	65

The females and youngsters are considered to absorb all they earn.

The master lives generally at his workshop, where he has, perhaps, two rooms, besides a place to cook in. The household furniture may be estimated at from $20 to $30.

The ordinary workman, if married, will share a small house with a friend and occupy one room and have access to the kitchen. He may live with his parents, in which case his earnings go to the common fund Under such circumstances $10 to $15 will cover the value of his household furniture.

If a bachelor, and away from his family, he will either sleep at his employer's for a consideration, or stay with a friend; in either case his whole inventory consists of a box, with his clothes and his bedding.

AGRICULTURAL LABOR.

Here it is necessary to distinguish between the owner or tenant farmer and the laborer who hires himself out by the day, the week, or the month.

On a Chinese farm every member of the family must work; even the children, when only 6 or 7 years of age, have already some regular work assigned them. Two and one-half acres of good arable land, with a house, the material of which consists mostly of mud and reeds or bamboos, sometimes of stone or brick, with a roof of straw or reeds—seldom of tiles—a bullock, buffalo, or cow, a couple of pigs, a few fowls or ducks, and finally a few primitive agricultural implements, constitute the property of a well-to-do farmer.

Say the family consists of man, wife, and two children of 7 to 10 years of age. They live almost entirely on the productions of their own soil; 200 copper cash, or about 20 cents, a day is about the marketable value of the food consumed by such a family. The ordinary daily fare is rice, or, as in the north, bread made out of wheat-flour and millet, also some salted vegetables and a light decoction of the commonest tea. On festive occasions some pork, fowl, or salted eggs, and a cup or two of samshee (wine) form all the "extras" these frugal people indulge in.

The budget of a farmer's family stands on an average about thus:

Value of two and one-half acres of land	$400 00
A good animal of draught	20 00
Manure	10 00
Irrigation	10 00
Seeds	3 00
Help at harvest time	8 00
Taxes, one-tenth on the gross yield of rice or wheat	11 00
Total expenses	62 00

The two and one-half acres, which the two adults, with the assistance of an

animal of draught and their children, can work, will yield, if the land be of average fertility and under ordinary climatic circumstances, in—

Rice	$120 00
Second crop, beans, cotton, or barley	40 00
Or, say, in all about	160 00

Deduct from this the cost of living of the family, $73, and the total of other expenses as above, $62 = $135, and there will be an income for the year of $25.

There are besides some other small sources of income which are under the control of the women, such as the raising of chickens, pigs, the making of yarn and cloth, &c. These must be set off against other expenses for clothing, &c., not enumerated in the foregoing budget.

When cotton is cultivated the yield of 2½ acres is about as follows: Average yield about 1,600 pounds, at 4 cents = $64; actual outlay for cultivation, $20; mandarin tax, $8; assistance, $3; leaving net profit of $33.

This yield can only be produced upon land adapted to the growth of cotton. The cotton is either sold (in this case it is with the seed in) or so much is retained as may conveniently be spun and woven at home.

A woman manages to spin about one-third pound of yarn (woof) a day, which labor is worth 6 cents. For the manufacture of the warp a process is adopted which necessitates the assistance of two or three persons, and for this the neighbors assist each other, just as the loom for weaving is often the property of several families or of a whole village.

Two classes of cloth are made in the country, namely: 1. A heavy quality, thirty-nine inches wide, in pieces of six and one-quarter yards; 2. A lighter quality, forty-six inches wide, in pieces of nine and one-third yards.

A woman weaves one piece per day; sometimes more.

To convert raw cotton into one piece of cloth involves an average of six working days, and the weight of the piece averages about one and one-third pounds, and its worth about 60 cents.

The farm laborer hires himself out by the day, the month, and, less frequently, by the year. The value of his labor varies according to the season of the year. During harvest time he gets, besides the meals, worth about 10 cents, from 10 to 15 cents per day, or 70 cents to $1.05 a week. If his employment be by the month he gets $1.50 to $2 a month, besides board.

For permanent employment or employment by the year the wages are lower, averaging about $12 per annum, with board and lodging. When working for short terms, lodging is no great consideration with him, for he will always find rough accommodations with a friend or relative. Men of this class defray their house rent with about 50 cash a month. About $2 per annum will keep his wardrobe in a state adequate to his scanty wants.

A man who saves $3 to $4 a year does fairly well, but the majority live from hand to mouth, and their whole life is but a hard struggle to fight the hungry wolf from the door.

COOLY LABOR.

Herein are comprised the carriers, boatmen, the wheelbarrowmen, &c.

Taking the rates ruling at all the great commercial centers of this empire, the grand average of a man's earning is about $150 cash or 15 cents a day, which is equal to $4.50 per month. But it varies so considerably, according to supplies and demand in different localities, that the minimum is as low as 5 cents a day, while the maximum is as high as 30 cents, without food or lodging. Much also depends upon the physical strength of the men, the endurance and strength of some being actually marvelous. Take, for instance, the tea carriers in the mountainous parts of Western China. They carry on their backs a load of from three hundred to four hundred pounds' weight across difficult mountain passes, and travel with it for twenty consecutive days. They are considered well paid at 25 cents a day.

An ordinary cooly's monthly account would stand about thus:

Receipts in wages		$4 50
Expenditures for food	$3 00	
Expenditures for lodging	50	
Incidental expenses	50	
		4 00
Net income		50

In speaking of the gold diggers on the Han River (in the province of Hupeh), Baron Von Richthofen, when writing to the Shanghai General Chamber of Commerce in 1870, says:

"The diggers earn from 50 to 150 cash, or 5 to 15 cents, a day per head. From the quantity of gravel washed in a certain time, and the yield of one's day's work, which I saw being concentrated in a pan, I calculated that seven men are able to wash twenty tons of gravel a day, and that the average yield in gold is about 3½ to 4 cents a ton."

Coal is mined in many parts of China entirely by hand, and to say that it can be sold at $1 per ton at the pit's mouth, with profit to the owner of the mine, is a striking illustration of the cheapness of human labor in this country.

Most of the cooly labor in China is controlled by certain houses as companies. Strong and reliable coolies are, if possible, kept indebted to them by advancing to the cooly money while they are out of employment; hence, this labor is nearly always under mortgage to the hong (house), and in this way there exists a good deal of slow or forced labor. But the principal secret of success of those companies which sublet cooly laborers seems to be their holding themselves responsible to the employer for the cooly's actions. They undertake to make good any damage, whether arising from dishonesty or carelessness. They prosper, while the coolies almost starve.

In all the foregoing estimates of the cost of the laborer's living no allowance is made for the expenses which the great prevalence of opium-smoking and other vices entail.

HABITS OF CHINESE.

Of the habits of these people I care to say but little. These may be learned from any of the standard works on China. That the Chinese cheerfully sell or pledge their wives and children is admitted by Nevins and other friendly writers. Female children are despised, and for three days after birth covered with old rags to denote the contempt felt for them, and are often numbered like cattle or convicts and not named like human beings. Still, says Nevins, a family of daughters is often a source of great profit to a parent. Infanticide is universal. Three modes are common, namely, to drown in water, to smother, to bury alive. The last method is supposed to possess certain charms. Lying and stealing are not counted vices.

These are a few of the faults which the most friendly writers on China ascribe to these people. I have avoided naming one vice not agreed upon by pro-Chinese writers, and every statement of fact herein made is authenticated. I desire here to state that these are the characteristics of the laboring classes and coolies. The merchants are of much higher grade and are largely exempt from many of these traits.

THE CHINESE IN AMERICA.

In the United States the Chinese possess all the traits of their kind in China, and many others not mentioned by the authorities. Not only do they retain the vices named above, but crimes not named are common. This is fully proved in the evidence taken before the joint committee of 1876 and its report thereon. Females are brought here under contracts and bonds of prostitution; perjuries in our courts are general; murders common, and rewards for the latter openly published in the Chinese language in Chinatown. As to the contamination of our youths by opium and syphilis, it is widespread. Their competition breeds idleness and crime. Of evidence of the above the testimony named is full.

CHINESE COMPETITION.

Charles Crocker, the railroad magnate of California, testifying before the committee, said that the 75,000 Chinese in California do work not respectable for a white to do, and were they driven from their places the same must be filled by whites. I agree with him as to the effect of Chinese exclusion, but differ as to its desirability. All honest labor is honorable, and there are hundreds of thousands of our own kind in Europe and the East imploring any kind of honest work at fair figures. Mr. Crocker being one of the largest employers of men on the Pacific coast, certainly knows the effect of this exclusion. His conclusions as to the effect are largely drawn from the difficulty, if not impossibility, of securing whites during the construction of the Central Pacific Railroad. He should know that the replacement of these 75,000 Chinese by whites would add largely to the population and wealth of California, and ultimately benefit him and his line of railroad.

The replacement of Chinese would, as I state more fully hereafter, stimulate business and encourage further immigration. But for them the population of California would be to-day at least half as large again. They rent houses and partition them into small rooms, frequently constructing a horizontal platform midway between ceiling and floor for the purpose of increasing sleeping capacity. They sleep on hard mat-covered benches or on the floor, packing like sardines, and having but little covering. Twenty will occupy the space that common decency would prevent a man and family from living in. For food they have rice, with a little hog or greens as a relish. Weak tea without milk or sugar is their drink.

Five Chinese do not consume in value as much as one white. They can live on from 10 to 20 cents a day. This was testified to by pro-Chinese witnesses before the committee. As to clothing, they wear little and that of the very cheapest kind. Cotton composes nearly every article of wear. In their persons, habits, and homes they are filthy. The stench of Chinatown is unbearable to all but themselves. A white would starve where a Chinaman could prosper. What chance, then, to raise a family and take on the responsibilities of citizenship?

The Chinese spend but little money with us, dealing almost exclusively among themselves. They come to strip the land, and even provide for sending their bones to China. They do not contribute to our institutions, and it is impossible to learn their wealth for purposes of taxation. When a merchant dies his estate is seldom administered under our laws. Their women are brought here under contracts of prostitution and comprise about 4 per cent. of the Chinese population. They are sold and pledged. The Chinese work on just such wages as will prevent white competition and yet secure to themselves the largest obtainable wages, always being ready to underbid our own people.

But the facts regarding them are best summarized in the report of the joint committee. The evidence of Rev. Otis Gibson, who has charge of a Chinese mission in San Francisco and who is known as one of their strongest advocates, has many strong points which tell against them. Says he (page 408 of report):

> This conceit is so strong and their prejudice against all other people so bitter that, unless under some restraint of circumstance, they seldom fail to manifest contempt for any and all other people except their own, for any and all customs differing from their own, and for any and all learning or science or invention or art differing from the established order of things in their own Middle Kingdom.

Surely a most desirable class. (?)

Yet these are the persons some of our Eastern friends desire to admit unrestricted into this country and permit to enter into competition with their own citizens. This, though as a fact their own States contain a surplus of women who must work or starve or worse. Chinese most largely enter into competition with women.

Massachusetts is the last State from which opposition to this bill should come. The reports of the commissioners of labor show that cheaper labor opposition would be the ruin of her working classes. Even without servile competition the wages of workingmen in Massachusetts do not generally of themselves support their families. The wage-earners are forced to rely upon the assistance of their wives and children. The report of 1876 contains some very suggestive facts for the consideration of our Eastern Congressmen. Let me state one or two facts appearing therein. The rent of the Massachusetts wage-earner is about 22½ per cent. of his wages, and the average rooms to a family are about five. With the Chinese it is at least five Chinese to a room and not 4 per cent. of wages for the same. The conclusions of the commissioners are that in a majority of cases workingmen in Massachusetts are forced to rely on their children for from one-third to one-quarter of the entire family expenses. This

needs no comment. Introduce Chinese competition, and how would our noble Eastern laborer receive his support? The wages of mechanics and artisans in Massachusetts average as high as in other Eastern States and are higher than in many Middle, Western, and Southern States. (See Young's Labor in Europe and America.)

The condition of affairs in New York city is worse than in Massachusetts. When 7,000 women work for an average of $3 per week; when women receive from 25 to 35 cents per dozen for making shirts; when poverty is so great that butchers sell beef in such small quantities as from one to two cents' worth; when many persons are forced to buy two cents' worth of steak and one onion with which to season a meal, it does seem that labor was now far too cheap. When these things exist, as evidence before the present Senate committee investigating the relations of capital and labor shows, it is time to command a halt in the importation of coolies. The people are long forbearing, but there is a limit to endurance.

We need a proper distribution of the labor of our own country, not an importation of coolies. The laborers in the large Eastern cities should be aided to settle in the far West. The brotherhood-of-man doctrine may be hugged to the breasts of some, but the true policy is to provide for our own.

But gentlemen say that without these Chinese we of the Pacific coast would never have reclaimed our swamp lands, nor would our Pacific Railroad have been built. Now, I admit that these works were largely constructed by the Chinese, but I deny that without such labor the roads could not have been completed. I deny that their labor was of special benefit. I believe their presence now and heretofore a curse.

PACIFIC RAILROADS.

As to railroad construction, the Union Pacific and eastern and western roads were constructed by white labor. The Central Pacific Railroad and other Pacific railways could have been built in like manner.

Had they been so constructed by white labor, the wages paid would have been reinvested in this country; demand for goods, lands, and houses been stimulated; the business, settlement, and population increased, and a large immigration secured that is now retarded by the presence of cooly labor.

The greater part of the wages received by the Chinese for their labor on these roads was sent to China. Consequently a large portion of wealth that should have remained with us and added to our growth and prosperity has been withdrawn from circulation.

Another evil effect was to prevent labor being drawn from the overcrowded marts of the East. Every cent paid to Chinese labor on these roads has been kept from the pocket of an American laborer, and by reason of the lesser wages paid it has for every dollar paid a Chinaman put an extra dollar into the coffers of the railroad corporation, which would otherwise have found its way into a white laborer's possession. The road had to be built, and the Government subsidized it liberally, and for the purpose of aiding the people of the United States. Yet the first benefit was received by the cooly of China. Vice-President Colter and others testified in effect before the joint committee that Chinese laborers were paid about one-half the wages given whites.

Now, while it is true that there were not, at the time, enough white laborers in California to supply the demand, it is equally true that there were not enough Chinese. The Chinese had to be imported; the whites could have been brought from the East or Europe. True, the savings of the railroads by the employment of Chinese would have been, in the first place, less; still, the advanced general good arising from the employment of whites would ultimately have compensated them for any temporary loss. Railroads depend for their earnings upon the general prosperity of the country.

Regarding swamp and overflowed lands the facts are about the same.

Mr. Roberts, the president and manager of the Tide-Land Reclamation Company, testified before the committee of 1876:

Q. Could you reclaim these lands with white labor?
A. Not successfully at this time.

Mark, "at this time." In other words, white laborers would have to be brought into the State, which would have taken time and would have cost more. But they would have built up towns, settled lands, and spent all their earnings with us.

Further on he said:

I at one time owned a quarter million of acres (250,000), and then formed a tide-land company or association. I paid all the way from $2 to $3 an acre, although in some cases I got it for half a dollar an acre. I had to pay a dollar to the State besides. * * * (This dollar is refunded.)

He further testified that the cost to reclaim varied. Forty thousand acres were reclaimed at from $6 to $7 per acre. Some smaller pieces cost $25 per acre. After it is reclaimed the land is worth, he says, on an average, $75 per acre. Had white labor been employed the distribution of wealth would have been more equal; all received by the whites would have gone into general circulation. The workingmen would have become permanent settlers among us.

B. S. Brooks, an attorney for the Chinese before the joint committee, said that a surveyor-general of California had calculated for him the wealth produced by Chinese in building railroads and reclaiming tule lands, and it was $289,700,000.

If the ratio of distribution was larger than in Roberts's cases, there would go to Chinese about one quarter of this, or $72,425,000, nearly all of which is sent abroad either for articles they consume (for they seldom buy American goods or from Americans) or as cash savings.

But for Chinese these wages would have been paid whites, who would have come from the East or elsewhere; these wages would have been larger, and all retained or spent in our State. One of the strongest objections to the Chinese in my opinion is the possibility through them of the capitalist gaining exorbitant and undue returns for his investments.

One of the most difficult problems of the age is the relation of capital to labor and the equitable distribution of products. Certainly the profits of capital are large enough. It can care for itself. It can wait and seek openings, whereas labor must find employment or starve. The rapid accumulation and concentration of capital within the past twenty years in the hands of a few and the growing want of the many should influence us on all occasions to protect the labor of our people as best we can. Protectionists claim this is done by high protective duties against the influx of the products of cheap labor. Free-traders, that it is done by permitting unrestricted importation of the products of cheap labor countries. A third class believe there is a proper mean between these extremes. All agree that our labor needs aid in some mode. The ends are alike, the means differ. Here, then, is a case on which all can unite, and protect our laborer not only from the competition of Chinese labor, but also from the contamination of its association.

The Tariff.

SPEECH

OF

HON. MILO WHITE,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. WHITE, of Minnesota, said:

Mr. CHAIRMAN: I wish to say a word on this question, and for the reason that I am a Republican and yet favor a reduction of the revenue.

I was away from the city during much of the discussion on this bill, but so far since my return it has been a surprise to me that all the speeches on the question seem to shun the true question itself.

These long and able speeches on free trade and on protection are all well enough, but the question is really shall we continue to take from the people fifty or sixty millions of dollars annually more than the needs of the Government require, and no one will dispute the fact that we are doing so now. Fifty million dollars per year will pay all the debts of the Government, and last year we had a surplus of $130,000,000, and we are told by experts that we will have $110,000,000 of surplus this year, and we are so near the end of the fiscal year that we can approximate very closely to the amount.

Now, Mr. Chairman, I do not believe any party will dare go before the people with the proper issue, the real issue, and favor taking from them $60,000,000 more than is needed. There was once found to be a surplus of money in the Treasury, and, as the gentleman from Georgia [Mr. HAMMOND] said, it was loaned to the States subject to call, but when the nation in its greatest need sought to call for its own the members of Congress from the States which had the money voted not to call it in, and so it never was paid and never will be, and now no one on this floor, so far as I know, favors dividing the surplus among the States.

Does any member here object to all the protection incident to all the tariff needed? If so that member is a free-trader indeed. I for one am willing to allow the tariff to remain adjusted as it was under the act of March, 1883, with a few changes, but with a reduction, a horizontal reduction if you please, from this fact and for this reason, namely, the act of 1883 was the outcome of a vast amount of work by the Tariff Commission and by Congress, and ought to have been about as near right as the wisdom of that Congress could make it. And if the act of 1883 was as near right as it was claimed to be when passed, then the fact that it did not reduce the revenues as much as was anticipated is the question now before us, and I want the income reduced, and I am not one of those who say a reduction of the tariff will increase the revenue and in the next breath say the act of 1883 did reduce and will reduce the income more after further time.

Now, Mr. Chairman, one will say retire your bonds, but in another argument will say stop paying the public debt, because you will wipe out the national banks, "the best system the world ever saw." Mr. Chairman, we all know that the money taken from the people must be

paid out, or in a short time a stringency will come, and to keep the financial machinery running smoothly a call for bonds is made and the surplus paid out. If this was not done and all the money kept in the Treasury, you might go on and take all the money from the people and stop all business; but we have paid so much of the debt which we owed at the close of the war, and interest is so low and the bonds subject to call being reduced so fast, that we will be forced to go into the market and pay such price for bonds as Wall street sees fit to ask or we must do something else with the money, and I say leave it with its owners, the people.

Mr. Chairman, we have heard of the great benefit of the protective policy of our Government. One gentleman, my friend from Michigan [Mr. CUTCHEON], said a protectionist was enabled to live better and die better, and if I understood him correctly fare better in the great hereafter, intimating that no free-trader would get a good quarter-section in the temperate zone of heaven; but, Mr. Chairman, I believe we ought to deal justly with our fellow-men and obey our Creater, trusting Him to govern the great hereafter rather than setting up a protective policy for heaven, for we may find a better state of things there than we ever even dreamed of here. It has been urged here over and over again that our protective policy was the greatest aid to the agriculturist, the farmer. Now let us see how it works: We in our State raise large quantities of wheat, and I suppose our protectionist friends will say you are protected. We put a duty of 20 cents per bushel on wheat.

Now, bless your innocent souls, every farmer among us knows that we get just what dealers can pay for wheat, basing the price on Liverpool, deducting freight, elevator charge, interest, insurance, commissions, a fair margin, &c. You from the East come to Chicago and buy what you want in the open market, and pay no more than the relative Liverpool value. The same is true of pork, beef, and corn; and if you do use 90 per cent. of all our produce, you do not of our great staple, wheat. So we who do the hardest of the work get the least pay, wear the poorest clothes, and pay the highest price for all we buy. Give us cheaper goods, and we will give you cheaper provisions; make your goods a little cheaper and you can sell in other lands. You can not do so now. We furnish you the best breadstuffs in the world, and cheaper than the English manufacturer gets them. We are doing our share to enable you to send your goods to Mexico and to South America.

Last year we took forty-nine million dollars' worth of coffee from Brazil and paid $38,000,000 of it in gold. Do as England is doing in wheat, getting it elsewhere than where gold must be paid for it. Brazil taxes our pork 4 cents per pound, hams 5 cents; and we should buy coffee of Mexico, where we can sell our productions. Cultivate trade with our friends and they will cultivate more coffee, and let Brazil keep her coffee so long as she discriminates against us. What, Mr. Chairman, is the tendency of the times; is it not toward the increase of millionaires and tramps? We can remember when we had very few of either, and if we go on as we have been going we will soon have nothing else. And do you think the people will be happy then? Will we not rather have such work as at Pittsburgh a few years ago?

Is a tariff of 10 per cent. on diamonds and 60 to 100 per cent. on woolen goods conducive to comfort for the poor, yea, for the great middle classes in my State, where the mercury reaches thirty degrees below zero every winter? I wish to protest against such legislation, and would gladly join in amending the pending bill; but I give notice here that I will vote for a horizontal reduction if nothing better can be had, even if it does reduce the tariff on diamonds to 8 per cent. and leave the manufactures of wool at 56 per cent.

We are forced to compete with all the world and in the open markets of the world in our productions, and pay 62 per cent. on our woolen goods in duty, 55 per cent. on glass and earthern ware; and still we found no fault so long as the money was needed, but when it is not needed we object.

Mr. Chairman, our farms have changed hands on an average twice already since we made them in my State; yes, sir, twice on mortgages in thirty years, going into the hands of these Eastern men, who still cry out for more protection. Money loaned at 40 per cent. out in our country in 1855 and so on down to 12, until the whole property changed hands. Mr. Chairman, the gentleman from Connecticut [Mr. EATON] said that there were now sixty articles manufactured in his State which need no protection. And I met a gentleman this week who is manufacturing down in Virginia and sending his productions to England, and is prosperous and a free-trader.

Now, I apprehend that if we had facilities of transportation on the water as we have by our railroads on the land we would very soon be putting our productions into South America and into different countries where we send none now, and I commend to the attention of our manufacturing friends in New England the carrying trade on the high seas, in which calling many thousands of our people can find employment profitably, if we foster that interest as we should. We can not reach Rio Janeiro so quickly or so cheaply direct as we can by way of England.

Mr. Chairman, if we can not amend this bill, then I for one will vote for it as it is, if we can get to a vote on the main question; and I know that to be the sentiment of the people of my State.

The Public Domain.

REMARKS
OF
HON. A. X. PARKER,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,
Friday, July 4, 1884,
On the public domain.

Mr. PARKER said:

Mr. SPEAKER: Although much has been said in relation to the public domain of the United States, I wish to present some further facts and considerations connected therewith.

The total national domain, including States, Territories, reservations, and Alaska, is 2,291,376.338 acres. The public domain remaining undisposed of is shown by the following statement made by the Commissioner of the General Land Office:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 2, 1884.

SIR: In reply to your verbal request of the 30th ultimo I have to state that the area of the public lands is estimated as follows:

	Acres.
Area surveyed to June 30, 1883	886,367,361.00
Area unsurveyed to July 1, 1883, estimated	928,426,577.00
Total	1,814,793,938.00
It is estimated that there have been disposed of to and including June 30, 1883	631,743,227.96
Surveyed and unsold to July 1, 1883	254,624,133.04
Unsurveyed and unsold to July 1, 1883	928,426,577.00
Area remaining undisposed of July 1, 1883	1,183,050,710.04
Of this approximated area remaining it is estimated to be divided as follows:	
Alaska	369,529,600.00
Indian reservations	135,998,101.00
Military reservations	3,155,152.76
Public land strip	3,672,640.00
Miscellaneous	670,695,216.28
Total	1,183,050,710.04

The total area given is taken from the report of this office for 1883, page 57, and the area surveyed and unsurveyed from the same source.

The estimated area remaining is given on pages 527 and 528, Public Domain, 1883, and the area disposed of is found by deducting the area remaining from the area of the public lands surveyed and the estimated area unsurveyed, but all areas excepting the area actually surveyed are only approximately correct.

Very respectfully,

N. C. MCFARLAND, *Comissioner.*

Hon. A. X. PARKER,
House of Representatives.

ALASKA.

Alaska is unsurveyed and much of it unexplored. It is but just receiving a quasi-territorial government. It is unquestionably of great value in its fisheries, timber, and minerals.

INDIAN RESERVATIONS.

Total number June 30, 1883, was one hundred and thirty-seven, containing 135,998,101 acres, with an estimated population of 259,632, or about five hundred and twenty-nine acres to each Indian.

THE PUBLIC LAND STRIP.

is a tract lying west of Indian Territory and south of Kansas, and is outside of any State or Territory, and is unorganized, and unnamed except as the "public land strip."

There were June 30, 1883, one hundred and seventy-seven military reservations.

SCHOOL GRANTS.

There have been land grants for school purposes amounting to nearly 79,000,000 acres.

BOUNTY GRANTS.

The military and naval bounty-land grants aggregate over 61,000,000 acres.

Public attention is being sharply called to the disposition and ownership of vast areas of lands that within the remembrance of men yet in active life have passed from the public domain. Not only has there been a marvelous increase in the number of farms and homes, but great tracts have been acquired by individual citizen holders, by nonresident holders and foreign corporations, and by railroad corporations.

The public domain is being reduced with unnatural rapidity, and in part by fraudulent methods. Commissioner McFarland, of the General Land Office, in a communication to the Secretary of the Interior, dated May 15, 1884, says:

The number of original entries filed during the calendar year 1882 was 163,190. The number filed in 1883 was 251,571. The current increase shows that the number filed the present year will exceed 300,000. There are some 600,000 claims of record now before this office, chiefly under the pre-emption, homestead, timber-culture, timber-land, and desert land laws, involving not less than 75,000,000 acres, and of those claims, entries aggregating many millions of acres are believed to be fraudulent, and each day adds to this accumulation. I have given my best endeavors to the protection of public lands so far as the present state of the law and the limited means at my disposal would permit.

The title to over 27,000,000 acres of the public lands was initiated in the year 1883.

CITIZEN OWNERS.

The following list shows some of the large holdings of American citizens:

	Acres.
Hon. C. F. Brainerd, of Brainerd, in Arizona	140,000
Hon. George Hearst, San Francisco	48,000
A. P. Moore, Santa Rosa, Cal	138,000
The Murphy estate, Santa Clara	150,000
F. C. Sherwin, in New Mexico	600,000
Dorsey	500,000
Whitmore & Co., of Wisconsin, in Alabama	35,000
J. W. Illiffe, Colorado	15,000
Grandin Brothers, of Tidioute, Pa., in Dakota	40,000
Oliver Dalrymple, of Saint Paul, Minn	500,000
H. Disston, of Philadelphia	2,000,000
Hon. William Larabee, in Iowa	18,000
Walter Brown, of Kansas, in Kansas	43,000
Morrill & Co., in Kansas	102,000
J. B. Watkins, Louisiana	1,225,000
Daniel Murphy, Nevada	200,000
Mr. David Seltzer, of Ohio	25,000
Thompson & Warner, Minnesota	50,000
J. B. Walker, Minneapolis	50,000
Hon. J. S. Pillsbury, Minneapolis	30,000
J. M. Richmond & Co., of Buffalo, in Missouri	150,000
Michael Brand, sr., Missouri	100,000
Hiram H. Sibley	500,000
William Clark	30,000
The David Raleigh estate, in New Jersey	30,000
Chenango and Alleghany Railroad Company	50,000
R. D. George, South Carolina	25,000
Colonel Meyer, Wisconsin	35,000
	6,829,000

AMERICAN LANDS HELD BY FOREIGN OWNERS.

The following table has been several times presented, and is doubtless substantially correct. No kind of "foreign interference" can be more offensive to Americans:

	Acres.
An English syndicate, No. 3, in Texas	3,000,000
The Holland Land Company, New Mexico	4,500,000
Sir Edward Reid and a syndicate, in Florida	2,000,000
English syndicate, in Mississippi	1,800,000
Marquis of Tweedale	1,750,000
Phillips, Marshall & Co., London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, Mr. Rogers, president, London	750,000
Byran H. Evans, of London, in Mississippi	700,000
Duke of Sutherland	425,000
British Land Company, in Kansas	320,000
William Whalley, M. P., Peterborough, England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Robert Tennant, of London	230,000
Dundee Land Company, Scotland	247,000
Lord Dunmore	120,000
Benjamin Newgas, Liverpool	100,000
Lord Houghton, in Florida	60,000
Lord Dunraven, in Colorado	60,000
English Land Company, in Florida	50,000
English Land Company, in Arkansas	50,000
Albert Peel, M. P., Leicestershire, England	10,000
Sir J. L. Kay, Yorkshire, England	5,000
Alexander Grant, of London, in Kansas	35,000
English syndicate (represented by Close Brothers), Wisconsin	110,000
M. Ellerhauser, of Halifax, Nova Scotia, in West Virginia	600,000
A Scotch syndicate, in Florida	500,000
A. Boysen, Danish consul, in Florida	50,000
Missouri Land Company, of Edinburgh, Scotland	165,000
Total	20,747,000

THE LESSON OF GREAT BRITAIN.

A well-informed English writer states that—

The total area of England and Wales, not including London, is 37,243,859 acres. One man owns more than 186,397 acres, another more than 132,996 acres, and another more than 102,785 acres. Sixty-six persons own an aggregate of 1,917,076 acres; one hundred persons own 3,917,641 acres; two hundred and eighty persons own 5,425,754 acres, or nearly a sixth of England and Wales; and seven hundred and ten persons own one-fourth of all England and Wales. A very moderate-sized church would hold all of these princely landlords.

The totel area of Scotland is 18,940,694 acres. One man owns 1,358,425 acres; a second owns 431,000 acres; a third, 424,000 acres; a fourth, 373,000; and a fifth, 306,000 acres. Twelve persons own nearly one-fourth of Scotland, and twenty persons have more than 120,000 acres each. Seventy persons have about 9,400,000 acres, or about one-half of Scotland, and 1,700 persons own no less than nine-tenths of the whole of Scotland. Nowhere else in the whole kingdom have the small peasant proprietors suffered as badly as here. Whole districts have been almost depopulated to make room for game parks, and where hundreds of thousands of sheep used to feed only deer are kept.

The area of Ireland is 20,159,678 acres. One person owns 170,119; three persons own more than 100,000 acres each; fourteen persons own more than 50,000 acres each; ninety persons own more than 20,000 acres each; and one hundred and thirty-five own more than 10,000 acres each. Seven hundred and forty-four persons own 9,512,728 acres, or nearly half the entire island.

In the whole United Kingdom eight persons own more than 220,000 acres each, and no less than forty-one persons own more than 100,000 acres each. I give the number of acres held by a few of the largest owners:

	Acres.
Duke of Sutherland	1,358,425
Duke of Buccleugh and Queensbury	459,269
Sir James Matheson	405,070
Earl of Breadalbane	372,729
Earl of Seafield	305,891
Duke of Richmond	285,407
Earl of Fife	257,652
Alexander Matheson	220,433
Duke of Athol	194,640
Duke of Devonshire	108,121
Duke of Northumberland	185,515
Duke of Argyll	175,114

European capitalists as well as our own are employing in America that land policy that has proved so disastrous to the middle and poorer classes of England, Scotland, Wales, and Ireland.

Our country is becoming the pasture-land, the cattle-field, and sheep-walk of foreign landlords; we are furnishing outlying lands for foreigners of wealth whose interests are antagonistic to our own. This is monopoly in its most hurtful form and outside influence in its most impertinent assumption. No true American can consider it without a feeling of aggravation and hostility.

RAILROAD LAND GRANTS.

There were granted to States lands to aid in the construction of railroads, from September 20, 1850, to July 25, 1866, inclusive, 53,490,263 acres. The grants to corporations to aid in the construction of railroads, from July 1, 1862, to May 4, 1870, inclusive, aggregate 137,208,688 acres, making a total of railroad land grants of 190,698,695 acres.

Statement showing the Administration and Congress making the principal grants, respectively.

Administration and Congress.	Year.	Acres granted.
President Fillmore (first session Thirty-first Congress)	1850	3,751,711.73
President Fillmore (first session Thirty-second Congress)	1852	1,764,711.00
President Fillmore (second session Thirty-second Congress)	1853	2,682,171.00
Total under President Fillmore		8,198,593.73
President Pierce (first session Thirty-fourth Congress)	1856	14,559,729.79
President Pierce (third session Thirty-fourth Congress)		5,118,450.00
Total under President Pierce		19,678,179.79
President Lincoln (second session Thirty-seventh Congress)	1862	23,504,001.61
President Lincoln (third session Thirty-seventh Congress)	1863	3,915,200.00
President Lincoln (first session Thirty-eighth Congress)	1864	46,848,600.00
President Lincoln (second session Thirty-eighth Congress)	1865	128,000.00
Total under President Lincoln		74,395,801.61
President Johnson (first session Thirty-ninth Congress)	1866	34,001,297.77
President Johnson (third session Fortieth Congress)	1869	
Total under President Johnson		34,001,297.77
President Grant (second session Fortieth Congress)	1870	1,000,000.00
President Grant (third session Forty-first Congress)	1871	17,903,218.00
President Grant (second session Forty-second Congress)	1872	327,903.69
Total under President Grant		19,231,121.69
Grand total		155,504,994.59

Doubtless great prosperity has been carried to remote localities by the construction of railroads that could not have been built without Government aid. It is neither fair nor just to condemn those who honestly sought to develop and have developed the waste places of the country by giving them means of communication. But aid has sometimes grown from compensation into gift and has formed the basis of combination and speculation, yet in the main I believe that the grants have been honestly made. The time has come for a change of policy and for settlement with the recipients of the nation's bounty.

Our population is increasing with sufficient rapidity, and the settlement of the country does not need to be stimulated. The unborn have the right to be protected in their inheritance. It is now neither policy nor justice to solicit the poor of all nations to occupy our lands. The fit immigrant who comes to stay and to become Americanized is welcome; but we have the right to exercise some care and circumspection. Not only have immense amounts of land been acquired as stated, but men and corporations have, by force and without right, taken possession of and fenced against their rivals, prospective settlers, mail-carriers, travelers, and the Government, tracts of great proportions and value.

Deputy Surveyor Fairfield, of Nebraska, reports, November 26, 1883, as follows as to public lands in Northwestern Nebraska:

The whole country embraced in my contract is occupied and run by capitalists engaged in cattle-raising, who have hundreds of miles of wire fence constructed to inclose all desirable land, including water courses, to form barriers for their cattle and prevent settlers from occupying the land. They also represent that they have desert and timber claims upon the land they have inclosed. Upon their fences they have posted at intervals notices as follows: "The son of a bitch who opens the fence had better look out for his scalp."

The fences are built often so as to inclose several sections in one stock-ranch, and the ranches are joined together from the mountains clear around to the mountains again.

The statement of the acting Commissioner of the General Land Office, in March, 1884, submitted to Congress with certain communications, shows that—

The information serves to show the general fact of the existence upon a large scale, and to an unknown extent, of unauthorized fencing of public lands; the manner in which it is done, and the purpose and effect of the inclosures. The reports of special agents also show that fraudulent entries of public land within the inclosures are extensively made by the procurement and in the interest of stockmen, largely for the purpose of controlling the sources of water supply.

* * * * * * *

Among the cases specially reported are those of the Arkansas Valley Com-

pany, in Colorado, whose inclosures embrace upward of 1,000,000 acres; the Prairie Cattle Company (Scotch), in Colorado, upward of 1,000,000 acres; H. H. Metcalf, River Bend, Colo., 200,000 acres; John W. Prowers, Colorado, 200,000 acres; McDaniel & Davis, Colorado, 75,000 acres; Routchler & Lamb, Colorado, 40,000 acres; J. W. Frank, Colorado, 40,000 acres; Garnett & Langford, Colorado, 30,000 acres; E. C. Tane, Colorado, 50,000 acres; Leivesy Brothers, Colorado, 150,000 acres; Vrooman & McFife, Colorado, 50,000 acres; Beatty Brothers, Colorado, 40,000 acres; Chick, Brown & Co., Colorado, 30,000 acres; Reynolds Cattle Company, Colorado, 50,000 acres; several other cases in Colorado embracing from 10,000 acres to 30,000 acres; Brighton Ranch, Nebraska, 125,000 acres; Coe & Carter, Nebraska, 50 miles of fence; J. W. Wilson, Nebraska, 40 miles of fence; J. W. Bosler, 20 miles; William Humphrey, Nevada, 30 miles; Nelson & Son, Nevada, 22 miles; Kennebeck Ranch, Nebraska, 20,000 to 50,000 acres.

In Kansas, entire counties are reported as fenced. In Wyoming one hundred and twenty-five large cattle companies are reported having fencing on the public lands. Among the companies and persons reported as having "immense" or "very large" areas inclosed, but specific quantities not mentioned, are the Dubuque, Cimarron, and Renello Cattle Companies, of New Mexico; the Carlisle Cattle Company (English), in Colorado; the Marquis de Morales, in Dakota; the Wyoming Cattle Company (Scotch), in Wyoming; the Rankin Live-Stock Company, in Nebraska. Several companies and persons in Montana and elsewhere are mentioned as having inclosures, with no data.

The Department of the Interior is doing all in its power to protect settlers and guard the public lands, but the vastness of the territory operated upon, the distant locations, the limited means at hand, and the desperate activity of the lawless stockmen who are upon the ground in possession, sometimes claiming under color of law, and controlling men and capital, render it almost impossible to immediately enforce the rights of the Government. As to all of these encroachments upon public interests and citizens' rights we have our duty to perform. There must be no more granting of lands to aid in the building of railroads. We must recover all lands that have been offered in such aid in all cases where the companies have failed to earn the lands and the right to recover fairly and honorably exists in the Government.

Let us guard the rights of the American child. Let us, with due prudence, recognize the privilege of the coming immigrant to acquire citizenship, with its duties and benefits. Let us compel the lawless fencers to abandon what they have seized and loosen their clutch upon the lands of the people. Let us build up an American policy. Let us secure our lands for citizens of the United States. Let us encourage the making of farms; encourage the building of homes; discourage the sale of large areas to citizens or to domestic corporations; prohibit absolutely the acquiring of the public domain by foreign corporations; prohibit the acquisition of public lands by non-resident foreigners, except upon the consent of our Government first obtained; terminate the claims and possession of all foreign non-resident occupants so far and as soon as it can be done justly and without violating vested rights. Thus shall we preserve what is left of our once magnificent and still valuable public domain.

The Tariff.

The old contest between Clay and Calhoun is revived, and we who followed Calhoun to destruction should now turn and follow Clay to resurrection.

SPEECH

OF

HON. JAMES R. CHALMERS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 25, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. CHALMERS said:

Mr. CHAIRMAN: Having been robbed of my certificate of election by the hasty action of the governor of Mississippi, founded on a false declaration of the election of another by the secretary of state, and having been delayed by the tardy action of the Committee on Elections from admission to my seat here until after the discussion on the tariff question was closed, I take this opportunity to express my views on that subject.

I never seriously studied the tariff question until within the last two years, but during that time I have diligently read all that I could on that subject. When I became a voter in 1852 the tariff and all other economic questions were lost sight of in the South in the fierce contest then arising over the introduction of slaves into the new Territories, which continued until it culminated and ended in war. Slave labor was best adapted to agriculture, and its interest demanded free foreign trade. Our men of wealth, instead of investing in manufactures and encouraging free labor, invested their money in slaves and drove free labor away. They regarded a protective tariff as a bounty to free labor and to the North, at the expense of slave labor and the South, and we opposed it. Mr. Calhoun was then the great apostle of the South, and he taught us that a strict construction of the Constitution was necessary to the preservation of slavery, and that the same strict construction precluded the General Government from making internal improvements and from protecting home manufactures. Mr. Clay, the great leader of the old Whig party, taught us opposite doctrines; but he had favored the gradual emancipation of slaves and opposed the annexation of Texas, and the South turned a deaf ear to his teachings. Believing Mr. Calhoun in one respect, I had followed him in all. But when the war into which his doctrines led us was over, and I began to study the question of internal improvements and saw how much the South had lost by following the later teachings of Mr. Calhoun, I learned to appreciate more highly the genius of Mr. Clay. And I acknowledge my change of opinion with less reluctance when I know that Mr. Calhoun changed his own opinions both as to internal improvements and the tariff.

THE PROPHECIES OF HENRY CLAY FULFILLED.

And now, since I have studied the tariff question, I have learned still further to understand and admire the far-reaching intellect and the broad patriotism of the great Kentucky statesman. When he proclaimed the doctrine of protecting home industries in 1824, Mr. Webster opposed him and said it would destroy New England, which was largely engaged in commerce, and hence supposed to be dependent on free trade. Mr. Clay replied that the gentleman did not understand his own people, and that none in the Union would more quickly adapt themselves to the American system than the shrewd people of New England. And his prophecy was so soon fulfilled that in 1828, when the subject came up again for discussion, Mr. Webster was found by his side fighting for protection. And then, with still more prophetic wisdom, he said to the Representatives of Virginia that no city in the Union was better adapted to manufacturing than Richmond, Va., and that the time would come when it would advance more rapidly than any city in the Union in industrial pursuits. That was said more than a half century ago, and the prophecy is now being fulfilled.

Generations that taught free trade in the interest of slavery have passed away, and Virginia, which was once a great breeding farm of slaves for the South, has changed her course, and, like a tempest-tossed vessel after a severe storm, has righted up and is now heading for the port of safety and prosperity which Mr. Clay pointed out.

IS PROTECTION CONSTITUTIONAL?

Trained as I had been in the Calhoun school of politics, the first question to which I directed my attention was, is protection constitutional; and a careful examination of the acts and teachings of the early fathers has convinced me that it is constitutional.

WASHINGTON.

Washington declared in his first message to Congress that "the safety and interest of the people require that they should promote such manufactures as tend to render them independent of others for essentials, particularly for military supplies."

And in his second message he said:

Congress has repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way that shall appear eligible.

He presided over the convention which framed the Constitution, and must certainly have understood what it meant.

THOMAS JEFFERSON.

Mr. Jefferson, in a report to Congress December 16, 1793, said:

Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here in competition with our own of the same kind; selecting next such manufactures as we take from them in greatest quantity, and which at the same time we could the soonest furnish to ourselves or obtain from other countries; imposing on them duties, lighter at first but heavier and heavier afterward as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may insure him the highest profits from his skill and industry.

In his message as President, November 8, 1808, he said:

The situation into which we have been thus forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from [internal] taxation with us, and of protecting duties and prohibitions, become permanent.

In a letter to Jean Baptiste Say, March 2, 1815, he said:

The prohibition duties we lay on all articles of foreign manufacture which prudence requires us to establish at home, with the patriotic determination of every good citizen to use no foreign article which can be made within ourselves, without regard to difference of price, secures us against a relapse into foreign dependency.

Again, in a letter to Benjamin Austin, January 20, 1816, he says:

To be independent for the comforts of life we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. The former question is suppressed, or rather assumes a new form. Shall we make our own comforts, or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufacture must be for reducing us either to dependence on that foreign nation or to be clothed in skins, and to live like wild beasts in dens and caverns. I am not one of those. Experience has taught me that manufactures are now as necessary to our independence as to our comfort, and if those who now quote me as of a different opinion will keep pace with me in purchasing nothing foreign where an equivalent of domestic fabric can be obtained, without regard to difference of price, it will not be our fault if we do not soon have a supply at home equal to our demand, and wrest that weapon of distress from the hand which has wielded it.

JAMES MADISON.

But the most convincing testimony is that which is furnished by Mr. Madison, who has been called the father of the Constitution. He not only shows that protection is constitutional, but shows that it comes under the power to regulate commerce.

It is an invariable rule of construction that the words of an instrument must be construed according to their established signification at the time. During the ten years from 1764 to 1774, when our fathers were discussing the power of the British Parliament, a well-defined distinction was drawn between the power of England to make trade regulations and commercial restrictions over the colonies, which produced incidental revenue, and the power of direct taxation. The first was admitted but the latter denied by the colonies. To protect her manufactures and commerce England passed laws that were called commercial restrictions, and the right to do this was not denied. Again, during the four years intervening between the treaty of peace and the formation of the Union the separate States made their own laws for taxing or admitting free the manufactures of other countries; and these were called commercial regulations, as will be seen from the discussions at that time, which are so elaborately set out by Rufus Choate in his speech in the United States Senate, March 14, 1842.

One of the great objects of forming a more perfect union was to give to it the power to make commercial regulations as to the introduction of foreign manufactures and the protection of home industries.

New York and Pennsylvania, while separate States, had made such regulations to encourage their own manufactures, but their efforts were unavailing while neighboring States permitted free trade. Hence the great necessity for the Union. In the Massachusetts convention which adopted the Constitution, Mr. Dawes said:

Our manufactures is another great subject which has received no encouragement by national duties on foreign manufactures, and they never can by any authority in the old confederation. If we wish to encourage our own manufactures, to preserve our own commerce, to raise the value of our own lands we must give Congress the power in question.

Now, Mr. Madison says the power to protect manufactures was given and intended to be given in the power to regulate commerce. He says:

That the encouragement of manufactures was an object of the power to regulate trade is proved by the use of the power for that object, at the first session of the First Congress under the Constitution, when among the members present were so many who had been members of the Federal convention which framed the Constitution, and of the State conventions which ratified it.

Within the first week after the meeting of the First Congress Mr. Madison brought forward the first tariff bill with this preamble:

Whereas it is necessary for the support of the Government, for the discharge of the debt of the United States, and the encouragement and protection of manufactures, that duties be levied on goods, wares, and merchandise imported. (See United States Statutes at Large, volume 1, page 24.)

And three days afterward a petition was presented from the tradesmen and mechanics of Baltimore, in which the petitioners said—

They confidently hoped that the encouragement and protection of American manufactures will claim the earliest attention of the supreme legislature of the nation.

The next day came a similar petition from the shipwrights of Charleston, S. C. About the same time came a similar petition from New York city, and a few days after another from Boston, in which they said:

Your petitioners formerly experienced the patronage of this State Legislature in their acts of laying duties and prohibitions on certain articles of manufacture which encourages your petitioners to request that heavy duties may be laid upon such articles as are manufactured by our own citizens; humbly conceiving that the impost is considered by Congress not solely as an object of revenue, but in its operation intended to exclude such importations and ultimately establish these several branches of manufacture among ourselves.

These facts, which I take from Mason's admirable short history of the tariff, show what the people who had just ratified the Constitution understood it to mean.

Mr. Madison, when President, in his special message, February 20, 1815, said:

But there is no subject that can enter with greater force and merit into the deliberations of Congress than a consideration of the means to preserve and promote the manufactures which have sprung into existence and attained an unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

Again, in 1828, he said:

A further evidence in support of the constitutional power to protect and foster manufactures by regulations of trade—an evidence that ought of itself to settle the question—is the uniform and political sanction given in that power for nearly forty years, with a concurrence or acquiescence of every State government throughout the same period, and, it may be added, through all the vicissitudes of party which marked that period.

I turn now to the declaration of Andrew Jackson to Mr. Polk's Kane letter, and passing over Mr. Buchanan, the father of the Randall idea of Democracy in Pennsylvania, I give also the declaration of General Hancock, the last Democratic candidate for President.

ANDREW JACKSON.

In April, 1824, Dr. L. H. Coleman, a prominent member of the Virginia Legislature, addressed the following letter to General Jackson:

WARRENTON, VA., *April* 21, 1824.

DEAR SIR: Being one of the six members of the Virginia assembly in caucus last winter who voted for you as a fit and proper person to be supported by the people of the State for the Presidency of the United States, and having since heard that you are in favor of the "protective-duty policy," I take the liberty of desiring you to inform me whether you intend voting for the tariff bill now before Congress. I wish to have information on the subject as soon as your convenience will permit, that I may answer the Fredericksburg committee, who invite my co-operation in getting up a ticket for the hero of New Orleans. In this county you have many friends, and some think your support will be better in Petersburg than in any of the contiguous counties. We are anti-tariff here; and candor requires me to say that should you be the advocate of a measure to which our interest is evidently opposed, the zeal with which you have been hitherto supported will be relaxed.

I am, &c.,

L. H. COLEMAN.

To which the old hero boldly replied as follows:

WASHINGTON CITY, *April* 26, 1824.

SIR: I have had the honor this day to receive your letter of the 21st instant, and with candor shall reply to it. * * * You ask me my opinion on the tariff. I answer that I am in favor of a judicious examination and revision of it; and so far as the tariff before us embraces the design of fostering, protecting, and preserving within ourselves the means of national defense and independence, particularly in a state of war, I would advocate and support it. The experience of the late war ought to teach us a lesson, and one never to be forgotten.

* * * * * * *

Heaven smiled upon and gave us liberty and independence. That same Providence has blessed us with the means of national independence and national defense. If we omit or refuse to use the gifts which He has extended to us we deserve not the continuation of His blessings. He has filled our mountains and our plains with minerals, with lead, iron, and copper, and given us a climate and soil for the growing of hemp and wool.

These being the grand materials of our national defense, they ought to have extended to them adequate and fair protection, that our own manufactories and laborers may be placed on a fair competition with those of Europe, and that we may have within our own country a supply of those leading and important articles so essential to war.

Beyond this I look at the tariff with an eye to the proper distribution of labor and revenue, and with a view to discharge our national debt. I am one of those who do not believe that a national debt is a national blessing, but rather a curse to a republic, inasmuch as it is calculated to raise around the administration a moneyed aristocracy dangerous to the liberties of the country.

This tariff, I mean a judicious one, possesses more fanciful than real dangers. I will ask what is the real situation of the agriculturist? Where has the American farmer a market for his surplus products? Except for cotton he has neither a foreign nor a home market. Does not this clearly prove, when there is no market either at home or abroad, that there is too much labor employed in agriculture and that the channels of labor should be multiplied? Common sense points out at once the remedy. Draw from agriculture the superabundant labor, employ it in mechanism and manufactures, thereby creating a home market for your breadstuffs and distributing labor to a most profitable account, and benefits to the country will result.

Take from agriculture in the United States 600,000 men, women, and children, and you at once give a home market for more breadstuffs than all Europe now furnishes us. In short, sir, we have been too long subject to the policy of the British merchants. It is time we should become a little more Americanized, and instead of feeding the paupers and laborers of Europe, feed our own, or else in a short time, by continuing our present policy, we shall all be paupers ourselves.

It is therefore my opinion that a careful tariff is much wanted to pay our national debt and afford us the means of that defense within ourselves on which the safety and liberty of our country depend, and last, though not least, give a proper distribution to our labor, which must prove beneficial to the happiness, independence, and wealth of the community. * * *

I have presented you my opinions freely, because I am without concealment, and should indeed despise myself if I could believe myself capable of acquiring the confidence of any by means so ignoble.

I am, sir, very respectfully, your obedient servant,

ANDREW JACKSON.

In his second annual message he said:

The object of the tariff is objected to by some as unconstitutional, and it is considered by almost all as defective in many of its parts. The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely identical with that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them, and consequently if it be not possessed by the General Government it must be extinct.

Our political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely can not be the case; this indispensable power thus surrendered by the States must be within the scope of the authority on this subject expressly delegated to Congress. In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

Again, he said in his message in 1830:

While the chief object of duties should be revenue they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the Government to be guided by the general good. Objects of national importance alone ought to be protected. Of these the productions of our soil, our mines, and our workshops, essential to national defense, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected after temporary protection to compete with foreign labor on equal terms, merit the same attention in a subordinate degree.

And he was elected on a platform of which the following resolution was a part:

Resolved, That an adequate protection to American industries is indispensable to the prosperity of the country, and that an abandonment of that policy at this period would be attended with serious consequences to the nation.

JAMES K. POLK.

Mr. Polk carried Pennsylvania over Henry Clay, the great author of the American system, and what enabled him to do it was his Kane letter, in which he said he was in favor of "discriminating duties such as would produce the revenue needed and at the same time afford reasonable incidental protection to our home industry."

GENERAL HANCOCK,

the last Democratic candidate for President, wrote as follows:

MY DEAR GOVERNOR: I have received your favor of the 11th instant. In my letter of acceptance I expressed my full sympathy with our American industries. I thought I spoke plainly enough to satisfy our Jersey friends regarding my tariff views. I am too sound an American to advocate any departure from the general features of a policy that has been largely instrumental in building

up our industries and keeping Americans from the competition of the underpaid labor of Europe.

If we intend to remain honest and pay the public debt, as good people of all parties do, and if we mean to administer the functions of government, then we must raise revenue in some way or other.

With a reunited and harmonious country we shall certainly in time pay off the public debt; but the necessity of raising money for the administration of law will continue as long as human nature lasts. All parties agree that the best way for us to raise revenue is largely by the tariff; so far as we are concerned, therefore, all talk about "free trade" is folly. But the tariff question will probably be treated with justice to all of our interests and people by some such bill as Eaton's.

I believe that a commission of intelligent experts, representing both the Government and American industries, will suggest tariff measures that will relieve us of any crudities and inconsistencies existing in our present laws, and confirm to us a system which will be judicious, just, harmonious, and incidentally protective as well as stable in its effects.

I am, very truly, yours,

WINFIELD S. HANCOCK.

Hon. THEO. F. RANDOLPH, *Morristown, N. J.*

But the Lamar Democracy of Mississippi will not dare say that the protection of American industries is unconstitutional, since he admitted its constitutionality in his speech in the Senate on the tariff, February 1, 1883, and since Senator GEORGE asked for discriminations in favor of agricultural implements and manufacturing machinery; and both Senators voted for protection to jute. In fact, they swept away all constitutional objections by their construction of "the general-welfare clause" in the debate on the Blair educational bill.

It was on the power "to promote the common defense and general welfare" that Mr. Clay based his whole American system. To this Mr. Calhoun objected, and Senators LAMAR and GEORGE as well as I have changed from Calhoun to Clay on this question. They stop on the advocacy of educational welfare, and I extend it to industrial welfare also.

CALHOUN VS. JACKSON.

From these extracts it will be seen that the fathers of the country and some of the fathers of the Democratic party have believed that it was not only a constitutional right but a patriotic duty to encourage and protect home industries of every kind; and even Calhoun at one time favored protection. But the Democratic party has never been united on this question. While the Whig and the Republican parties have been home protectors a majority of Southern Democrats, following the later teachings of Calhoun, have believed that any intentional protection was robbery, while others both North and South, following Jackson, have advocated protection through a judicious discrimination in duties, but with the distinct intention of encouraging home industries.

There are, in fact, three classes of Democrats on this question at this time: incidental-protection, revenue-only, and free-trade Democrats, and each was represented in the recent canvass for Speaker; and as each candidate stated his own views distinctly in the Forty-seventh Congress, I state them in their own language:

Mr. RANDALL said:

I favor what Mr. Jefferson declared to be "discriminating duties," what General Jackson described as "a judicious tariff," and what Silas Wright designated as "incidental protection." To accomplish these ends wisely and well requires the greatest circumspection and the exercise of the most careful judgment.

Mr. CARLISLE said, in reply to Mr. KASSON:

Mr. KASSON. Let me ask the gentleman from Kentucky, then, whether he admits the policy of protection is a legitimate one in the adjustment of the tariff?

Mr. CARLISLE. If the gentleman means to ask whether I recognize a principle that would impose a duty above the revenue point merely for the purpose of giving what is called protection, my answer is in the negative.

If we were called upon now for the first time to declare a principle or inaugurate a policy upon this subject, I should not hesitate to announce my adherence to that creed which demands the largest liberty in trade, that doctrine which opens the channels of commerce in all parts of the world and invites the producer and consumer to meet on equal terms in a free market for the exchange of their commodities, for I sincerely believe that all commercial restrictions are in the end injurious to the interests of the people.

Mr. COX said:

The only difference between direct and incidental protection is that one is highway robbery while the other is burglary.

CARLISLE VS. RANDALL.

In this contest Mr. CARLISLE won, and in order to understand the full force and meaning of his election it is necessary to consider on what ground he was elected. He said in his speech on taking the chair that he was elected on an idea, and that idea therefore must have been in antagonism to the idea represented by his chief opponent [Mr. RANDALL]. The friends of each understood Mr. CARLISLE to represent the ideas of John C. Calhoun and Mr. RANDALL the ideas of Andrew Jackson. Mr. RANDALL stood on the recent platform of Ohio, which was as follows:

We favor a tariff for revenue limited to the necessities of the Government economically administered, and so adjusted in its application as to prevent unequal burdens, to encourage productive industries at home, afford a just compensation to labor, but not to create or foster monopolies.

Mr. CARLISLE stood on the doctrines thus announced by Mr. Calhoun:

All duties not laid strictly for revenue are purely protective, whether called incidental or not; and hence the distinction taken by the Senator from Arkansas, immediately on my left [Mr. Sevier], between incidental and accidental protection is not less true and philosophical than striking. The latter is the only protection compatible with the principles on which duties for revenue are laid.

These candidates for Speaker both speak of incidental protection, but when stripped of verbiage the difference between them is this:

The Carlisle idea is a tariff fixed with no intent but to produce revenue and followed by protection as a mere accident. The Randall idea is a tariff for revenue so adjusted as to protect home industries but so fixed as to appear to be incidental. That this is the line of demarkation between the incidental-protectionist and revenue-only Democrats was apparent in the Forty-seventh Congress when the democracy of every man was questioned who quoted Jackson's Coleman letter and talked about judicious discrimination inside the revenue standard, and the distinction is well taken. For if protection be robbery the Kentucky idea avoids criminality by disclaiming any felonious intent; but the Pennsylvania idea, while it denies the highway robbery, pleads guilty to what Mr. COX calls incidental burglary.

And that this is the line of distinction was more plainly manifested in the defiant declarations of those who worked for and produced the defeat of Mr. RANDALL. He was admitted to be superior in experience and equal in all other respects to any of his competitors, but for his adherence to the Jacksonian principle of discriminating duties to encourage home industries he was stricken down, and in his fall all men who believed with him on this point were notified that they had no standing in the Democratic party as thus organized. And on the morning after the Speaker's election the Washington Post said:

The Pennsylvania idea is now relegated to the Republican party where it belongs.

And a distinguished Kentucky editor had previously said:

The Democrat who is not a free-trader should go elsewhere. He should join the Republicans. The Democratic party will make a free-trade fight in 1884. * * * We spit upon compromises, and propose to neither ask nor give quarter.

And Mr. Calhoun years ago said:

No two things, Senators, are more different than duties for revenue and protection. They are as opposite as light and darkness. The one is friendly and the other hostile to the importation of the article on which they may be imposed.

Thus the difference between revenue and incidental protection Democrats is strongly marked. And that there is but slight difference between the Republicans and the incidental-protection Democrats was shown by the colloquy in the Senate between Senators EDMUNDS and VEST in the Forty-seventh Congress, when they found themselves standing on precisely the same platform, as follows:

Mr. EDMUNDS. Did you not tell us it was "for revenue only" in your platform?

Mr. VEST. Yes, "for revenue only;" that is, that no duty should be imposed alone for protection; that it should be first for revenue, and if protection followed it followed simply as an incident, not as a principle.

Mr. EDMUNDS. That is a tariff for revenue not only.

Mr. VEST. A tariff for revenue, and so adjusted as to be equitable in all its operations; no interest to be sacrificed for another, no section to be protected in the interest of another, but such discrimination to be placed inside of this limit as to build up American interests and American productions. That is the doctrine of the Democratic party.

Mr. EDMUNDS. That is the Republican platform exactly.

The difference is, the Republicans boldly proclaim a desire to protect American citizens and American industries, while these discriminating Democrats profess a willingness to acquiesce in seeing it incidentally done. One comes in boldly through the front door, and the other attempts to slip in incidentally through a back window.

THE ISSUE OF 1884.

The issue is now squarely made, and should be squarely met. The Republicans have laid down their platform, as follows:

It is the first duty of a good government to protect the rights and promote the interests of its own people. The largest diversity of industry is most productive of general prosperity, and of the comfort and independence of the people. We therefore demand that the imposition of duties on foreign imports shall be made not "for revenue only," but that in raising the requisite revenues for the Government such duties shall be so levied as to afford security for our diversified industries and protection to the rights and wages of the laborer, to the end that active and intelligent labor, as well as capital, may have its just award, and the laboring man his full share in the national prosperity. Against the so-called "economical system" of the Democratic party, which would degrade our labor to the foreign standard, we enter our earnest protest. The Democratic party has failed completely to relieve the people of the burden of unnecessary taxation by a wise reduction of the surplus.

The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus, not by the vicious and indiscriminate process of "horizontal reduction," but by such methods as will relieve the tax-payer without injuring the laborer or the great productive interests of the country. We recognize the importance of sheep husbandry in the United States, the serious depression which it is now experiencing, and the danger threatening its future prosperity; and we therefore respect the demands of the representatives of this important agricultural interest for readjustment of the duty on foreign wool, in order that such industry shall have full and adequate protection.

If the Democracy in their next convention should adopt the last Ohio platform, which is but the Republican platform of 1860, or adopt general platitudes about tariff reform, the people will not be deceived by it. The Democracy of Mississippi made a platform on railroad supervision and repudiated it in the next Legislature; and when charged with this repudiation leading Democratic papers said this clause was put in the platform as "a Delphic oracle." The Democrats may leave out the words "revenue only" and adopt Delphic oracles about "a reduction of war taxes" and "tariff reform," but no trick of language and no jugglery of words will deceive the people. They will look beyond the platform to the acts and declarations of the men who stand upon it.

The issue is already joined, and is well understood on both sides. It is not a question of particular rates of duty on particular articles, for that is a question about which protectionists may differ. It is not an issue as to whether the revenue should be reduced, for on this both parties agree; but upon what principle shall reductions be made; whether in making any reduction that may be necessary we shall consider the protection of home industries or look to "revenue only."

The issue, in short, is protection or no protection to American citizens against foreigners and American productions against foreign productions, which is a vital principle involving the industrial interests of the whole country.

THREATENED DESTRUCTION.

Those who believe that any intentional protection is robbery should stand on one side, and all, without regard to previous party affiliations, who believe in intentional protection of any kind are warned by the defiant attitude of the revenue Democrats and the impending danger to the country to stand on the other side.

The Speaker, on taking the chair, attempted to allay the apprehension of danger aroused in the public mind by his canvass and election by saying:

Sudden and radical changes in the laws and regulations affecting the commercial and industrial interests of the people ought never to be made unless imperatively demanded by some great public emergency, and in my opinion, under existing circumstances, such changes would not be favorably received by any considerable number of those who have given serious attention to the subject.

But the very promise that these changes are not to be suddenly made carries with it the admonition that "radical changes in the laws and regulations affecting the commercial and industrial interests of the people" are to be made. And the gentleman from New York [Mr. DORSHEIMER] declared the bloody purposes of his party when he said:

Let us take off one-fifth now. If that does not reduce the revenue we can take off more. Some time we will cut to the quick and draw the blood. If 20 per cent. will not reduce the revenue perhaps 50 per cent. will.

If this first cut does not bring the blood he will cut again, for the blood of our manufacturers he is determined to have.

Upon the issue thus presented I have no hesitation in saying that I am against that party which threatens the destruction of our industrial interest, whether it is to come soon or late; whether it be by the sudden plunge of the knife, reaching the heart and producing instant death, or by the gentle opening of the veins, producing slow but certain dissolution. If this were a new question there might be more room for doubt. But in view of the colossal industries that have grown up in our Union under twenty years of protection, and in view of the new and growing industries just now springing into existence under the fostering influence of the protective system, it would be suicidal to change that policy now.

WHAT IS PROTECTION?

The free-trader and revenue-only Democrats say protection is taxing one man to enable another to carry on an otherwise losing business. This definition is plausible, but not true. Protection is but granting the petition of the American laborer for leave to toil and of the American capitalist for leave to invest his money safely in building up the general welfare of a great and powerful nation.

The petitioners said to the Government, "The foreigner is making us pay too much for everything he sells to us. We may not be able to manufacture as cheaply as he can, and he will certainly endeavor to undersell and destroy us if we begin competition with him; but if you will give us adequate protection we will manufacture and sell the same goods for less than he now does."

The gentleman from Texas [Mr. WELLBORN] says the American manufacturer has failed to keep his promise. He says:

Protection was originally put upon us under a promise that we should be ultimately compensated by a home market in which we could buy our supplies cheaper than they could be procured abroad.

This is not a just statement of the case. It was not a promise to sell lower than the foreigner could, but lower than he was selling and lower than he would sell unless compelled by our competition. Now let us see how far the American manufacturer has kept his promise. There is not an article manufactured in the United States that is not cheaper to-day than it was when the protective system began. Take, for example, Bessemer steel rails. The price was $150 per ton when protection was asked. The Government fixed a protective tariff and the American began manufacturing. The Englishman, to destroy him, at once lowered his price, but through protection the American survived, and what has been the result? The price has been reduced from $150 to $40 per ton. Three million and more tons of American steel rails have been produced at an average cost of $59 per ton, and instead of paying for these rails $450,000,000 to the Englishman, to be taken from this country, we have paid $179,000,000 into the pockets of our own people, and while doing this have given employment to 20,000 American laborers at seven and a half million dollars wages annually.

It is thus the old Whigs, the Republicans, and the home protectors of all parties would grant the petition of the American laborer for work; but when he "begs a brother of the earth to give him leave to toil," the free-traders and revenue Democrats, like the "lordly fellow-worm," which Burns so touchingly describes, would—

The poor petition spurn,
Unmindful though a weeping wife
And helpless offspring mourn.

But the gentleman from Texas, Mr. WELLBORN, and the revenue-only advocates contradict themselves as to the capacity of American manufacturers when endeavoring to show that protection is an illusion, deception, and wrong. Mr. WELLBORN says:

That the prices of home products can never be thus permanently reduced below the prices of foreign products is evidenced by the most familiar of commercial phenomena.

And when endeavoring to show that protection is unnecessary he says exactly the opposite, as follows:

Nature has provided for American manufacturing resources unsurpassed by those of any other country. We have a healthful and temperate climate; food supplies can be produced nowhere else at lower cost; inexhaustible mountains of coal and iron abound here in close proximity. Nor does an ocean lie between us and the raw materials of cotton and wool. The Southern States now produce more than one-half of the entire cotton crop of the world, while Texas and other parts of the Union can grow wool in competition with the most favored countries of earth.

Add to these natural advantages the inestimable boon of free and stable government, and we have a combination of auspicious conditions in the face of which it is idle to insist that all needful manufacturing enterprises can not be profitably conducted.

Now I say protection is necessary and right whether we can or can not ultimately surpass the world in manufacturing. If through the fostering influence of protection we can ultimately manufacture cheaper than foreign nations, then protection is manifestly right. On the other hand, if we never can manufacture as cheaply as foreign nations, but under protected competition can force a cheaper market at home than we would have if left to the mercy of the foreigner alone, still protection is right. The question always is, not at what price the producer can sell, but at what price he will and must sell.

A FOREIGN MARKET DEMANDED.

If unrestrained by competition the seller will always ask the highest possible price. Now, the revenue Democrats say we must make a foreign market for our agricultural products by a removal of protective duties, but they all, like Mr. WELLBORN, differ widely among themselves as to whether we can or can not compete with the world in manufacturing if protection be taken away. Some of them say we can manufacture as cheaply as any other nation, and others that we can not, and one or the other must be wrong.

If we can manufacture as cheaply as any other nation, then a removal of protection will not give us a foreign market, because our home manufacturers will, if they can, supply us with all the goods we need. If this be true, and it be further true that the foreigners can not trade with us unless we buy from them, the removal of protection will destroy all hopes of a foreign market by building up a home market. If, on the other hand, we can not manufacture as cheaply as any other nation, then a removal of the protective duties will destroy our home manufactures, and while this would give a small increase to the foreign market for agricultural products, it will destroy the home market furnished by our manufacturers and either drive them into agriculture or out of the country. And then when our home competition is taken away we will be at the mercy of the foreigner and compelled to pay whatever price his avarice may demand. Thus, through fear of monopolists at home, we will build up monopolies abroad. The issue will then be squarely presented to the people, and we must select between a home market, always safe, and a foreign market, always uncertain and burdened with the cost of transportation. We must determine whether we will have our workshops at home or across the water. We must determine whether we will patronize our own capitalists who help us to pay taxes and build up our country, or enrich with our trade foreigners who bear none of the burdens of our Government. And finally, whether we will give work to American citizens or to the laborers of the Old World.

Now, the revenue Democrats may take either horn of this dilemma they choose. They must admit that a tariff for revenue only will give us a foreign market at the expense of destroying our home industries, or they must maintain that it will so strengthen our manufactures that they can compete successfully with the world, and thus all chances for a foreign market for our agriculture will be lost. They must stand on one position or the other, for both can not be true, and either is destructive to the arguments they make. The revenue theory, to say the least of it, is experimental, uncertain, and dangerous. The doctrine of protection, on the other hand, is tried, simple, and safe. It would protect as long as protection is necessary, and as each article becomes safe beyond peradventure it would place it on the free-list, demonstrating that the true road to ultimate free trade lies through protection. The Count De Morny, when president of the French Legislative Assembly, said, "Free trade may, it appears to me, be considered as the object toward which society is tending, but protection ought to be the means of arriving at it." The distinguished gentleman from Connecticut [Mr. EATON] well said:

There is not a single article bought in the South, from the wagon that draws the farmer's cotton to the markets to the pin his wife uses, that is not 100 per cent. cheaper than it was fifteen years ago. [Applause on the Republican side.] No matter how wrong the principle of protection may be, the fact remains the same. It has cheapened everything under God's heavens that men, women, and children use in this land—everything. And there is a reason for it. We are growing out of it. Let us grow out of it. There are sixty articles manufactured in the State of Connecticut alone that might just as well go on the free-list as to be where they are to-day. I want the people to know it.

And again he said:

England commenced her system of protection more than six hundred and fifty years ago, under one of the early Norman monarchs. She determined she would refuse to purchase the cloths that were made in Flanders, Ghent, and Bruges. What did she do? She imported the weavers of those countries and made them to belong to England. And from that time until 1844, for more than six hundred and fifty years, the system of protection was pursued by England; not methodically for the first two or three hundred years, but methodically for over four hundred years. This is the history of free-trade England.

Now England became the manufacturer of the world by necessity, by protection. And, sir, we have advanced further and nearer free trade in forty years

than she did in six hundred years. We are growing out of protection to-day. My friend from Massachusetts knows it; I know it. In very many of our productions we could stand to-day with a tariff collected directly for revenue; not that we wish to do that, or that it is best for the country; but we could.

That is truth and that is the language of a pure and unsullied patriot.

PARTY BITTERNESS.

A patriot whose devotion to a strict construction of the Constitution has made him a life-long Democrat, and rendered him a subject of suspicion at home during our unhappy civil war; and yet when he differed with the majority of his party in this debate he was made to feel the bitter sting of party venom from men who should have known him better and honored him more. But mark the contrast in the treatment of another, once a Republican but now a Democratic leader from New York, and one who came with Greeley in 1872, when the tariff question was relegated to Congressional districts. If there is one charge more than another which the confederate has always resented and indignantly denied, it is the charge that the slaveholders were the aggressors in our civil war. We have always maintained that we fought in self-defense.

Now in this debate the gentleman from Connecticut [Mr. EATON] alluded to the difference between our Constitution and that of the Confederate States, and intimated that some gentlemen present may have mistaken Washington city for Montgomery, Ala. The gentleman from New York [Mr. DORSHEIMER] charged that the slave-power, as he called the confederates, were aggressive, and met their just fate in the destruction which he prophesied would overtake the American manufacturers. Now mark the difference in the reception of the two speeches. This speech containing this most offensive of all offensive charges was applauded highly by Southern Democrats, while they turned with the fierceness of tigers on the old patriot from Connecticut who had grown gray in the service of Democracy and had epdured contumely for sympathizing with them in their most trying struggle. A most disgraceful specimen of party bitterness.

IS PROTECTION UNNECESSARY?

But it is said that we need no protection now, if we ever did; that there are some articles, like coarse cotton goods and steel cutlery, which we can make and sell to England in her own markets; and that to retain the duties on such articles is unnecessary. The answer is that we do not pull down our forts when the enemy has been repulsed, for we know not when another and more vigorous attack may be made. In the Mississippi Valley we do not tear down our levees when the floods recede, but we take that time to repair breaks and build them higher for fear another and a greater flood may come. But if these duties are unnecessary for protection they must be immaterial as barriers to importation. Unless we can buy cheaper goods from the foreigner than we can from our home manufacturers the demand for free trade is a farce; and, on the other hand, if the foreigner can undersell our home producers the charge that protection is unnecessary is false. Hence if our protective duties are unnecessary they are immaterial, and if not immaterial they are not unnecessary. The revenue Democrats say the duties on agricultural products, except rice and sugar, are immaterial, but I say let them stand; and if the time should come, as it undoubtedly may, when Mexican cotton, which grows perennially and thereby escapes the greatest labor which the planter must give in cultivating and bringing his crop to a stand, shall come into hurtful competition with our productions, I shall say give protection to cotton, as we once did, and as we now do to sugar and rice and to our manufacturing industries.

We might, possibly without injury, place more articles than we have on the free-list, for that is the theory of protection and the true method of reaching free trade, but if this should be attempted now, or if in reducing duties we should disregard all ideas of protection and look to revenue only, the fierce struggle will begin for the mastery of the trade of the world, and we may see prices cut as we see them cut in our ruinous railroad wars. The cheap wares and pauper labor of foreign countries and the accumulated industrial power and experience of centuries will combine against industries of comparative infancy, and a flood of cheap goods will come as the flood of railroad iron which destroyed our works came under the Walker tariff of 1846, and as the floods of the Mississippi River come when our levees break, and our industrial interests will be swept away. Precisely this result followed the first and only time we ever had free trade. The Revolutionary war excluded foreign manufactures and built up our own. When peace was made and there was no power in our confederation to tax or exclude foreign imports the country was deluged with cheap foreign goods and our manufactures destroyed. And this more than anything else brought about the formation of our present Government.

But Senator VANCE, in reply to Senator MORRILL, said it might be a blessing if the people once in their lives could have a flood of cheap goods. Let him learn a lesson from the region where I have seen the floods come. The floods of the Mississippi River always leave a small deposit of fertilizers on the land when they recede. But this small deposit of fertilizers is a poor consolation to the planter when he stands contemplating the destruction of property he has spent a lifetime to accumulate, and the temporary supply of cheap goods would be a mockery of compensation for the destruction of industrial interests, accumulated under twenty years of protection. Such a costly luxury could only be equaled by Charles Lamb's description of burning a house to roast a pig. The temporary supply would soon be exhausted. And when our factories had been destroyed, our men, women, and children in the North, who know nothing but factory work, would be compelled to learn new lessons, and those in the South just beginning to enjoy a new employment which takes them from the cotton-field must go back to toil under a broiling sun, while the foreigner will have the market to himself and dictate the price of all they buy and all they sell.

OUR MERCHANT MARINE.

But there is another and the strongest possible evidence of the folly of removing the barriers of protection too soon, because they seem to be unnecessary. It was in the removal of the discriminating duties in favor of articles imported in American vessels, when we supposed ourselves the equals of any nation on the ocean. The eloquent gentleman from Ohio, Mr. HURD, in impassioned tones and burning words well calculated to overthrow our reason and seduce our judgment, pointed to the decay of American shipping as the effect of a protective tariff. I meet him squarely on this issue, and assert that the destruction of American shipping is the direct result of free trade on the ocean, and but a foretaste of the destruction which free trade will bring, if now established, on our shore. He tells us:

Every ripple of the waters upon the sea-shore is an invitation to enjoy the wealth of foreign nations; and every stormy wave that beats upon the crags speaks in thundering denunciation of the policy that would lock America out of the markets of the world.

But, sir, if he would rightly understand what the wild waves are saying he would find that the sighing winds, the rippling waters, and the weary waves, lashing themselves in sad cadences upon our shores, are indeed singing a requiem over our lost American shipping. But the voice of the winds and the music of the waves tell in mournful numbers how for fifty-five years our shipping flourished when protected by discriminating duties on articles imported in American vessels and how it fell when a Democratic President was seduced into a treaty with England which established free trade on the ocean:

Under the act of January 7, 1794, there was a discrimination of 10 per cent. in tariff duties on goods imported in American vessels—that is, the tariff rates on goods imported in foreign vessels were 10 per cent. higher than if imported in American vessels. This protective clause remained in force fifty-five years, and under its operation our foreign carrying trade and our ship-building interests greatly prospered.

An act was passed in 1815 authorizing the President to waive this discrimination in favor of countries which admitted American ships into their ports on equal terms, but the law was never carried into effect until 1849, when Mr. Bancroft by direction of President Polk, concluded a commercial treaty with England, by which the ports of both countries were made free to the vessels of each. By this time England had begun to build iron ships, and the differential duty being abolished it was not long before she monopolized the greater portion of the ocean-carrying trade. We permitted England to get the start of us in building iron ships and abolished the differential duty just at the time when she was best prepared to take advantage of "free trade."

It is true that the decay of our merchant marine did not begin to show itself immediately. The strong man and the giant oak do not fall at once when attacked by disease, and so our vigorous shipping struggled on from 1849 to 1856 before the destructive effects of this free-trade treaty began to develop themselves. But from then until now it has languished. But it is ridiculous to say that the loss of our shipping arose from a want of foreign trade occasioned by a protective tariff. Statistics show that our foreign trade has not only not diminished but has most wonderfully increased. A protective tariff would operate as much against the importation of foreign goods brought in foreign vessels as it would against importations in American vessels; and this explodes the fallacy that protection on imports has cut off our shipping, and the increase of our foreign trade in foreign vessels demonstrates that this free-trade treaty and not protection was the blighting sirocco that drove the flag of our merchant marine from the ocean. This charge was as fallacious as the other charge made by the eloquent gentleman from Ohio that animosity aroused by our protective system had driven England to encourage wheat culture in India. The Southern planters remember well the extraordinary efforts of England to encourage cotton culture in India long before our period of high protection began. India is a part of the British possessions. England's queen is the Empress of India; and the gentleman might have learned a lesson in patriotism from these efforts of England to encourage and foster the production of every thing possible within her own dominions.

IS IT ROBBERY?

The free-trader thinks he has exhausted the argument when he says the tariff takes money out of one man's pocket and puts it into another's. But they forget to tell that the man out of whose pocket the money is taken is a foreigner and the man into whose pocket it goes is an American. They tell us protection is a public bounty and robbery, because it taxes one man for the benefit of another. And yet the Democratic Legislature of Mississippi, abandoning the free-trade idea of trusting to nature and individual enterprise, passed laws to exempt all new manufacturing companies in the State from taxation, some for ten and some for twenty years, and other States have done the same. This placing the manufacturer on the free-list of State taxation is a public

bounty extended to one man by increased or undue taxation of another. It is protection by discrimination in taxation. And thus the Democracy of Mississippi, who bitterly denounce as robbery the encouragement by law of the industrial interests of the nation, have given encouragement by law to the industrial interests of their State. Clay and Webster loved "the Union one and indivisible," while Mr. Calhoun idolized his State; and when we pass from the idolatry of Calhoun to the catholic worship of Clay and Webster we feel as much pride and pleasure in submitting to discriminations in taxation to protect the industrial interests of the nation as we do in protecting the industrial interests of our respective States. If it is robbery in one case it is robbery in the other, and Washington, Jefferson, and Madison were the fathers and founders of this robbery.

It is equally robbery to tax one man without children to educate the children of another or to tax the rich man to educate the children of the poor, but the blessings of general education, like the blessings of home industries, more than compensate for this apparent injustice. And the building of court-houses, custom-houses, railroads, canals, and all manner of public works may as well be called robbery because each enhances the value of private property adjacent thereto, and one man is thus benefited by taxes taken from another. Until therefore we can establish an utopia of exact justice in taxation it is idle to call such taxation robbery.

FALLACIES.

Abstractly and theoretically protection may seem wrong, just as theoretically it seems right that each man should buy where he can buy the cheapest and sell where he can get the best price. But this fallacy was exploded by Mr. Clay when he said this might be true if we all had money to buy with, but when we must barter our productions it is not always true that protection is wrong. It is not a question of how much we can buy for a penny but where we can get the penny to buy with. If a yard of cloth costs $1 in England and $1.42 here by reason of the duty added, the laborer must buy it with his labor. And if a day's labor in England is worth $1, it is worth 50 per cent. more, or $1.50 here. Thus while the Englishman gives a day's labor for a yard of cloth the American with a day's labor can give 42 cents more for the same cloth and still have 8 cents left. So there is not much robbery in that. Further, our statistics show that the rate of wages has increased 28 per cent. on an average since protection began in 1860, and that the articles which the laborer must buy have decreased in price an average of 28 per cent. in the same time. So there is not much robbery in that. If the farmer must buy with his produce, the nearer home he can find a market the better for him. Again, our statistics show that our cotton, wheat, and tobacco will buy more of everything we need to-day than they would in 1860, before protection began. In proof of which I present the following table, prepared by Mr. CHACE, of Rhode Island:

TABLES PUBLISHED IN 1882.

Let us see what the farmer's articles would buy when they went to market:

Table No. 1.

	1846.	1847.	1848.	1849.	1850.	Average.
Wheat.....bush...	$1 08.5	$1 36.5	$1 17.5	$1 24	$1 27.5	$1 22.8
Corn.....bush...	68	85.3	63.5	62.7	62.5	64.4
Oats.....bush...	39.5	49	41.4	38.7	43	42.3
Butter.....lb...	13	16	16	15	15.1	15
Kentucky tobacco.....lb...	4.7	4.8	5.3	6.1	8.2	5.82
Wool.....lb...	32.3	35.2	34.3	36.1	40	35.58
Cheese.....lb...	6.4	6.9	6.7	5	6.2	6.3
Coal.....ton...	5 72.5	5 70.5	5 39	5 59	5 73	5 63
Liverpool salt.....sack...	1 34	1 35.5	1 39	1 29	1 36.5	1 34.8
Bleached sheeting.....yd...	14.95	14.2	14.25	15	14.75	14.43
Prints.....yd...	10.91	10.17	9.17	10	10	10.05
No. 1 pig-iron.....ton...	27 87	30 25	26 50	22 75	20 87	25 65
Refined bar-iron.....ton...	91 66	86 04	79 33	67 50	59 54	76 82
Railroad iron.....ton...	.....	69 08	62 25	53 87	47 87	58 27

	1876.	1877.	1878.	1879.	1880.	Average.
Wheat.....bush...	$1 18.5	$1 60.7	$1 24.2	$1 22.3	$1 25.3	$1 30.2
Corn.....bush...	51.2	58.3	51.3	49	54.7	52.9
Oats.....bush...	36.1	42.4	32.8	38.5	43.8	38.72
Butter.....lb...	20.4	24	23.3	32.7	23	24.68
Kentucky tobacco.....lb...	9.8	9.8	7.1	8	7.7	8.48
Wool.....lb...	39.9	48.8	41.6	52	41.4	44.74
Cheese.....lb...	9.4	11.6	9.9	11.2	7.6	9.94
Coal.....ton...	4 19	3 38.7	3 54.9	2 89.8	4 08.9	3 62.3
Liverpool salt.....sack...	80.1	73.2	65	73.8	69	72.22
Bleached sheeting.....yd...	12.25	11.72	10.87	11.43	12.66	11.78
Prints.....yd...	7.18	6.67	6.1	6.31	7.5	7.95
No. 1 pig-iron.....ton...	22 25	18 87	17 62	21 50	28 50	21 75
Refined bar-iron.....ton...	52 08	45 55	44 24	51 85	60 38	50 82
Railroad iron.....ton...	41 25	35 25	33 75	41 25	49 25	40 15

Agricultural articles are 6 per cent. higher; manufactures and fuel are 30 per cent. lower; making 50 per cent. in favor of the farmer. Labor is 25 per cent. higher; what the laborer buys is 25 per cent. lower; making 66 per cent. in favor of the laborer.

Table No. 2.

	Salt.	Coal.	Bleached sheeting.	Prints.	Pig-iron.	Bar-iron.	Railroad iron.
One bushel of wheat would buy—	*Sacks.*	*Lbs.*	*Yards.*	*Yards.*	*Lbs.*	*Lbs.*	*Lbs.*
Under free trade	.91	422	8.51	12.21	107.3	35.8	47.23
Under protection	1.80	719	11.04	16.27	134.00	57.35	72.6
One bushel of corn would buy—							
Under free trade	.47	25.65	4.46	6.4	56.24	18.78	24.76
Under protection	.73	32.85	4.49	6.65	54.49	23.32	29.55
One bushel of oats would buy—							
Under free trade	.31	16.85	2.93	4.20	36.94	12.33	16.26
Under protection	.536	24.04	3.27	4.89	39.87	17.07	21.63
Ten pounds of butter would buy—							
Under free trade	1.112	59.75	10.39	14.92	131	43.74	57.69
Under protection	3.417	153.2	20.95	31.04	254	108.82	137.87
Ten pounds of cheese would buy—							
Under free trade	.474	25.09	4.36	6.28	55.02	18.37	24.23
Under protection	1.376	61.93	8.43	12.52	102.36	43.82	50.53
One pound of wool would buy—							
Under free trade	.264	14.17	2.46	3.54	31.06	10.37	13.68
Under protection	.661	29.65	4.05	6.00	49.16	21.64	21.08
Ten pounds of Kentucky tobacco would buy—							
Under free trade	.431	23.18	4.03	5.79	50.82	16.97	22.34
Under protection	1.117	52.69	7.19	10.66	88.33	37.38	47.37

Corn has been depressed in price on account of the tremendous increase of production. While the price of corn is comparatively lower than that of any agricultural product, still the farmer can produce it relatively cheaper, as all know who know anything about it, and he can land it cheaper at tide-water market.

But let me proceed with the table: Under free trade the farmer could buy with one bushel of wheat .91 of a sack of Liverpool salt; under protection it would buy 1.8 sacks. Under free trade the bushel of wheat would buy 8.51 yards of bleached sheeting; under protection 11.04 yards. Under free trade it would buy 422 pounds of coal; and under protection 719 pounds. Under free trade it would buy 12.21 yards of prints; under protection 16.27 yards. Under free trade it would buy 107.3 pounds of pig-iron; under protection 134 pounds. Under free trade 35.8 pounds of bar-iron; and under protection 57.35. Under free trade it would buy 47.23 pounds of railroad iron; under protection 72.6 pounds.

Take Kentucky tobacco, which will appeal to my friend over the way. Kentucky tobacco makes the best showing of any of the enumerated articles. Ten pounds of it under his tariff for revenue would buy .43 of a sack of salt, but under protection it would buy three times as much, and so on, as will appear by the table printed above.

IS IT MONOPOLY?

But it is said that protection creates monopolists and fosters our manufacturing monopolies already established. Webster defines monopoly to be "the sole power of vending any species of goods, obtained either by engrossing the articles in the market by purchase or by a license from the Government confirming this privilege." In Mississippi we have, what I have often denounced, an infamous lien law, which compels the laborer to trade with but one man, and creates therefore monopolies by law. But there is no law of the United States which gives any one citizen a monopoly over another. The protection offered to American industry is extended to every citizen of the United States. Like the rain and sunshine, it is equally bestowed upon all; but if, like the parable of the sower, the seed has fallen on varying soil and some upon stony places, which bring forth no fruit, it is the fault of the places and not of the sower or the law under which he acted. And I was greatly astounded when the gentleman from Texas [Mr. CULBERTSON] said that what he grouped as the manufacturing States had received more benefits from the Government under the tariff and been more prosperous than the agricultural States.

What is there in the law which prevented what he calls the agricultural States or any State from becoming manufacturing and receiving the same benefit as any other? And what has prevented the agricultural States of the South from entering upon this broad road to prosperity and sharing these benefits? I will tell the gentleman that it was the teachings of the free-trade leaders of the South. We followed their teachings. We denounced protection as unconstitutional and unjust, and refused to receive any of the benefits it offered. We saw the North grow rich under its fostering influences, while we clung to agriculture alone and have become the farm-laborers of the world. Cain slew his brother Abel because the fruit of the earth did not receive the same favor in the sight of heaven as the firstlings of the flocks, and then wandered, under the curse of God, an outcast on the face of the earth. So we of the South cursed the North for growing rich in manufacturing while we grew poor on agriculture. And still our free-trade and revenue-only leaders would have us continue in the old course of dog-in-the-manger, and, while we lick the sores of our poverty, wrap ourselves in proud defiance in the rags which free trade and secession have bequeathed to us.

This suicidal policy should be pursued no longer, and I am glad to know that it is already giving way to newer and better ideas of political economy. This cry of monopoly and this threat of the gentleman from

New York [Mr. DORSHEIMER] that the interest vested in manufactures will be destroyed by violence, as the interests of the South vested in slaves had been, is a cry of communism which finds its patron saint in him who slew his brother in jealous rage at his prosperity. There is no monopoly and there can be no monopoly when 50,000,000 of people are left free to compete with each other under the same law, and the result proves it. They talk of the rich growing richer and the poor poorer, when twenty years ago the millionaires could be counted on your fingers and now they are numberless. The poor of one generation are the rich of the next. Gould and Sage were poor boys twenty years ago, and every American should feel proud of a Government in which the poor and humble of one day are the rich and powerful of the next, instead of joining in this communistic cry against prosperity.

France, under the wisdom of the first Napoleon, adopted the protective system, and this cry of monopoly, which was raised there also, was so well answered by the distinguished Frenchman, M. Thiers, that I quote his words:

It is urged that all the protection accorded to our industry constitutes monopolies, and that to enrich a few monopolists we burden the whole country. I desire to say that this little monopoly which you accord to French industry destroys the monopoly of foreign industries. * * * We created a competition with England and a kilogram of cotton worth 14 francs fell to 3 francs. Every time you protect a national product you cause the price of the domestic product to fall and you prevent monopoly.

But when we point to the same thing here, and show that there is not a single article which we manufacture, from a railroad to a hairpin, that is not cheaper now than when protection began we are told that protection did not do it, that it was produced by a difference in machinery; and they point to the fact that the same articles are also cheaper in free-trade England. That strengthens instead of weakening our argument, because it was the competition produced by the protected industries of France, Germany, and the United States that lowered the price of the English article.

But it is said that protection is robbery, because the foreigner can manufacture and sell cheaper than our manufacturers, and that every dollar we pay above the foreign price is so much taken from the pockets of the consumers to put into the pockets of the manufacturers.

IS THE PRICE INCREASED BY EXACTLY THE DUTY?

Now, is this true? The home-protector says it is not, and this is the great issue of fact joined between the parties. In articles like coffee, which we can not produce, manifestly the price is enhanced by exactly the duty. But where we can produce any article our competition reduces prices. Protection stimulates this production, and a reduction of prices has invariably followed from competition, and hence it is claimed that a protective duty, instead of adding to, takes from the foreign price. Thus the foreign price of Bessemer steel rails was $150 per ton when a duty of $28 per ton was laid on them. But instead of going to $178, the foreign price with the duty added, they dropped on the first show of competition to $100 per ton, and have fallen to $40 per ton, and we still import them. Whether the Englishman is selling at a loss to destroy our competition, and therefore paying our duty himself, or whether he can still make a profit and pay our duty may be a question of doubt.

But the question is not at what price he could but at what price he would sell if relieved of our competition. There can be no earthly doubt but the English price would spring up if our mills were closed. This was demonstrated in iron rails under the Walker tariff of 1846. During 1849 and 1850 British manufacturers rushed in 200,000 tons of iron rails at $40 per ton until our mills were ruined and compelled to close. Then from 1850 to 1854 they sold us 800,000 tons at $75 per ton. With adequate protection our mills could have furnished the whole at $50 per ton, and $50,000,000 would have been kept at home; for want of it $64,000,000 went into the pockets of British capitalists. Senator COKE says:

The range of duties is so high, so extremely protective, that very few foreign goods are imported; so the Government receives very little revenue; but these same excessive duties are added to the price of the domestic article, and the whole of it goes into the pocket of the manufacturer, because the people are compelled to buy.

And he figures the result thus:

Revenue received by the Government	$193,800,897 67
Bounty received by manufacturers	1,250,000,000 00

If this is true of manufactures it must be equally true of agricultural products, and the result is shown in the following answer to a letter addressed by me to the distinguished Chief of our Bureau of Statistics:

Product, imports, consumption, &c., of cereals.

Cereals.	Product of crop, year 1882.	Exports of domestic products, 1883.	Domestic products remaining for consumption.	Imports entered for consumption, year ended June 30, 1883.			Duty which would have been collected on home products consumed, if imported.
				Quantities.	Rate of duty.	Duty collected.	
Wheat.....bushels...	504,185,470	147,811,316	356,374,154	*46,518 †945	20 cents per bushel..... 20 per cent.....	9,304 1,064	71,274,831
Corn.....bushels...	1,617,025,100	41,655,653	1,575,369,447	25,817	10 cents per bushel.....	2,582	157,536,945
Rye.....bushels...	29,960,037	2,203,197	27,756,840	5,989	15 cents per bushel.....	898	4,163,526
Oats.....bushels...	488,250,610	461,496	487,789,114	846,781	10 cents per bushel.....	84,678	48,778,911
Barley.....bushels...	48,953,926	433,005	48,520,921	9,944,066	15 cents per bushel.....	1,491,610	7,278,138
Potatoes.....bushels...	170,972,508	439,443	170,533,065	2,356,965	15 cents per bushel.....	353,545	25,579,960
Total.....						1,943,681	314,612,311

*Wheat, bushels. †Flour, barrels.

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 4, 1884.

JOSEPH NIMMO, JR., *Chief of Bureau.*

Thus we have revenue received by the Government, $1,943,681; bounty received by the bloated granger, $314,612,311.

But I am a granger myself, and this is a snake story no granger will believe. And if this argument is false as to agriculture it must be equally false as to manufactures. But that this is not true is shown by facts:

For according to the report of Mr. Wells himself in 1869, as special commissioner of the revenue, the imposition of American duties on the wools of the Cape or South Africa produced the following effects:

"Thus," as he says, "in the years 1859, 1860, and 1861, when these wools in an unwashed state were admitted free of duty, their cost at the port of export was from 18 to 19.4 cents per pound. In 1863 a duty of from 3 cents per pound to 5 per cent. ad valorem having been imposed, the price fell to 16.2 cents; in 1864, the duty having been still further increased to 6 cents per pound, the price fell in 1865 to 14.8 cents. In the first half of 1867 the price was 15.1 cents; but in the spring of this year the duty was increased to 10 cents per pound and 11 per cent. ad valorem, and for the last six months of the year the price was 13.4. In 1868 the price still further declined to 10.9."

And he quotes the report of the Boston Board of Trade, January, 1868, to the effect that "the wools have fallen abroad to an extent which nearly balances the added duty," as well as Mr. Schwartze, of London, one of the largest wool brokers in the world, to the effect that the imposition of the duties on wools by the United States Government had caused this decline in prices. (See Report Special Commissioner of Revenue, page 102.) In the above presentation of facts in regard to the duty on wools Mr. Wells surrenders the whole free foreign trade case; for he demonstrates that the duty is paid by the foreign producer and not by the American consumer.

Again this fallacy was clearly exposed by Mr. RUSSELL, of Massachusetts, in his late speech in the House. He says:

A letter by Messrs. Arnold, Constable & Co., importers, and in favor of free trade, written to Mr. HEWITT, and printed as part of the hearings before the Committee on Ways and Means, as an argument for a reduction of duties, shows as conclusively as anything I can offer the effect of American competition with foreign goods in reducing their cost to the consumer.

The letter is as follows:

[Arnold, Constable & Co., New York. Paris, 21 rue d'Hauteville. Lyon, 8 Quai St. Clair. Manchester, 41 Lower Mosley street.]

NEW YORK, *February* 20, 1884

DEAR SIR: Mr. Dalton stated before your committee that a change in cottons would prevent the manufacturers in this country from making the finer kinds of cottons, such as sateens. I send you some samples to controvert what Mr. Dalton says:

Sample A is American, 36 inches wide; cost by the case 11¼ cents per yard; the pattern is French.

Sample B is French, 32 inches wide, 4 inches narrower than the American; cost to land 18¼ cents. You will see we can no longer import the plain French cloth.

Sateens were gotten up by one of the best French manufacturers, especially for us, in the spring of 1882, when we had the market almost entirely to ourselves. In the spring of 1883 the Americans copied the cloth, and printed them very extensively, and are going on with them again this season.

In the spring of 1883 the Americans greatly undersold the French article, and our importations were sold without any profit, and in some instances at a considerable loss. We have been driven from the market; therefore the Americans need not fear the reduction which the committee proposes.

For the spring of 1884 we have imported sateens in very small quantity, but have produced some cottons of an entirely different weave, which we suppose will be copied next spring.

C sample, American sateen, 32 inches wide, the case price of which is 27 cents, at which price it is supposed to pay the manufacturer a profit, as he would not sell so early in the season without.

D sample, French sateen, 32 inches wide, cost to land 31½ cents.

Sincerely yours,

ARNOLD, CONSTABLE & CO.

Hon. A. S. HEWITT.

P. S.—The American has more weight than the French, but the finish is not quite as good.

Arnold, Constable & Co. say, "You will see we can no longer import t e plain

French cloth." Well, I don't see how they can. The American article is selling for 11¼ cents, and it costs 18½ to lay down a like article from France.

Mr. MORRISON. How much of that is duty?

Mr. RUSSELL. The duty and cost of importation may amount to fully as much as the difference between the price of the two. I do not offer this as an argument against the reduction of 20 per cent. on this particular article of manufacture to sustain its manufacture here, but offer it as an argument to show that the American manufacturers, the monopolists, and the robbers of the people's money, of which we hear so much on this floor, do not take advantage and add the duty to the domestic article as they have opportunity, but are offering to the consumer goods at 11¼ cents that it costs 18½ cents to import.

In the spring of 1882, when these French goods or sateens [samples of which were exhibited by Mr. RUSSELL] were introduced into this market, they were retailed at 75 cents per yard, yielding a profit to the foreign manufacturer and the importer of about 140 per cent. The manufacture of these goods in this country, which was begun about a year after, has brought down the price of the French goods to the consumer to 45 cents per yard, or 40 per cent. from the highest price.

If the article upon which the tariff is imposed is not manufactured here and entirely imported, then the duty is added to the cost of the article, and more than that, high commissions are added; but when the article is in part manufactured here the whole duty is not added to the cost of the domestic article. This shows conclusively that the competition here has forced the price of these articles much below the price of importation, and the fact that the duty is not wholly added to the cost of the domestic article can be illustrated or proved by almost every article manufactured in this country.

Take the article bleaching-powders, now on the free-list and not manufactured in this country, though very extensively used in several industries, there having been imported in 1883 94,395,405 pounds. The price of this article in this country in 1881-'82 was about 1 cent per pound. By a combination of the foreign manufacturers the price was carried up and is now maintained at about 2 cents per pound, or an advance of 100 per cent.

Mr. MORSE. Why not make it here?

Mr. RUSSELL. Because we have not the ingredients. It only shows that where we have not the materials, and are dependent wholly on the foreign market, we are at the mercy of foreign combinations.

But Senator COKE said:

Take the article of blankets as an example. They are universally used throughout the country. The duty on them is from 85 to 104 per cent. It is estimated that $20,000,000 worth of blankets are bought annually in this country; yet for the year 1881 official reports show that only $1,239.08 worth of blankets were imported from abroad, and the revenue of the Government on that importation amounted to only $1,089.05. The 100 per cent. duty was added to the cost of blankets made in the United States, and was pocketed by the manufacturers, the people having it to pay.

As this blanket story has been repeated on every stump let us examine into the facts.

A recent importation of blankets shows:

Cost, one pair five-pound blankets, in England	$4 45
Duty on same	4 25
Custom-house fees	65
Total	9 35

If it were true that we pay our home manufacturers the English price with the duty added we would pay $9.35 for such blankets. But in truth we buy the same quality of American blankets for $5.20, only 75 cents more than the English prices, and only 10 cents more than the simple custom-house fees added to the English price.

"This pricked the bubble theory with the needle fact," as Mr. Clay said when he gave the old farmer's answer to the stump orator who said, "These tariff monopolists make you pay 6½ cents per yard more than you ought for the shirt on your back." The farmer replied, "I suppose it must be so, but I can't quite see how, for I only paid 5½ cents a yard for it." The answer was as complete as the old father's answer to his college-educated son, who to exploit his mathematics demonstrated that two birds were three. Pointing at the two birds on the breakfast table, he said, "This is one, and that is two; and one and two make three." The father replied, "I will give your mother bird number one, I will take bird number two, and you can breakfast on bird number three." It is thus the college professors and revenue Democrats demonstrate the beauties of a revenue tariff; but if the people trust to such theories their prosperity will vanish, and their pockets will soon be as empty as the hungry stomach of the mathematical collegian.

WHAT IS FREE TRADE?

Robert J. Walker said: "Free trade is the petition of labor to employ itself everywhere in those pursuits best adapted by nature to every nation, and therefore yielding the largest products and highest wages." This petition is based on the idea that all nations form one universal brotherhood and that foreign laborers are entitled to as much consideration as our own. The home protector says all nations never were and never will be one universal brotherhood; that each nation is and should be distinct, and each should foster, encourage, and protect its own citizens and its own interests.

Hon. Ellis H. Roberts, in his recent work on Government revenue, says:

That state is nearest to the ideal standard which employs all of its energies, which builds up every one of its own resources, which adds everything possible for it to add to the sum of human wealth and power and progress.

And again:

That nation which does its own work most thoroughly, which trains its own citizens to the most complete usefulness and ripest developments, serves the whole world most effectually and adds the most to the achievements and the happiness of mankind.

The revenue-only Democrat replies that we are an agricultural people and our interest demands a foreign market; that foreign nations can not buy from us unless we buy from them, and that we can not afford to buy from them nor they to sell to us while we lay heavy duties on their productions. That all these are fallacies can be shown in a few words. That we are not and should not be called solely or even most largely an agricultural nation is shown by our productions: In 1880 our manufactures were worth $5,367,579,191; in 1880 our agricultural products were worth only $3,600,000,000.

Thus we see that seven millions of our people engaged in agriculture make less in value than three millions engaged in manufactures; and yet the revenue Democrat would wipe out our manufactures with their splendid results and drive us all into agriculture upon the dog-in-the-manger cry of monopoly, because some of our people enjoy the protection offered to all but which all can not accept.

And that the second proposition is not true is shown by the fact that we have heavy duties on all the productions of England, and yet she buys from us twice as much as we buy from her. On the other hand we import free the tea of China and the coffee of Brazil, and yet they buy four times less from us than we do from them. Senator MILLER, of New York, says:

In 1883 our dealings with the undermentioned countries were as follows:

	Imports.	Exports.
Cuba	$65,544,534	$15,103,703
Brazil	44,488,459	9,252,094
British East Indies	19,467,800	2,185,804
China	20,141,331	4,080,322
Japan	15,098,890	3,376,434
Spanish Possessions, other than Cuba and Porto Rico	10,617,563	324,474

These are only a portion of the countries from which we bought more than we sold to. From such countries we bought $358,000,000, and we sold but $141,381,000. On the other hand, our transactions with the countries from which we bought less than the amount sold to them were as follows: Imports, $365,173,000; and exports, $682,457,000.

But our Democratic friends differ again among themselves. Mr. MORRISON, the leader of the House, says:

What we want is a market; somebody to buy abroad what we can not sell at home.

Mr. MILLS says:

We send to Europe the surplus products of our farms because we can produce them cheaper here than they can be produced there. They send us in return the products of their manufactories because they can be produced there cheaper than here.

Mr. HEWITT, of New York, said in his speech of March 27:

Now, how can the farmer be benefited? What does he want? He wants to sell his productions at a higher price. And how is he going to sell his products at a higher price as the grain trade stands to-day? The markets of Europe are overcrowded with food products. To-day the farmer is met at Liverpool and London by the food products of India, and that competition, so far from being less, is going to increase. Therefore the farmer has reached the limit of the demand for his products in foreign lands. Where, then, is he to find his market for them? He must find his market at home, and how is he going to get it at home? Why, only by one method—manufactures must be fostered and grow and not be diminished.

But Mr. HEWITT is one of those Democrats who demands free raw material when he buys and wants protection on what he makes of it when he sells. There is and has been since 1794 a law giving a rebate of all but 10 per cent. of duty paid on imports when they are manufactured for export, and this shows the hollowness of the cry that our manufacturers are prevented from competing with the world in manufactured goods by reason of the high duty they must pay on imported raw material.

Again, Mr. MORRISON says:

Whatever else the tariff has or has not done, it has taxed us out of all other markets than our own; and such was the purpose of its authors.

This means, of course, that we can not export our manufactures because it costs us by reason of the tariff too much to make them. Mark how a few facts will set him down. Senator MILLER says:

We produced of manufactured goods in 1860, $1,885,861,676; in 1870, $3,385,860,354 (in gold); in 1880, $5,369,579,191. These figures indicate that we have made great progress in the direction of supplying our wants and in getting control of our home markets. Last year we imported merchandise of all kinds to the value of $723,180,914, of which less than one-half, or about $300,000,000, was manufactured goods. The remainder was raw material, such as sugar, tea, coffee, wool, raw silk, raw rubber, hemp, timber, &c. It will be seen that the value of the imports of manufactures is less than 6 per cent. of the value of the home production.

In other words, our manufacturers supply 94 per cent. of the goods consumed at home. In addition to this, we exported last year manufactured goods to the value of $112,000,000 which is a little more than 2 per cent. of the total home production. In 1860 we exported products of manufacture only to the value of $45,658,873. Last year the exportation was the largest in the history of the country. I submit that these figures show ability on the part of our manufacturers not only to occupy the home market but to reach out into the markets of the world.

Thus we see that free trade or a demand for a foreign market is founded on the false theory of universal brotherhood and sustained by the fallacious assumption that we are purely or mainly an agricultural nation, and the false charge that protection has destroyed our capacity to manufacture for export, and is therefore utterly unworthy of popular support. As communism strikes at accumulated wealth in every form, so the communistic cry of free trade strikes at the national wealth-producing power of protection.

REVENUE ONLY.

What is a tariff for revenue only? It is a tariff fixed with no intent but to produce revenue. The fundamental idea of it is that there must

be no discriminations. Every importation must bear an equal proportion of the duty. To place any article on the free-list is to discriminate, and is just as much in violation of the revenue-only principle as giving direct protection to the other articles left to pay duty, because every dime taken from the Treasury by placing any article on the free-list adds that much to the revenue to be raised on other articles and gives that much more protection to the articles taxed. The same is true if you strike off the internal revenue and leave that much more to be collected by the tariff. Mr. RANDALL understood this when he placed tea and coffee on the free-list and proposed to take the tax from whisky and tobacco. That is the true protection theory, for the protectionists would admit everything free which can not be produced in this country, and while we tax the other articles so discriminate in duties as to give most protection to the industries which need most. The revenue-only doctrine is just the reverse of this. Mr. Polk defined it thus:

The precise point in the ascending scale of duties at which it is ascertained from experience that the revenue is greatest is the maximum of duty which can be laid for the *bona fide* purpose of collecting money for the support of government. To raise the duties higher than that point and thereby diminish the amount collected is to levy them for protection merely, and not for revenue.

Mr. Walker said:

It is generally conceded that reciprocal free trade among nations would best advance the interest of all. Let our commerce be as free as our political institutions. Let us with revenue duties only open our ports to all the world. Let no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

Mr. Calhoun said:

Revenue seeks not to exclude or diminish the amount imported; on the contrary, if that should be the result, it neither designed nor desired it. While it takes it patronizes, and patronizes that it may take more. It is the reverse in every respect with protection.

The same ideas have been repeated by the leaders of the majority of the Forty-eighth Congress, and they are utterly at variance with the Ohio Democratic platform of 1883. They are the teachings of the followers of Mr. Calhoun and that school of politicians who led us into secession. Under the leadership of a great Kentuckian, Breckinridge, the South followed to destruction, and if she now follows the great Kentuckian, CARLISLE, to revenue only she will meet with the same sad fate. Let the Union men of the old Whig party and the Douglas Democrats of the South take warning by the errors of the past.

I make no recantation of my belief then or of my action then, but I admit the failure and propose to learn wisdom from the past. The strict-construction theories which led to secession then lead to free trade now, and the last will prove as destructive as the first. The old issue between Clay and Calhoun is revived, and we who followed Calhoun to destruction should now turn and follow Clay to resurrection.

Any effort to reconcile these doctrines of revenue only with encouraging home industries or discriminations in favor of free raw material or any other import free would be a fraud, and the people would so understand it. If the revenue-only idea is to prevail let it be honestly enforced, and let every import bear its equal share of the tariff burden Tea, coffee, and quinine must come back to the duty-list and the cry for free salt be abandoned, or the cry of a tariff for revenue only becomes a transparent fraud.

Forty years ago, in the debate on the tariff law of 1833, Mr. Clay uttered prophetic words, which seem to come back to us from the grave to-day to condemn the Morrison bill and the efforts of the Democratic caucus to disturb the business interest of the country by a new tariff law before the last one has fairly gone into operation.

Mr. Clay said:

But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe. * * * And what is the just complaint, on the other hand, of those who support the tariff? It is that the policy of the Government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened it becomes necessary to close them and to open a new set. Before a law can be tested by experiment another is passed. Before the present law has gone into operation, before it is yet nine months old, passed as it was under circumstances of extraordinary deliberation, the fruit of nine months' labor, before we know anything of its experimental effects, and even before it commences its operations, we are required to repeal it.

But the prophet is ever without honor in his own land. In Kentucky, as once in Egypt, a race have grown up "who knew not Joseph," and the very sons of the immortal Clay have forgotten the teachings of their father.

CLAY CLAIMED AGAINST PROTECTION.

But the revenue followers of Calhoun are now attempting to invoke the name of Clay against protection. They tell us the protectionists of to-day demand a longer period and a rate of duty higher than Mr. Clay deemed necessary in his day. We answer that Madison and Clay both favored protection, but the changing times made necessary a rate of duty far higher to secure protection under Clay in 1828 than was necessary to secure protection under Madison in 1789. But both demanded protection for home industries, and it was the principle and not the per cent. for which they contended. If 8½ per cent. was sufficient under Madison's bill in 1789, and 40 per cent. necessary under Clay's bill in 1828, and 45 per cent. necessary under MORRILL's bill, each argued that the protection necessary must be given.

In the days of hand looms every community participated in manufacturing. But the power loom, which swept away the wonderful handwork of Hindostan and the East, destroyed the household industries here and elsewhere. And the discoveries in science, the improvements in machinery, the cheapening of transportation, and other factors are constantly changing the per cent. necessary to give protection to any one industry. Overlooking this fact, the Senator from Mississippi, Mr. LAMAR, based almost his whole argument against protection upon the fact that we had prosperous manufactures, and especially that pig-iron was exported from America to England in our colonial days until prohibited by an act of Parliament. The answer to this is so very simple and apparent that we are amazed that such an argument was ever made. Iron was then manufactured with charcoal, and the virgin forests of America gave us the same great advantage over England in the manufacture of iron that we had in ship-building while wooden vessels were used. But the use of coal in the manufacture of iron, like the use of iron in ship-building, revolutionized both these industries and gave England greatly the advantage over us.

So the difficulties of communication between the Old and New World in early days, the paucity of tonnage, and the time lost in sailing vessels were such barriers to trade that a small percentage of duty then would give as much protection as heavier duties now, when with mammoth vessels "steam communication has annihilated distance and brought nations face to face." Mr. Clay was for protection then, whatever the percentage of duty or length of necessary time to accomplish it might be, and it is unjust to his memory to insinuate he would not be equally for protection now. His predictions of the great benefits that would accrue from the adoption of the American system have proved prophetic. Yet his prophetic vision did not conceive one-half of what has been accomplished.

FOLLOW NATURE.

The gentleman from Texas, Mr. WELLBORN, said:

Whenever natural forces are left to their own action competition always allots to capital fair earnings and to labor just rewards.

And on the other hand M. Thiers, the great Frenchman, said of this let-alone policy:

It is a system of indifference, inaction, impotence, and folly.

One of the chief theories of free trade is that we should not attempt to force labor and capital into artificial channels, but we should follow nature and not attempt to change its laws. This is only true when it is manifest that we can not change nature to our ultimate advantage. We can not profitably grow oranges in Vermont or sugar in Alaska, and it would be folly to attempt it. But we can dig canals to unite waters and can irrigate where nature fails to supply water, and it should be done. Irrigation with the Nile made fertile soil of desert sands in Egypt, and artificial dikes converted Holland from a salt marsh to a land teeming with wealth. Robert J. Walker thus expressed the revenue Democrat's theory on this subject:

In the absence of tariffs the division of labor would be according to the laws of nature in each nation, and the surplus of each should thus be exchanged among the whole, each employing its labor only in the most productive pursuits, and therefore the aggregate profits would be largest.

And in illustration, he said:

We see the benefits of reciprocal free trade among the States.

If this were true it would not follow that we should not encourage manufactures because there is no law of nature to forbid our becoming the foremost manufacturing nation of the world. But the doctrine is not true and the illustration most unfortunate. The history of the South shows precisely the reverse and illustrates what a poverty-stricken agricultural nation we would have become had this theory been carried out. Nature indicated cotton as the most productive cultivation for the South. Following this theory we made cotton our king, and he flourished while slavery lasted. But when we undertook with free labor to cultivate cotton alone and exchange it with other sections for what they could produce cheaper than ourselves, we grew poorer and poorer every day until the veriest fool can now see the folly of this free-trade theory. When slavery died the interest of the South in free trade died with it.

THE GRANGER DOCTRINE.

This doctrine of the free-trader that each nation and each man should attempt to produce only that which he can produce cheapest and buy everything else from some one else is ruinous in practice. The grangers teach us, and experience sustains them, that we should diversify our pursuits and that home productions, though it may seem to cost more to produce than to buy them, are always cheapest in the end. The picture which Mr. Clay drew in his great speech on the American system of Colonel Shelby, the prosperous Kentucky farmer who made everything at home, is a true picture of what a prosperous nation should be. After many years of suffering under the free-trade theory and practice Mississippi, under the teaching of her grangers, is beginning to learn this lesson at last. The all-cotton theory is giving way to the grange theory of diversified pursuits. Twenty bushels of corn per acre is a good crop on the uplands of Mississippi, while the corn lands of the Western States can produce from fifty to seventy-five bushels per acre and we can produce cotton, which they can not.

The free-trade theory taught us that it was best for us to produce cotton, which by nature was adapted to our soil, and buy corn, which is by nature better adapted to other soils, and which can be produced more cheaply in other sections. While we followed this delusive the-

ory our corn cost us from a dollar to a dollar and a quarter per bushel, and we raised no hogs. In the last few years the planters in some portions of our State have begun to follow the example of home production pointed out by Mr. Clay, and in those sections corn sells at from 35 to 50 cents per bushel and they raise their own meat.

Under this free-trade theory we have for years labored all summer to kill the native grass in our cotton-fields and in the winter bought hay from the West. We have bought horses, mules, and cattle from the same region under the delusive theory that nature would not permit pasturage in the South because our sun was too hot for blue-grass. But a few successful examples of stock-raising on Bermuda grass which flourishes under the hottest sun, and one or two great successes in manufacturing have opened the eyes of our people to the fact that it is the sharpness of competition and not the cost of production that regulates prices. If the Mississippian would have cheap corn he must raise some himself, and not trust to the mercy of those who can raise it cheaper; and if the American would have cheap goods he must manufacture some for himself, and not trust to the mercy of those who can perhaps manufacture them cheaper. When the tariff was taken from quinine and the revenue tax reduced on tobacco and removed from proprietary medicines, the consumer saw but little difference in the price. The patent-medicine man charges as much as ever for his bottle, and the tobacco chewer pays but little less for his plug; and Hawaiian free sugar sells for 2½ cents more per pound in San Francisco than sugar in New York.

In the days of slavery the Carolinas and Georgia made rice at $2.25 per hundred pounds. When war cut off the Southern supply the foreigner put up the price to $15 per hundred. When the war was over and slavery abolished the Southerner could not make rice as cheap with free as with slave labor. The foreigner, without regard to the cost of his own production, dropped his price to $4.50 per hundred, reducing it just low enough to undersell the American producer. Hence we must either give up the rice market to the foreigner or encourage home production to control his price. To do this we must either protect the home producer by a sufficient duty on rice or we must reduce the wages of laborers to the subsistence formerly given to slaves. The home protector says make the duty protective, and the revenue Democrat says this is robbery. If the rice-planter can not make money let him quit and go into something else, and let his land adapted to rice lie idle or be cultivated in cotton and corn in competition with his neighbors. What is true of the rice lands is equally true of the sugar lands and still more true of manufactures, which in many branches can be pressed to perfection as well here as in any other country.

EFFECTS ON LABOR.

But the granger is told by the political theorist first, that the manufacturing laborer is not really protected because he is taxed an average of 42 per cent. more on all he buys than he should be; and second, they are told that the manufacturing laborer is protected while the agricultural laborer is not. Now, let us examine these positions in order. If we grant what is not true, that the duty is added to the price of the foreign article, let us see how the case stands on the admission of the Democrats themselves. Mr. HEWITT, of New York, admits that the American laborer receives 50 per cent. more wages than the English, and hence if he pays 42 per cent. more for goods he is still better off than the Englishman. We will say an article is worth $1 in England and that the tariff makes it cost $1.42 here. The laborer must buy with his labor. The Englishman labors one day and gets a dollar and he buys the article. The American labors one day and gets one dollar and a half and he buys the same article for $1.42 and he has 8 cents left. So the position is unsound. Second, they say if the manufacturing laborer is protected, the agricultural laborer is not.

Now, the most sound if not the only sound position taken by Senator LAMAR in his speech on the tariff was that it was the competition between agricultural and mechanical laborers that kept up the price of labor in this country. And if the value of agricultural labor enhances the value of mechanical labor the converse is also true. And that agricultural laborers are thus benefited is shown by the statistics of our country to be true by a comparison between different States of our Union. In the manufacturing States the farmers get the best returns for their products and best prices for their labor. Mr. Dodge, the statistician in the Department of Agriculture, who made a report on this subject, says:

Here is the result—and a striking exhibit it is, teaching the effect of varied industry, and its necessary increase of population and wealth, on the value of agricultural lands. It gives the number of States in each class, number of acres, value, and value per acre, with the average percentage of agricultural workers, as follows:

Classes.	Number.*	Acres.	Value.	Average.†	Workers.‡
First class	15	77,250,742	$2,985,641,197	$40 91	16.59
Second class	13	112,321,257	3,430,915,767	22 21	40.12
Third class	13	237,873,040	3,218,108,970	13 03	58.85
Fourth class	6	108,636,796	562,430,842	5 28	77.46

*Number of States and Territories.
†Average value per acre.
‡Percentage of workers in agriculture.

See how the value of land comes down as the proportion of agriculturists to the whole number of workers goes up. Only one man in five on the roll of employed persons in New York and Pennsylvania is an agriculturist. The value of land in New York is $44.41 per acre; in Pennsylvania the eastern counties are alive with factories, the southwestern black with coal, the northwestern flowing with oil, and this exceptional variety in industry makes the average value of land $49.30 per acre. But New Jersey, lying between New York and Philadelphia, with daily access to markets of four millions of city population, has an average value of $65.16 per acre, the highest of any State in the United States. And New York and Philadelphia are the great manufacturing centers of the country, supporting their populations by manufactures more than by commerce.

Dividing again the States and Territories into four sections, the first comprising the manufacturing and mining areas, and including all having a smaller proportion than 30 per cent. of the occupied population, the working class, engaged in agricultural employments; the second section comprising all States having more than 30 and under 50 per cent.; the third including all States having 50 and not exceeding 70 per cent., and the fourth including all States having more than 70 per cent. engaged in agriculture, we have the following perfectly natural, not to say inevitable, results, namely:

Classes.	Engaged in agriculture.	Value of products of agriculture.	Value per capita.	Workers in agriculture.
	Number.	*Dollars.*	*Dolls.*	*Per cent.*
First class	1,060,681	484,770,797	457	16.59
Second class	1,566,875	616,850,959	394	40.12
Third class	3,017,981	786,681,420	261	58.85
Fourth class	2,024,966	325,099,388	161	77.46

Here again we see the product per man go down as the percentage of agricultural workers goes up. We see that in the manufacturing States 1,060,681 agriculturists get $484,770,797 per annum for their labor, while in the agricultural States 2,024,966 receive only $325,099,388. New Jersey has but 14.92 per cent. in agriculture, and each man earns $501 while Mississippi has 81.81 per cent., the largest proportion of any State, and each person earns but $187, the lowest average in the United States.

New Jersey with the poorest has the largest returns. Mississippi makes more cotton per acre than any State in the Union. Nature has given her a soil rich in agricultural wealth, but for want of diversified pursuits she stands among the lowest in the Union in the rewards for labor. And this shows no people can prosper on agriculture alone.

The eloquent gentleman from Ohio [Mr. HURD] said:

Every dollar of increase of price which the protective tariff occasions is a day of slavery, and every hour of unnecessary labor that it requires is stolen from the invaluable time of individual responsibilities and duties.

If it be true that those who fix the price of what the laborer buys enslaves the laborer, and if it be also true, as he said, that England fixes the price of our agricultural products, then England enslaves us. But, sir, this is not true. Competitive supply and demand fix the price of labor and production. England once fixed the price of our cotton as she pleased until our home manufacturers came into competition with her and increased the demand for cotton. If the theory of the free-trade and revenue Democrat had prevailed, the cotton planters of the South, like those in India, would still be the slaves of the British manufacturing lords. But Senator MORGAN, the leading Democrat of Alabama, opposes protection upon the ground that it will increase the wages of laborers in the cotton-fields, and thus the toilers in the fields of the South, whether white or black, are enabled to see which party is their friend.

FREE SHIPS.

One of the great demands of the free-trader is for free ships, but it has been long claimed, and often proved, by John Roach, the greatest living American ship-builder, that under our navigation laws we could not compete with foreign shipping if the ship were free. And Senator VEST showed the reason for this in a recent speech in the Senate:

Mr. BAYARD. The question is very interesting. At the city of Philadelphia there was a line of steamships called the American line. It was composed of ships built and registered in the United States, and also of ships built and registered in Great Britain. Part of the ships were English ships owned and built, part of the ships were American ships owned and built; and when I say "owned" I mean they were held by the same class of stockholders in the steamboat company.

The other day when the Secretary of the Navy happened to be in Philadelphia he was congratulating them on the fact of having the only American line, and immediately one of the stockholders present rose and said that it might be a cause of congratulation but the stock was for sale and the American ships would be transferred to British register in the course of three months if some American did not buy them. The same stockholders own the vessels running from the same dock in Liverpool to the dock in Philadelphia, and they were controlled by the same interest. The pay of the captain on the British ship and the pay of the sailor on the British ship was just the same under the rule of that company as the payment of the crew on the American ship, and I have wanted to know what was the magic of a new set of papers for these two sets of vessels that was to change the cost of running them. They were owned by the same people, they traversed the same distance, they carried the same commodities, and the sailors and the officers received the same wages. Every inducement to economy was the same on one ship as it was on the other.

Now the question was, what was to be gained by the change of register? I have sought to discover that. There is no magic in a name any more than changing the name on the stern. The same hull, the same ship, the same men are there; the same dues, the same port charges are paid. What, then, was to be gained? What is there that makes the difference between the operating of an American ship and running her and operating and running a British ship? It is a question of interest to me.

Mr. VEST. The Senator from Delaware has stated the very point on which I was quoting from Mr. Griscom, with whom I formed a very pleasant acquaintance, and with whom I have had various discussions on this subject. He is superintendent of the company that runs one steamship line from Philadelphia to Liverpool, in which there are ten vessels, and one from New York to Antwerp, which is called the Red Star line, and for which he receives, as stated in this letter, ocean mail postage from the Belgian Government. The very question the Senator from Delaware has asked, I asked Mr. Griscom.

He says the difference in the expense of running is $15,000 per annum on each steamer against the American flag.

"On these four boats say $60,000 per annum, or 6 per cent. on $1,000,000 capital. If we had increased under the American flag, and had the five additional boats as now running, the wages alone against us, as compared with competitors under a foreign flag, would have amounted to $134,000 per annum on the nine steamers now running.

"A similar comparison with the Red Star boats, in which service we will have ten steamers running this month, would have been in round numbers $150,000 per annum against us if we had organized under the American flag; and inasmuch as the Belgian Government gives us $100,000 per annum for carrying the mails, you will see that we have about $250,000 per annum to tempt us to expatriate ourselves with this enterprise. In other words, if Congress should pass a bill to-morrow admitting foreign-built ships to American registry, the Red Star line could not afford to abandon the flag that now protects it.

"At this moment the Pennsylvania Railroad Company is negotiating with the Red Star line to take over and operate the Philadelphia and Liverpool service, now conducted by the American line, and if they do so several million of dollars more of American capital will be compelled to seek a foreign flag, unless Congress applies a proper remedy."

This clearly settles the question as to the difference in wages paid to foreigners and Americans, for this difference of $15,000 per annum in the running expenses of one vessel over another is due to the difference in the wages of the seamen alone. And the emphatic answer of Mr. Griscom, "If Congress should pass a bill to-morrow admitting foreign-built ships to American registry, the Red Star line could not afford to abandon the flag that now protects it," is a complete refutation of the cry for free ships. Our navigation laws compel American vessels to employ their seamen in American ports, and hence to pay American wages. A repeal of the laws which Democrats demand simply reduces the wages of our own people. Our navigation laws need amendments in some respect, and they will be made. But give us proper mail-pay for our ocean mail services, and give us protection by discriminating duties in favor of importations in American vessels, and we will not need free ships nor any laws reducing the pay of American seamen. After their great war of 1650 England's shipping was in the condition which ours is to-day. Holland was the mistress of the seas. Gentlemen talk of following the example of England, and if so let us follow her example then. She did not establish free trade in ships then, but protected her shipping by the following law:

No goods or commodities whatever of the growth, production, or manufacture of Asia, Africa, or America, including our own plantations, shall be imported into England or Ireland or any of the plantations, except in English-built ships, owned by English subjects, navigated by English commanders, and with three-fourths of the sailors Englishmen.

It was thus she built up her merchant marine, and she continued this kind of protection for two hundred years. When she bought wooden vessels from us she protected them as soon as they became English. And when she discovered that she could surpass the world in building iron vessels, she then seduced our Democratic President, Mr. Polk, into making that fatal free-trade treaty which forbids discriminating duties on articles imported in American vessels.

REDUCTION OF REVENUE.

The most popular cry of the day is for a reduction of revenue. It is said we must relieve the people from onerous taxation and take from Congress the temptations to extravagance and corruption offered by an overflowing Treasury. The revenue can not in my judgment be called excessive while we have debts to pay, and this cry comes largely from those who would perpetuate our national debt as a basis for national banks. The once proud Navy of the United States has not now a single vessel that could stand a moment before the navy of some of the most insignificant powers of the world, and yet those who cry out too much revenue are refusing to properly build up our Navy, and even refusing to furnish guns for the steel cruisers now constructing and constructed. The revenues can not be called excessive while our Navy remains thus a disgrace to the nation, while our seacoast is defenseless, our flag open to insult in any water, and our maritime cities at the mercy of a power as insignificant as Chili.

But, if our revenue must be reduced, on what principle shall it be done? Shall we discriminate for the protection of home industries or shall we look to revenue only? This is the great practical question of the hour. The Democratic majority can not get off by simply calling for a reduction of revenue; it must tell in detail how it proposes to reduce the revenue, and it is in a dilemma on this subject. In the Forty-fourth Congress the Republican tariff was denounced for producing a constantly dwindling revenue, and a Morrison bill was then introduced to increase the revenue. Now, the Republican tariff, slightly reduced in 1883, is denounced as a war tariff which collects too much revenue and a Morrison bill is again introduced, and this time it is claimed that it will reduce the revenue. That wonderful bill is like the sleight-of-hand showman's wonderful bottle from which you can pour any kind of liquor that the customer calls for.

Such palpable inconsistencies and contradictions may serve a purpose when the stump orator is attempting to excite popular prejudice against the monopolist on one hand and then on the other endeavoring to create alarm in the popular mind over the evils of an overflowing Treasury. But the sober, second thought of the people will demand that these revenue-only Democrats shall determine which of these conflicting paths they propose to pursue before they will intrust them with the reins of government. The day for this Democratic seesawing about the tariff, one wing promising to encourage home industries but not to foster monopolies, and the other wing promising to increase and reduce the revenue by the same enactments of law, has gone by. And if they adopt "a tariff for revenue only" let it be done by something more bold and manly than the moribund Morrison. This was a cowardly bill because it was acknowledged by its framers that it did not accomplish what they desired. It in effect said to its old enemy, protection, 'I hate you and would like to cut off your head if I dared to, but I fear the people may hang me if I kill you, so I will simply maim you by cutting off 20 per cent. of your legs."

DEMOCRATIC VACILLATION.

But these are not their only vacillations. Walker's definition of free trade is precisely what the revenue Democrat now tells us is the doctrine of a tariff for revenue only. When Walker first proclaimed this definition, the watchwords of the Southern Democrats were "free trade and sailors' rights." But now when they are called free-traders they deny it and blaspheme about it as bitterly as Peter did when he denied his Lord. They tell us they are not for free trade, because they are for the collection of revenue by a tariff and this will prevent absolute free trade. And while the revenue wing of the party thus flinch and dodge when called free-traders, the other wing attempt to hide their heads under the sand of monopoly when they are called protectionists. They tell us in their Ohio platform—

We favor a tariff for revenue limited to the necessities of the Government economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, and afford just compensation to labor, but not to create or foster monopolies.

Compare that with the following resolution, which was a part of the platform on which Andrew Jackson was elected, and it will be found similar in principle:

Resolved, That an adequate protection to American industries is indispensable to the prosperity of the country, and that an abandonment of that policy at this period would be attended with serious consequences to the nation.

Compare it with the Democratic platform on which Seymour and Blair were nominated, and it seems to have been good Democratic doctrine then:

1868.

The Democratic convention of 1868 demanded—

6. * * * A tariff for revenue upon foreign imports and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country.

Compare it then with the Republican platforms and they seem to be identical:

REPUBLICAN PLATFORMS.

1860.

That, while providing revenue for the support of the General Government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country, and we commend that policy of national exchanges which secures to the workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the nation commercial prosperity and independence.

1872.

Revenue, except so much as may be derived from a tax upon tobacco and liquors, should be raised by duties upon importations, the details of which should be so adjusted as to aid in securing remunerative wages to labor, and promote the industries, prosperity, and growth of the whole country.

1876.

The revenue necessary for current expenditures and the obligations of the public debt must be largely derived from duties upon importations, which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.

1880.

We reaffirm the belief avowed in 1876 that the duties levied for the purpose of revenue should so discriminate as to favor American labor.

This Ohio platform honestly construed is a protection platform, and protection not accidentally but intentionally given by discrimination in duties. And to protest that it means merely such accidental protection as may be given or may arise from a tariff for revenue only is a fraud and an effort to convert it into a Delphic oracle. If it does not mean intentional protection, it is the merest humbuggery. The saving clause "not to create or foster monopolies" partakes of demagogy in this: So long as new establishments are springing up in manufactures already begun and flourishing in this country, the protection necessary to foster the beginners must necessarily protect those already prosperous, and to pretend to favor a law that will foster one and not the other is ridiculous. The people do not favor class legislation and do not believe in the jugglery whereby the same law can be made to foster one man and not protect another engaged in the same business. But if it means protection, as I believe it does, let it be boldly proclaimed. If they strike out the word "only," before or after the word "revenue," they may as well come out squarely and say: "On the tariff question resolved that we sneak." This dodging will deceive no one, while it implies a doubt or a dalliance in Democratic faith which has already provoked the wrath and damnation of Kentucky statesmen.

The Greenback convention treated the tariff as a subordinate question, but their candidates for President and Vice-President are both for protection. Their candidate for President laid down his platform before his nomination, and the acceptance of him indorses his platform, which is as follows, and is as near right as it can well be made. In a

letter to C. M. Hubbard, General Butler thus lays down what I believe to be the true rule of tariff legislation:

Therefore I favor the raising of a sufficient amount of revenue from the economical administration of the Government and from duties upon imports, and in laying those duties to tax articles of luxury up to the collection point, to make free all raw materials not raised or produced in this country which enter into its arts or manufacture, all the necessaries of life, and as much as possible and to cheapen them in every way possible, and within those limits to so judiciously place our duties as to best encourage and aid American labor and American industries.

REPUBLICAN POLICY.

The Republican party, on the other hand, presents a different and unchanging policy of protection. They are for building up the industrial interests of the country, and to this end would place protective duties on all articles which we can produce, and maintain that protection as long as it is necessary. At the same time they would admit free every thing that we can not produce except luxuries. Under the Walker tariff in 1848 less that one-eighth of the goods imported were duty free, and under the Morrill tariff in 1882 nearly one-half were free. The exact figures were $210,579,007 worth of goods admitted free, while $514,060,567 paid duty. And as each article we produce ceases to need protection it should be placed on the free-list, and we can thus steadily advance to legitimate and safe trade and to a proper reduction of revenue. The Morrison bill, while it would have destroyed our industries, would have increased importation and increased the revenue. Protection keeps out foreign goods, and tends to reduce revenue, while it trusts to internal competition to reduce prices.

SUGAR DUTY AND INTERNAL TAXATION.

If further reduction of revenue be needed before our industries should be hazarded, we should abolish the internal-revenue system, which has always been odious to a free people. And I here present as part of my remarks a letter of Hon. W. D. KELLEY on the subject. While I do not believe the time has come for any large reduction of our revenue, it will soon come, and then I shall favor an abolition or transfer to the States of the internal-revenue fund before we tamper with the duties that protect American industries:

I regard agriculture as the primary industry, upon the diversification and prosperity of which all other industries depend; and since I became a student of national economy I have watched with interest every experiment which promised a wider diversification of the productions of our fields, or to promote the conversion of those products in the closest proximity to the farms on which they were produced. This is the true policy of the nation.

But the British Cobden Club and its American disciples, known as "free-traders," "revenue reformers," and friends of a "tariff for revenue only," propose to put sugar on the free-list while retaining a tax of 90 cents a peck on corn when distilled into alcohol for use in the arts and sciences. If the efforts of these interested Englishmen and fanatical Americans to prevent the diversification of our agricultural productions shall be successfully baffled, we shall in a few years produce all the sugar and molasses the people of the country will require, and pay to our farmers and home manufacturers of sugar more than $100,000,000 which we now pay to foreigners for those essential commodities.

The slave labor of Cuba, almost the entire exports of which island we purchase, produces 500,000 tons of cane sugar per annum. The free though ill-paid labor of Western Europe produces 3,000,000 tons, or six times as much sugar from beets. The people of Europe are not more intelligent nor enterprising than those of the United States, nor more capable of extracting from their agricultural productions the best results they will yield. But I do not now propose to discuss the question of beet-root sugar.

Farmers in every section of our country can produce sugar-yielding crops to which European farmers are strangers; and it may safely be predicted that, if not prevented by unwise tariff legislation, they will do this and supply the home market with sugar and molasses. In asserting that we can produce all the sugar the American people will consume I am not indulging in the expression of theoretic possibilities but dealing with ascertained facts. The profitable production in commercial quantities of superior sugar and sirup from sorghum and Indian corn has passed beyond the domain of experiment. It is an often demonstrated fact.

If, however, our farmers and the country at large are to enjoy the benefits of this happy consummation, the duties which now protect the American sugar-grower must not be repealed nor reduced.

To perfect these industries, to create local markets for corn and sorghum in convenient localities for farmers who may devote their land to these crops, much capital must be invested in the establishment of mills and refineries. Under existing duties our sugar trade may be revolutionized and our agricultural productions widely diversified to the great advantage of the farmers and planters of every section of the country.

The beet-sugar industry, now so profitable to Europe, is a creation of the protective system. To promote its development Bonaparte offered enormous premiums to farmers who should produce the most beets to the acre, and like premiums to the chemist who should extract the most sugar from a given weight of beets. France, Germany, and Austria now derive immense revenues from beet sugar; and England imports it largely from each of these countries; yet in the face of an agricultural development, which if not interfered with will shortly equal that of beet sugar in Europe, the friends of a tariff for revenue only talk of putting sugar on the free-list; and by the mere announcement of this purpose are frightening capitalists into withholding the means of promoting this great interest.

I learn from agricultural papers published in Iowa and other Northwestern States that sorghum is one of the most profitable crops that can be grown; that its seeds have been found to be nutritious food for horned cattle and horses; that its leaves equal those of corn in value for fodder, and that the residuum, known as bagasse, after the extraction of the sirup from the stock, is of much value in the manufacture of paper.

But the sugar-cane of Louisiana and other Southern States and sorghum are not our only sources of sugar supply. The manufacture of sugar and sirup from corn is found to be profitable. How largely, indeed, our corn crop may be applied to the production of sugar is shown by the following extract from your paper of December 22, which I beg you to permit me to insert:

"The following interesting statistics of the manufacture of corn sugar show the amount of capital invested, wages paid, material consumed, and the number of laborers employed in, and the products of the industry for the year 1882:

Total number of glucose establishments	21
Capital invested	$6,500,000
Number of laborers employed	3,000
Number of bushels of corn consumed annually	19,500,000
Value of other material used	$1,000,000
Total wages paid	$1,300,000
Total production of sugar in pounds	67,200,000
Total production of molasses in gallons	32,900,000

"There can be but one effect, so far as the farmer is concerned, and that is to reduce the price of corn. To destroy an industry which consumes 19,500,000 bushels of corn would certainly affect the market, and not only reduce the price of corn but also the wages of the farm laborers. Allowing 40 bushels of corn to the acre, it requires 487,500 acres of land to produce the amount of corn required for the 21 glucose works. Allowing 1 laborer for each 20 acres of corn, it requires 24,375 laborers to cultivate the same. Allowing 400 bushels of shelled corn to each freight car, it would require 48,750 cars to transport the corn necessary for this one industry from the place of production to that of consumption. Besides, there are mechanics, coal miners, machinists, and manufacturers too numerous to mention, whose products are required in this one industry. It is wonderful to what an extent any successful manufacturing establishment ramifies, reaches out, and intermarries with other trades and occupations. As it is with this one, so it is with all others. No one industry of the country can be injured by unwise legislation without affecting numerous others, and the farmer in the end is the one who suffers."

Notwithstanding its giant proportions, no one will deny that the corn and sorghum interests are infant industries; yet the repeal or material reduction of the existing duties on sugar and molasses would not only check their growth but operate disastrously on the capital invested and the labor employed in both these young industries.

Why, and by whom, is this combined assault upon the sugar-growers of the country proposed? The combination against that interest, and, as I shall show, against other departments of agricultural industry, is a remarkable one, and is formidable by reason of its incongruous elements. It embraces the large distillers and owners of bonded warehouses for whisky, with whom are united extreme temperance men, who believe that human appetites can be restrained by taxation. With these are free-traders, who are ready to take advantage of any combination which will enable them to destroy our industries in detail, and the more than 4,000 political agents of the Government, who, in the service of the Internal Revenue Bureau, are to be found in every Congressional district in every State and Territory of the country, and whose maintenance costs the people more than $5,000,000 a year. Why are these incongruous parties drawn into combination? What has the distiller and storehouse keeper to do with the sugar interest? Why should temperance men propose to destroy the capital invested in the sugar industry, and to subordinate the freedmen of the Gulf States to the interests of the owners of the slaves of Cuba? Let us see if we can account for this unnatural combination.

We have an enormous surplus revenue. It is probably this year $125,000,000. It is derived from internal taxes. Such taxes have been imposed three times in the history of our country, always as war taxes. The first time they were permitted to continue for nine years, and the second time for four years. They have now endured for over twenty years, and should be abolished. This action would relieve us of the surplus revenue, which is now provocative of extravagance and corruption.

But say free-traders, "No, we will reduce the duties on foreign imports and retain these internal taxes." "Yes," responds the heedless temperance man, "give us free sugar and tax barley, hops, corn, rye, and tobacco." That is, they propose to tax the manufactured results of these agricultural products. The existing tax on spirits weighs on the corn-grower just 90 cents a peck. "Yes, retain these taxes," says the rich distiller and owner of bonded warehouses. "These taxes give us a monopoly and extraordinary profits." There is not within my knowledge a wealthy distiller or owner of bonded warehouses in the country that does not unite with the unwise temperance fanatics in demanding the retention of the tax on spirits.

The mistake of the moralists in this matter is demonstrated by the experience of Great Britain. No government taxes intoxicants as does that of the British islands, and nowhere in all Christendom does the vice of intemperance prevail so almost universally as in England and Scotland. The truth is, inordinate taxation of intoxicants operates as a premium on adulteration, the effects of which are the creation of unnatural appetites for what are sold as legitimate distillations.

Let me briefly consider the effect of these taxes upon our corn-growers. One bushel of corn, I am told, will, in ordinary years, carry another from average points of railroad shipment in Kansas to Chicago. Thus the Kansas farmer parts with two bushels of corn in order to get the market price at Chicago for one. When this operation has been effected the corn-grower has no further interest in the corn thus sold. But if corn be converted into alcohol, one bushel will carry at least five, not only to Chicago but to Liverpool or Havre; and if the alcohol be further advanced into alcoholic drugs, chloroform, collodion, ether, or into alcoholic perfumery, one bushel will carry from ten to twenty to the markets of the world. Here is a means by which farmers may evade much of the cost of transportation of which they complain so loudly. But this is not the only advantage they would derive from the conversion of their crop upon or in the immediate vicinity of their farms. The extraction of the alcohol does not consume the corn. After the farmer has sold his alcohol he will still retain an interest in his corn as food for swine and cattle, and, through this use of it, as a fertilizer for the fields from which his crops are taken.

I believe in regulating and endeavoring, by wise provisions of law, to restrain the use of intoxicating beverages. This the United States Government can not do. It does not attempt to do it. It does but impose taxes which fall heavily upon the farmer, and help to add to the wealth of the distiller. States can regulate, can license, or can prohibit the trade in alcoholic liquors; and to States, and through them to municipal governments, I would remit this whole subject. But by imposing taxes as we now do we not only restrict the market for the farmer's crops, but add to the cost of many of the things he consumes.

Alcohol enters into almost all the arts. Let your readers ask any druggist what percentage of the fluids on his shelves or in his stock are alcoholic; and if he speaks the truth he will tell them that more than nine-tenths contain alcohol. Is that farmer's home well furnished in which there may not be found a camphor or an arnica bottle? The good wives who keep these remedies at hand are probably not aware that their cost is enhanced three, four, or five hundred per cent. by the tax the Government imposes on a considerable percentage of the corn their husbands grow.

In conclusion permit me to say that the American people should, in a few years, supply themselves with sugar and molasses; that they should not only supply themselves with but enter the markets of the world in furnishing alcoholic drugs and perfumery; and that we will do this if the Cobden Club and its American disciples will permit us to repeal the internal taxes and raise our revenue by adequate duties on the productions of highly-diversified agriculture and manufactures.

OUR GREAT PROSPERITY.

It is a pleasing task to turn from these Democratic vacillations to the contemplation of the wonderful development of our country under twenty years of the fostering influence of the system of protection which Jefferson and Madison inaugurated, which Jackson favored, which Clay and the Whig party more fully developed, and which the Republican party under the necessities of war adopted and carried out. Senator COKE, who made a powerful, if not the most powerful, argument against protection in the Forty-seventh Congress, quoted a letter from Robert J. Walker and a lecture of Professor Sumner to show that the low-tariff period, from 1846 to 1861, was our golden age of prosperity. But when he turned from this to show that we needed no further protection, he introduced a witness who says that our prosperity under the so-called robber tariff not only surpasses all our previous history but stands unrivaled in the history of the world. He says:

I call to the stand an impartial witness in the London Times. Let that speak of the present status of this Republic among the nations of the earth:

"AMERICA'S MAGNIFICENT PROGRESS.

"The details we publish this morning of the principal facts elicited by last year's census of the United States confirm the impression the original summary of results produce. A nation has never exhibited a more magnificent picture of material progress for ten years. Since 1870 more than eleven and a half millions have been added to the population, at a rate of 30 per cent. increase. Except China and Great Britain and Russia, no government can count more subjects. In the number of citizens moved by similar impulses, and recognizing common ends, the British Empire itself yields to the great Republic. Fifty millions of human beings in a land like America more than match the 86,000,000 of European and Asiatic Russia. The 425,000,000 of China are not to be compared with them as a force among mankind. The growth of a population may generally be understood to imply the growth of wealth and resources. As each census in a European state denotes a numerical advance, it may for the most part be inferred that fresh means of support have been made available. When, however, every successive census in the United States reveals an expansion by bounds and leaps, faith in the instinct of human nature not to multiply beyond the power of existence is scarcely needed to reassure anxiety. The granary which is to feed the new millions which have come, the millions which are to follow, piles its stores for the whole world to certify them. Each added American citizen has not to search for the livelihood nature hides somewhere or other for all its children. He is born or imported with his inheritance labeled and allotted. He has but to go West, or North, or South; there it is awaiting his advent.

"European populations, even the home population of Great Britain, it must be acknowledged, have rather in their decennial polls a look of boys growing out of their clothes. An elbow or an ankle is sure to be seen betraying a want of proportion between past resources and present demands. On the other side of the Atlantic there is a magazine of clothes warranted to fit all ages and sizes. Good soil is crying out everywhere for its owners to come and possess it. They have not to conquer and annex. Though the domain be lying desolate, or be a hunting-ground for Indians, it confesses itself their own, for them to enter it and enjoy it as soon as they please, the sooner the better. How fresh thousands and hundreds of thousands of acres are continually being brought under tillage, Europe requires no census ordered from Washington to tell. The West and the Northwest are a home farm for the older hemisphere; the laborers on this side of the Atlantic hear the echo of each mile of territory broken up by the plow on that. The census shows that the growth is universal and not partial. The census itself hardly does justice to the energy with which the South is keeping pace with the rest. The rate in one class of industry approximates to that in another. As the farmers of Minnesota have multiplied from 439,706 in 1870 to 780,707 in 1880, the commercial and mining population of Pennsylvania has risen from 3,521,951 to 4,282,738."

The palm of superiority over all the nations of the earth in all the elements of power and greatness is gracefully yielded to the United States. To show clearly that manufacturing development has kept pace with our marvelous and unprecedented agricultural growth, so graphically delineated, I read from the last report of the Chief of the Bureau of Statistics on our foreign commerce:

"The value of the products of agriculture exported from the United States during the years 1830, 1840, 1850, 1860, 1870, and 1881, respectively, showed a fluctuation of only about 3 per cent. of the total value of exports of domestic merchandise. This indicates that the growth of the exportation of commodities other than products of agriculture—chiefly products of manufacture—kept pace with the astonishing growth of the exportation of the products of agriculture."

Can it be possible that such splendid achievements could have been accomplished under a destructive robber tariff? And in the face of such unparalleled success how ridiculous do the charges of the Democratic platform of 1876 appear when it says:

We denounce the present tariff levied upon nearly 4,000 articles as a masterpiece of injustice, inequality, and false pretenses. It yields a dwindling, not a yearly rising, revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture, an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

The largest revenue ever raised under the tariff of 1846 was $64,224,190.27, and the smallest raised under the Morrill tariff was $130,170,689.26. It is true that the revenues dwindled under the financial pressure of the resumption period, but the revenue increased as soon as the effort to destroy greenbacks was stopped, and they have continued to increase ever since. But now when it yields a rising and not a yearly dwindling revenue it is denounced for producing too much. In 1882 the revenue was $220,410,730.25 from the same tariff.

RESULTS AFTER TWENTY YEARS OF PROTECTION.

In addition to this glowing statement of our prosperity from an English source, we submit the following figures, which speak louder than words:

Table showing the growth of the nation under protection since 1860 *in population, wealth, industries, and commerce.*

Subjects.	1860.	1880.	Increase, per cent.
Population of the United States	31,443,321	50,155,783	60
Value of farms	$3,271,575,426	$10,197,161,905	212
Wheat produced, bushels	173,104,924	498,549,868	188
Wheat exported, bushels	4,155,153	153,869,935	3,603
Corn produced, bushels	838,792,742	1,717,434,543	105
Corn exported, bushels	3,314,305	98,169,877	2,862
Wool produced, pounds	60,264,913	232,500,000	286
Cotton produced, bales	4,826,086	6,643,269	65
Oats produced, bushels	172,643,185	407,858,999	136
Barley produced, bushels	15,825,898	44,113,495	179
Butter exported, pounds	7,651,224	39,236,658	413
Cheese exported, pounds	15,524,830	127,555,907	722
Petroleum produced, barrels	251,000	22,382,509	8,817
Pig-iron produced, net tons	919,770	4,295,414	367
Iron rails produced, net tons	205,038	1,461,837	613
Hogs packed, number	2,350,822	6,950,451	196
Merchandise imported	$353,616,119	$667,954,746	89
Merchandise exported	$333,576,067	$835,638,658	150
Gold and silver produced	$46,150,000	$75,200,000	63
Gold and silver exported	$66,546,239	$17,142,919	.....
Gold and silver imported	$8,550,135	$93,034,310	988
Railroads, miles	30,635	104,813	188
Bessemer steel rails, number	None.	1,187,770	.....

The Times-Democrat, of New Orleans, enables me to show the grand increment of wealth and progress of these States since the census of 1880, as taken from the official records of this country. It shows that the progress of the last four years was greater than the preceding ten, and in that brief space $640,000,000 was added to the wealth of the South, or an increase of $160,000,000 a year. The cotton crop had increased from 5,750,000 to nearly 7,000,000, and the railroad mileage from 17,000 to 26,000, and, while I will not give the particulars and figures, "the marvelous progress was varied in character and general through the South."

In 1870 not a ton of coal was mined in Georgia; in 1880 the census reports 154,000 tons. In Alabama, 11,000 in 1870, and in 1880, 322,000 tons; and for the States of Alabama, Georgia, Arkansas, Kentucky, Tennessee, and West Virginia the coal output rose from 900,000 tons to 3,700,000 tons. There were in 1870 but 40,000 tons of iron ore mined in Alabama, Georgia, Tennessee, Virginia, and West Virginia, and in 1880 there were 575,000, an increase of more than 1,200 per cent. Great as the gains were, there is every reason to believe they have been far exceeded in the four years that have elapsed since the census was taken, and still greater progress may be expected in the future.

And the Boston Journal says:

In 1860 the tariff of the country was for revenue only. In 1861 the policy was changed so that the tariff should give incidental protection. From 1860 to 1880 the population of the country increased 59 per cent., of which 14.5 per cent. was by immigration. During the same period the number of farms in the United States increased 95.4 per cent., the value of crops 127 per cent., the number of bushels of grain 116 per cent., the value of the products of manufactures 108.2 per cent., the number of persons employed in manufactures 108.9 per cent., the amount of money paid as wages in manufactures 147.5 per cent. In 1860 the wealth of the United States was estimated at $19,380,000,000, in 1880 at $47,425,000,000, an increase of 138.9 per cent. In 1860 the wealth of Great Britain exceeded that of the United States by the sum of $8,470,000,000, but in 1880 the wealth of the United States exceeded that of Great Britain by $3,875,000,000. In 1860 there were 30,792 miles of railroad open in the United States, representing $1,195,000,000 of capital; in 1882 the number of miles of railway open was 104,810, representing a capital of $5,950,000,000, an increase in the mileage of over 243 per cent.

These statistics might be extended indefinitely, but the above show that the growth of the country and its industries have been phenomenal during the era of protection.

Let us compare the statistics of our foreign trade during the years 1858, 1859, and 1860, years after the tariff reduction of 1857—the lowest that it ever was—with the years 1881, 1882, and 1883. The aggregate value of the exports of merchandise during the first period of three years was $845,985,000, or at the rate of $9.40 per annum to each inhabitant of the United States. The total imports of merchandise during the same period were valued at $948,228,000, or at the rate of $10.54 per annum to each inhabitant. During the latter period the exports of the United States were valued at $2,421,388,000, or at the rate of $15.53 per annum to each inhabitant. During the same period the value of the imports of merchandise was $2,090,433,000, or at the rate of $13.40 per annum for each inhabitant. These figures show an increase per capita of the exports and imports of merchandise—that is, the foreign trade—under the era of protection, of 44.9 per cent. Thus it seems that the declaration of the Free Trade League, like other assumptions of free-trade doctrinaires, will not stand the test of facts, and is therefore false.

THREE FACTORS OF WEALTH.

But the revenue Democrats tell us this prosperity did not come from protection. If not, then whence did it come? There are three factors of wealth now in existence which were not in existence in 1860.

The first is the encouragement given to manufactures by the Morrill tariff. The second is the encouragement given to agriculture and mining by opening up the public domain with railroads, thus giving a hundred-fold force to the encouragement offered by our homestead and mining laws whereby we invited the whole world to come in and help to make us rich by the development of our agricultural and mineral resources. And, third, a stable paper currency composed mainly of

greenbacks, the best paper money ever invented. As to which of these three has been most potent in bringing about this period of unrivaled prosperity it may be difficult to determine, because each has contributed greatly to that result.

But it is a source of pride to the Greenbacker to know that when the Government attempted to depreciate and partially destroy the greenback a panic came which drove national banks into suspension and produced a period of financial distress from 1873 to 1879 which neither the encouragement given to manufactures nor the encouragement to mining and agriculture could allay, though both continued in full force. And it is a still greater source of pride to remember that when the destruction of greenbacks was stopped and they were made receivable for custom duties prosperity was at once restored and the troubled waters of our financial sea became at once as calm as the tempest-tossed sea of Gallilee when the Master said "peace, be still."

But I pass now to the consideration of the question,

IS THE SOUTH PROSPEROUS?

The gentleman from Alabama [Mr. HERBERT], in a speech made in the Forty-seventh Congress, said the South is not prosperous, and to show that the tariff was the cause of this want of prosperity he published an interesting table, which I reproduce for another purpose. He said:

Why is it, Mr. Chairman, that labor at the South is so cheap? Why is it that the colored man who works in the field for money wages can get only $10 or $12 a month? It is not because of any combination against him. Planters bid against each other as much as they can afford to pay. Lands which in 1860 were worth $40 an acre can be bought to-day for $10 an acre. Why is this?

I admit fully the distress and depression that followed the war, but why have we not recovered? I want to state facts that will show why, facts that will demonstrate that the high prices a high tariff has compelled us to pay have kept the South poor. Our principal industry before the war was cotton. Now it is the same.

The table is as follows:

Cotton year ended August 31—	Production.	Average net weight of bale.	Gross weight.	Annual average price.	Gold value of crop.
	Bales.	*Pounds.*	*Pounds.*	*Cents.*	*Dollars.*
1855-'56	3,645,345	420	1,622,907,594	10.30	167,159,482
1856-'57	3,056,519	444	1,438,520,102	13.51	194,344,066
1857-'58	3,238,962	442	1,517,518,476	12.23	185,592,510
1858-'59	3,994,481	447	1,892,664,987	12.08	228,633,930
1859-'60	4,823,770	445	2,275,372,309	11.00	250,290,954
1860-'61	3,826,086	477	1,934,545,603	13.01	251,468,383
1861-'62					
1862-'63					
1863-'64					
1864-'65					
1865-'66	2,228,987	441	1,041,962,263	30.76	320,507,592
1866-'67	2,059,271	444	969,175,303	22.40	217,095,268
1867-'68	2,498,895	443	1,173,431,114	17.77	208,518,709
1868-'69	2,439,039	437	1,129,811,645	21.09	238,277,276
1869-'70	3,154,946	434	1,451,401,357	19.45	282,297,564
1870-'71	4,352,317	438	2,020,693,736	15.03	303,710,269
1871-'72	2,974,351	439	1,384,084,494	18.31	253,425,871
1872-'73	3,930,508	440	1,833,188,931	15.84	290,377,127
1873-'74	4,170,388	439	1,940,648,352	15.18	294,590,420
1874-'75	3,832,991	439	1,783,644,032	13.32	237,581,385
1875-'76	4,669,288	436	2,157,958,142	11.41	246,223,024
1876-'77	4,485,423	438	2,082,492,190	10.87	226,366,901
1877-'78	4,811,265	450	2,294,973,405	11.00	252,447,075
1878-'79	5,073,531	443	2,382,428,687	10.83	258,017,027
1879-'80	5,761,252	453	2,771,797,156	12.02	333,170,018
1880-'81	6,605,750	456	3,197,183,000	11.24	359,363,369

Over four billions three hundred millions paid to the South for cotton since the close of the war! If we compare the six years preceding the war with the six years preceding this we find that, according to this table, the South received $397,882,089 more in the six years ending in August, 1881, than for the six years preceding the war. If we make allowance for the difference in Southern and New York prices and for the grade of low middling, which is above average, the sum can not be below $330,000,000 for these six years. In other words, the South has received on an average $55,000,000 in gold every year for the last six years more than for the six years before the war. I repeat the question, Where has all this money gone? The answer to this question is simple and it is an answer to the whole theory of free trade. This money went to purchase meat, bread, hay, corn, horses, mules, cattle, and everything which should have been raised at home. But under the free-trade theory it was said to be better to raise cotton which was adapted to the soil of Alabama, and buy those articles which could be produced cheaper elsewhere. It has been wasted in following the delusive theory of free trade.

It is true that the South has not been as prosperous as she should be since reconstruction, and that she has much to learn before she can be. But that she is beginning to learn these lessons I have said, and the witty editor of the Louisville Courier-Journal bears evidence for me as follows. He says, speaking of Southern improvement:

The idlers have climbed down from their seats on the fences; the frill has been relegated from the shirt-front to the pantalette; the gold-headed cane has been beaten into a paper weight for bank checks; and it is not the thing now to fit yourself into a potato barrel at the corner grocery and spit tobacco juice at a crack for drinks.

It is to be hoped that this reform will soon reach Alabama, if it has not already done so.

But in truth the making of cotton alone never was profitable. In the days of slavery the most successful planter raised food crops and everything possible to be made at home, and cotton was his surplus. And even then the chief profit of the cotton-planter was in the increase of his slaves, the clearing up of new land, and the improvement of his place. And now the farmers most prosperous in the South are those who diversify their crops, use labor-saving implements, raise their mules, horses, cattle, and hogs, and work themselves. Those who have attempted to play the part of the old masters and trusted their business to overseers, share-hands, and renters are not prosperous. The laborer feels no interest in making improvements, and loses fully one-fourth of the time which an owner of the soil could profitably employ. He is improvident in his management, pays little attention to food crops or anything but cotton, which brings money, and thus aggravates the ills usually attendant on agriculture. Hence the want of prosperity to which the gentleman from Alabama refers. As to the low wages, the cultivation of cotton unaided by labor-saving implements is so costly that the profits are very small, and wages are always proportionate to the profits of labor.

COTTON-PLANTERS BENEFITED BY PROTECTION.

But let us return to the gentleman's table of cotton statistics, and I will reverse the question and ask whence did all this money come? How does it happen that the cotton-planter received an average of $55,000,000 in gold more for the six years ending in 1880 than the six years ending in 1860? We find first a large increase in the production of cotton under the protective tariff. And then we find the remarkable fact that this increased production has not lowered the price of the article. The crop of 1860 was 4,823,770 bales and the crop of 1880 was 6,605,750 bales, an increase of 22 per cent., and yet the average price was 11 cents per pound in 1860 and 11.24 cents per pound in 1880, as shown by this table, or 2 per cent. more for the large crop under the so-called robber tariff than for the smaller crop under the revenue tariff. This could only come from an increased demand for cotton, and we now ask whence this increased demand came. Let us look first to the table of our cotton exports furnished by Mr. Nimmo (see report for 1880), and we see that it did not come from foreign countries:

Cotton exported.

Years ending August 31—	To the United Kingdom.	To France.	To all other countries.	Total cotton exported.
	Bales.	*Bales.*	*Bales.*	*Bales.*
1849-'50	1,106,771	289,627	193,757	1,590,155
1859-'60	2,669,432	589,587	515,154	3,774,173
1869-'70	1,474,695	346,450	357,772	2,178,917
1870-'71	2,367,440	138,703	660,599	3,166,742
1871-'72	1,454,512	184,055	318,747	1,957,314
1872-'73	1,905,566	252,903	521,517	2,679,986
1873-'74	1,867,936	370,865	602,180	2,840,981
1874-'75	1,828,049	359,699	486,700	2,674,448
1875-'76	2,019,799	455,874	755,580	3,232,253
1876-'77	1,994,418	461,088	592,630	3,028,136
1877-'78	2,047,185	495,135	813,622	3,355,942
1878-'79	2,052,555	422,948	990,433	3,465,937
1879-'80	2,554,489	397,797	912,265	3,864,551

Let us turn then in the same report to the table showing:

Cotton required for home manufacture and for exportation to foreign countries.

Year ended August 31—	Taken by home manufacturers.	Exported to foreign countries.
	Bales.	*Bales.*
1850	562,769	1,590,155
1860	964,628	3,774,173
1870	896,890	2,178,917
1871	1,100,196	3,166,742
1872	1,097,540	1,957,314
1873	1,201,127	2,679,986
1874	1,305,943	2,840,981
1875	1,200,473	2,674,448
1876	1,354,192	3,232,253
1877	1,429,005	3,028,136
1878	1,429,400	3,355,942
1879	1,561,873	3,465,937
1880	1,795,334	3,864,551

It appears from the foregoing table that the consumption of cotton by home manufacturers has increased more rapidly than the exportation of cotton to foreign countries. During the year ended August 31, 1850, there was taken by home manufacturers 26 per cent., and exported 74 per cent.; during the year 1860 there was taken by home manufacturers 20 per cent., and exported 80 per cent.; during the year 1870 there was taken by home manufacturers 29 per cent., and exported 71 per cent.; and during the year 1880 there was taken by home manufacturers 31 per cent., and exported 69 per cent.

These tables show that our cotton exports were, in 1860, 3,774,173 bales; in 1880, 3,864,551 bales; that England took less cotton from us in 1880 than she did in 1860, and that the whole foreign demand for our cotton increased only 2.4 per cent. in twenty years, while our produc-

tion of cotton increased 22 per cent. Now, let us see what kept up the price while production was so largely increased. Our home consumption was, in 1860, 964,628 bales; in 1880, 1,795,334 bales, an increase of 86 per cent. And during the same period all cotton goods which the Southern farmers consumed were reduced in price 28 per cent. Thus these so-called protection robbers by their sharp competition compelled the foreigner to pay 2 per cent. more for cotton in 1880 than he paid in 1860 before protection began, and at the same time furnished the planter with cotton goods at 28 per cent. less cost.

What better evidence could the cotton-planter ask that protection to our manufacturers has been a benefit to him? And what better proof of this could be given than that which the gentleman from Alabama gave when he said the cotton-planter received $397,882,089 more under the last six years of this protection-robber tariff than under the last six years of the revenue-only tariff? He received $55,000,000 in gold more each year under a protective tariff from the protected American bull than under a revenue-only tariff he received from the free-trade British lion. And yet the gentleman from Alabama [Mr. HERBERT] and his colleagues would tear down the barriers of protection and leave the American bull to the tender mercies of the British lion, and while the British lion slakes his thirst in the blood of the American victim the free-traders of England and the revenue-only Democrats here will shout over the performance as the pagans did when the Christians were devoured by the wild beasts in the circus at Rome. Such statesmanship deserves to rank in history with that which slew the goose to obtain the golden egg.

Again, if the old Calhoun theory be true that the cotton exports buy the imports, and if it be further true that the consumer pays the import duty, the cotton-planter could lose nothing if he paid the duty when the consumer paid it back to him. So both the statistics and the theory which the gentleman advanced showed the fallacy of the argument he made. Again, another distinguished witness testifies against him, as follows: General BUTLER, of South Carolina, in his speech on the Blair educational bill, said:

Mr. President, the South is not so desperately poor, is not in such a bad condition. Let me give some facts and figures, compiled with great care at much expense and trouble and with most commendable public spirit by the Charleston News and Courier, and I believe are as correct as such a compilation can be. I cite these figures and facts to show that the property assessed for taxation is gradually increasing in value every year. Look at the matter of cotton manufactures, which, by the way, are exempted by the State from taxation for ten years from their establishment:

"The increase in product in three years is 170 per cent., and the increase in actual capacity is considerably more. This is astonishing, but it is the fact. There is no reason why the product of the South Carolina mills in 1890 should not be $27,000,000 to $30,000,000.

"The number of spindles and looms in 1880 and 1884 is given below:

	Spindles.	*Looms.*
1880	82,334	1,676
1884	195,112	3,652

"In 1881-'83 $25,000,000 were paid for machinery for cotton mills in the South, and $7,500,000 of this amount was the additional cost caused by protective duties. But for this drawback the South could have built an additional number of mills and have increased her wealth still further."

Now, sir, I venture to say, in passing, if the General Government will relieve that State of this $7,500,000 and similar burdens in the future it would be far more profitable and acceptable than this proposed appropriation of the Treasury in aid of education. The cotton factory is a good school-house in itself.

Again, in the matter of lumber and naval stores there has been an increase in the value of the product of those two industries of 100 per cent., the products amounting in 1884 to $4,394,692, being in less than four years an increase of 100 per cent. What has been the increase in manufactured products?

The figures for previous periods indicate a growth which is as astonishing as it is gratifying. The whole value of manufactured products in South Carolina at the periods named was as follows:

1860	$8,615,195
1870	9,858,981
1880	16,738,008
1884	32,324,404

Showing an increase of $16,000,000 in three years. A great increase has gone on in agriculture. The estimate of this year's crop has been—and I will state that by way of comparison between 1860 and 1884—

Cotton bales in 1860, before the emancipation of slaves	353,412
In 1884 it is estimated at	700,000
Corn, in bushels, 1860	15,635,606
In 1884	19,210,000

and so on with other cereals and crops. The phosphate interests, land and marine, have advanced from 20,000 tons in 1868-'70 to 355,000 tons in 1883; valued for the last-named year at $2,100,000.

And there is a reviving interest and activity in gold-mining, in the great improvement in farm and domestic animals, labor-saving machinery, diversified and intensified agriculture, as the following recapitulation will show:

RECAPITULATION.

To exhibit fully the value of agricultural, manufacturing, and mining products the following tables have been prepared, the values for 1870 having been reduced to the gold standard, at the rate of 120:

1860:	
Agriculture	$45,823,512
Manufactures	8,615,195
Mines and quarries	17,000
	54,455,707
1870:	
Agriculture	$34,924,585
Manufactures	8,215,918
Mines and quarries	16,573
	43,157,076
1880:	
Agriculture	$41,969,749
Manufactures	16,738,008
Mines and quarries	1,180,805
	59,888,562
1883:	
Agriculture	$41,790,321
Manufactures	32,324,404
Mines and quarries	2,440,000
	76,554,725

FINAL RECAPITULATION.

The whole value of agricultural, manufacturing, and mining products for the last twenty-three years is as follows:

1860	$54,455,707
1870	43,157,076
1880	59,888,562
1883	76,554,725

In other words, after all the losses of the war and with free labor, the gross income of South Carolina from the sources named was 50 per cent. greater than it was in 1860.

Another has said:

The South is fast coming to rival the North in cotton manufacturing. In 1880 there were in that section 180 mills, with 713,989 spindles and 15,222 looms, while to-day there are 314 mills, with 1,276,422 spindles and 24,873 looms. No feature of Southern development is more encouraging than this rapid growth of manufacturing.

And Mississippi also is waking up to the sound of the advancing hosts of progress. The axes and the mill-saws are being heard in her splendid forests of cypress and pine, and where formerly none went now train after train goes North burdened with Southern lumber, and yet her Democratic Representatives would take off the tariff which has produced this result. She is beginning also to boast of her productions, as follows:

THE BEST WOOL IN THE WORLD.

The Mississippi Mills, at Wesson, in Copiah County, consumes about 750,000 pounds of wool annually—about 300,000 pounds of this is grade Merino, from Texas, and the remainder, 450,000 pounds, is purchased in the vicinity of the mills and in the coast counties. Captain Oliver, superintendent and treasurer of these mills, says that the finest wool in the world is grown in South Mississippi, and that the success of these mills at the Centennial and at Atlanta and all other fairs is due as much to the superiority of wool used as to excellence in handling. In corroboration of this we remind our readers that at the famous fair in Manchester, England, many years ago, wool grown in Madison County, Mississippi, took the premium over all other exhibits as the best wool in the world.—*Aberdeen Examiner.*

These mills began operations under present management in 1873. The site was, previous to the establishment of these mills, an unbroken forest. To-day Wesson is a beautiful and flourishing manufacturing village, with schools and churches, and a population of 5,000 happy and industrious people. These mills have declared large dividends, besides enough to double their original capacity. The secretary of the mills writes: "We are generally overworked on all our fabrics, and have orders now largely in excess of our production of woolen goods, and on many of our cotton goods." The Yocona mill, at Water Valley, commenced operations in 1882 with a paid-up capital of $80,000, and with 3,200 spindles. Since that time the capital has been increased to $100,000, and the number of spindles increased to 5,000. The Stonewall Manufacturing Company, near Enterprise, has a capital of $175,000, pays wages to the amount of $45,000 per annum, and is in a flourishing condition. The Natchez Cotton Mills have 10,301 spindles, 304 looms, 240 operatives, and are pushed to their utmost capacity. The Rosalie Cotton Mills, of Natchez, have 6,000 spindles, 160 looms, and employ 150 operatives. It is crowded with business.—*Jackson Ledger.*

And yet her Democratic Representatives in Congress turned a deaf ear to the petition of the grangers for protection on wool, and voted to strike down one of the greatest interests of the American farmer.

WESSON, THE MAGIC CITY OF MISSISSIPPI,

with its unrivaled cotton and woolen mills, owes its existence to an exemption law passed by a Republican Legislature, and its prosperity to the fostering influence of protection. Natchez, once the seat and center of learning, wealth, and refinement in the State, was tottering on the verge of the grave until wakened into life by the busy hum of the wheel and the loom, and she now bids fair to surpass herself in her palmiest days, when the eloquent voice of Prentiss portrayed the blessings of protection to home industries. The Gulf coast, once given over to pleasure-seekers in summer and sand-crabs in winter, is being metamorphosed by industrial employments. Other places in the State are feeling the same influence, and I take from a single paper the following notices of the town of Corinth, where once great armies met in the struggle of death, and where now the hum of machinery has been substituted for the sound of fuse and shell, and where a new life is beginning to appear:

THE SILK INDUSTRY.

The silk interest of Mississippi must be accorded prominence as among the beacons to light the way of the immigrants from France, Italy, and the other sunny lands to our Commonwealth. Last week we visited Corinth for the purpose of inspecting the cocooneries just beyond the borders of that town that have been established by our French fellow-citizens.

We first visited the establishment of Mr. L. S. Crozier, whose name and face is familiar to most of our readers, and we found in his feeding barn countless worms in all stages of development, feeding gluttonously, and rapidly approaching the weaving stage. His mulberry plantations are quite extensive, and the evidences of preparation seen on every hand betoken great future activity. He has agreed to make a handsome exhibit in the Mississippi department of the New Orleans Exposition.

From there we rode to the silk farm and mulberry plantation of Mrs. M. Doche,

one of the most intelligent and enterprising ladies in the State. She took us to her feeding barn, where hundreds of thousands of the little toilers of the choicest varieties were seen actively and healthfully at work, thriving, she assured us, as well as they possibly could in any transatlantic country. Her business is increasing so enormously that she told us that she would be obliged to put up another feeding barn, and expects next spring to have over a million of worms upon her trays.

Messrs. Adams & Ketchum, of the Corinth Foundery and Machine Shops, shipped last week to Sheffield, Ala., the "future great" city of the Tennessee Valley, the first steam-engine that will be erected within its precincts, and they have orders for five more for the same "town." This firm is almost as phenomenal as Sheffield in its rapid outcome and great possibilities. Three or four years ago it would have smiled gratefully over an order for a pair of cast-iron "fire-dogs," and yet a few months ago it underbid Cincinnati for a contract to put new boilers on the Tombigbee steamer Lotus, and is now working forty-five skilled mechanics night and day, and has among other contracts furnished seven engines to Monroe county and six to Lowndes, besides filling orders in every other county in East and North Mississippi. It is now prepared to furnish large engines and saw mill outfits within five days of the commencement of work. This can hardly be beaten anywhere.

We doubt very much whether many readers of the Examiner are aware of the fact that in Corinth there is a boot and shoe factory that does a big jobbing trade, and turns out the very finest goods for gentlemen, ladies, and children.

Mr. Thomas Newcomb, wholesale manufacturer of saddles, harness, &c., Corinth, is the proprietor of the only establishment of the kind in the State, and is doing a business that demands the constant services of twenty of the finest workmen.

And yet these free-trade lunatics, in their mad cry of a tariff for revenue only, would denounce all the men engaged in building up these new industries as robbers. They would destroy all their operations and drive their laborers into the corn and cotton fields to raise agricultural products at starvation rates to exchange with the manufacturers of the Old World. And that Southern agriculture has prospered under protection is shown by the following testimony.

INCREASE OF AGRICULTURAL PRODUCTION IN THE SOUTH.

The great advance made in manufactures of late years in the South has not prevented a like gratifying growth in agricultural production. The Manufacturers' Record, of Baltimore, says:

We have made a careful compilation of the value of all agricultural products of the fourteen Southern States in 1882, some of the figures having been obtained from the United States Agricultural Department, and others from reliable sources, the total showing the following aggregate:

Cotton	$350,000,000
Wheat	67,162,169
Corn	262,304,857
Rye	2,033,917
Oats	30,796,642
Potatoes	8,748,929
Tobacco	30,866,394
Hay	19,081,423
Barley and buckwheat	1,104,744
Sugar	20,000,000
Molasses	10,000,000
Rice	7,000,000
Orchard products	15,000,000
Vegetables	50,000,000
Total 1882	874,059,074
Total 1880	650,872,648
Increase	214,226,426

The figures show that in two years the value of the agricultural products of the South has increased over $214,000,000; but taking these statistics just as they stand they do not show the full importance attached to them when compared with the figures exhibiting the agricultural progress of the entire country. In 1880, according to the United States census, the value of all farm products for the entire country was $2,213,402,564, of which $659,872,648 was credited to the South, or only about 29 per cent. of the total, while in 1882, out of an aggregate total of $2,325,000,000, the South had $874,090,074, or about 37 per cent.; or, in other words, while the entire country made an increase of but little over 5 per cent., the Southern States made an increase of about 35 per cent.

FREE RAW MATERIAL.

And still further and stronger testimony as to the growing prospects of the South comes from Georgia, as follows:

The president of the Eagle and Phenix company says that the Southern mills now control the markets of the country in coarse cotton goods, and he predicts that the South will eventually control the cotton-goods markets of the world, because she has as many advantages over New England as the latter has over old England. And what is true of cotton is true of iron, at least so far as this country is concerned. That the pig-iron of the future will be made in the South is plain at a glance. The cost of making a ton of pig-iron in Pennsylvania is thus stated by the American Manufacturer of Pittsburgh:

One and one-half tons of ore, $8.50	$12 75
One and one-quarter tons coke, $2	2 50
Lime	85
Labor	1 50
Incidentals, repairs, taxes, &c	1 00
Total	18 60

The freest of calculations on a similar basis made a ton of iron in Alabama Georgia, or Tennessee cost as follows:

Two tons ore, $1	$2 00
One and one-third tons coke, $2	2 66
Lime	85
Labor	2 00
Incidentals	1 00
Total	8 51

This testimony as to the Southern iron interests is doubly instructive. It not only shows the capacity of the South, but it shows why iron manufacturers like Mr. HEWITT, of New York, are talking about free raw material in iron. This cry is another blow at the South, and if followed up will result in perpetuating sectional feeling.

Senator GEORGE, of Mississippi, is demanding free agricultural implements, which is a farce, because, as Senator WILLIAMS, of Kentucky, said, an American farmer would not have a foreign agricultural implement as a gift. Even trace-chains, so much talked about, are cheaper here than in England.

But Senator GEORGE also demanded free machinery as encouragement for Southern mills, and if this be pressed from the South, while Mr. HEWITT and others from the North press for free raw material of iron, it will be an admission of the doctrine of protection on both sides, but will tend to separate the friends of protection on sectional lines. The noble and patriotic spirit exhibited by Judge KELLEY, of Pennsylvania, who would extend protection equally over all sections of the Union, stands in striking contrast with the spirit of Mr. HEWITT, of New York.

The gentleman from Tennessee, Hon. CASEY YOUNG, has stated this proposition so strongly and so clearly shown it would be folly for the South to listen to this free material argument now, that I quote his language as follows:

But now, when the inexhaustible beds of iron ore which underlie vast regions in Alabama, Georgia, and Tennessee have been discovered, and shafts are being sunk and furnaces being built for its manufacture, it is proposed to put iron on the free-list. Eastern manufacturers have grown rich by protection. They have large sums of money invested in extensive plants and improved machinery; they have skilled artisans and trained operatives, with everything nicely adjusted for the successful prosecution of their business, so that to give them the raw material free of duty, and thus cripple or destroy the recent and newly established manufactories in the South, they could contend against competition from other countries.

And so, too, with coal. Upon this article there has always been a duty imposed; but now, after the largest deposits on the continent have been found in the South, and when mining it is growing into a large and profitable industry, it is proposed to put that on the free-list along with most other valuable Southern products. I am told that the iron and coal interests South require no protection against foreign competition, and possibly this may be so; but that fact does not seem to have been discovered in some localities until within a very recent period.

A HOT-HOUSE PROCESS.

All this advance and development of Southern resources has come under this so-called protection and robber tariff; but we are told the tariff was not the cause of it. That it never came before the adoption of this protective tariff and has come and is coming now is sufficient to make us pause and ponder well before we of the South change a policy that is bringing so radical and beneficial a change to us.

It is said that the protective system is a hot-house process for producing manufactures, and we grant it to be true. We have seen New England grow like magic under its influence. Flourishing manufacturing towns and villages have sprung up among its hills and valleys, and its cold, rock-ribbed soil has been made to yield productive returns of agricultural products which find a ready home market in the busy manufacturing centers of the State. The fructifying influence of this hot-house process is just now beginning to be felt in the South, and it would be worse than folly in us to raise the glass too soon and let in the freezing air upon our tender plants.

A black frost in June would not more certainly wither and destroy the tender plants of the cotton-field than would the frost of an anti-protection tariff now blight the infant manufactories and destroy the rice and sugar productions of the South. But we are told that manufactures should not be pressed, but left to natural development. Experience teaches that men are prone to travel the paths their fathers trod, and need constant teaching and strong encouragement to induce them to enter on new avocations.

VIRGINIA VS. NEW YORK.

With milder climate, longer days, cheaper labor, and less cost of transportation for the raw material, the South for a long period of years failed to enter on manufacturing, and thus furnishes a most striking illustration of the fallacy of trusting to nature to build up manufactures.

Virginia, with the best harbor on the Atlantic seaboard, with a climate of unsurpassed salubrity, with mountains filled with every species of mineral wealth, with valleys capable of producing the richest agricultural results, with water power unlimited, peopled by the proudest and most intellectual of the Anglo-Saxon race, seemed marked by nature for the foremost State of the Union; and yet she has fallen far behind her sister States and some of her own children in the race for wealth, prosperity, and power. She taught the doctrine of free trade and until recently she has stood as a monument to the fallacy of her own teachings. The contrast between Virginia and New York is the contrast between an agricultural and an industrial community, between trusting to nature and attempting to surpass nature by industry and art, between the doctrines of free trade and home development, between the teachings of Calhoun and Giles upon the one side and Clay and De Witt Clinton on the other. Let the other and younger States of the South look on this picture and then on that and determine from reason and judgment, and not from passion, sentiment, or prejudice, under what banner they will hereafter enroll themselves and for what principles they will hereafter fight.

THE INFANTS.

But when we speak of infant industries we are tauntingly asked how

long it will be before our infants are grown, and we are told Mr. Clay thought three years' protection would suffice. Great men thought 75,000 men in ninety days could take Richmond, but they were mistaken, and the friends of protection were overconfident when they thought industries but one hundred years old could overthrow those, which had the accumulated strength of centuries. It is said we have never encouraged agriculture, but this is a mistake. When religious fanaticism drove skilled labor from Europe England offered large bounties to attract them to her shores; but no attractions which England offered for mechanics and artisans were ever equal to the attractions offered by the homestead laws of the United States to induce farmers to come and develop our agricultural resources. And the aid given to build railroads, though primarily beneficial to them has been equally beneficial in developing our agricultural resources, until Western grain once rotting in the field or burned for fuel now swells our exports and feeds a starving world. Our exports of wheat, corn, flour, and meal, which were in 1850 only 14,476,037 bushels, increased in 1880 to 279,876,510 bushels. Mr. David A. Welles, in his lecture on Free Trade in Brooklyn, though perhaps not so intended, bears ample testimony to the encouragement we have given to agriculture. He says:

It is clear, therefore, that the foremost industry of the country—agriculture—has already reached the point of an abnormally high production, and yet the whole tendency of things is to enlarge the sphere of this great industry and to still further increase its product. Thousands of acres of new grain lands are being annually added to our area of cultivation; improved methods of culture increasing product and diminishing the necessity for manual labor, are being continually introduced, while less than one-sixth of our arable land has as yet been brought under the plow. It is not, therefore, a matter of hypothesis, but one of certainty, that if the agricultural development which has characterized the last ten years of our history is to be continued, it must end through ruinous overproduction, in immense loss and disturbance to our great farming interests.

But let us advance one step further in this analysis of the national situation. Immigration is pouring in upon us at the rate of 700,000 per annum, and our total increase of population for the present decade bids fair to exceed 12,000,000. If with a view of preventing our already excessive surplus of food products from becoming more excessive any considerable portion of this large increment is to be diverted from agriculture, it must find employment in commerce or manufactures. * * * The pressing necessity of the hour with us, therefore, is an extension of our markets for our produce, and in default thereof we are certain to be smothered in our own grease.

THE REMEDY PROPOSED.

Now, what is the remedy which Mr. Wells proposes? He tells us the country does not "need more brains, Congress excepted," and he seems to be engaged in the laudable undertaking of furnishing brains for the impotent Congressmen of his own party. He says the remedy is to remove the tariff so as to enable foreign nations to sell us their productions in exchange for our own, and says we can then march out boldly and capture the trade of the world. How the removal of the barriers of protection is to strengthen our manufactures to compete with the world is to me a mystery past finding out.

After we have been for years fighting behind the intrenchments of protection and scarcely able to hold our own against the foreign enemy the revenue Democrat tell us to march out boldly and capture him in the open field. Imagine Pemberton marching out of Vicksburg to capture Grant, or Secretary Chandler sailing out in the Tallapoosa to capture the British fleet, and the wisdom of this advice is fully seen. We can not afford such ridiculous and dangerous experiments. Having begun the contest fighting behind intrenchments, against fearful odds, let us stand to our guns until the enemy has exhausted himself by repeated ineffectual assaults upon our works, and then we may march out and drive him from the open field. This idea of driving trade seems to be a favorite theory with revenue Democrats.

DRIVE NORTHERN MANUFACTURERS SOUTH.

Some of our Southern statesmen, notably Senator GEORGE, of Mississippi, have calculated the percentage of advantage which the South has over the North in various branches of manufacturing, and in their stump speeches at home they tell the people that a reduction of the tariff to a revenue standard will break up manufacturing in the North and drive Northern manufacturers with their capital South. But they fail to calculate the powerful advantage which established plant and fixed capital would have in competition with struggling infant institutions in the South if protection was removed now. If this were true, it is not the part of a statesman or a patriot to advocate any policy which he knows or believes will bring ruin upon any portion of our common country. But it is not true. Prosperity seldom comes from adversity. Capital is what we need to develop the South, and capital is a coy maiden to be woed and won and not driven into any alliance. If we by a too sudden reduction of the tariff destroy Northern manufacturing interests, capital, which is always timid, will not soon venture on manufacturing enterprises anywhere else in the Union.

If, however, we do nothing to disturb these vested interests, manufacturers will gradually and quietly wind up their business in localities where it does not pay, and seek more profitable fields for their enterprise, and then we may trust to our natural advantages to bring us the capital we so much need.

PROTECTION TO THE MISSISSIPPI VALLEY.

We of Mississippi not only want capital for industrial enterprises, but we want and we have asked for protection for our great valley from the floods of the Mississippi River. We have said and we believe that a dissipation of the waters of the Mississippi River checks its velocity and precipitates its silt, thus producing sand-bars in its channel dangerous to navigation and productive of overflows; that a concentration of its waters by jetties and levees so that its whole volume and weight can be confined in one narrow channel will hurry it on to the Gulf with greater silt-bearing power and scour out its bed so deep that no future protection from levees will be needed.

Let Mississippians, then, unite with home protectors everywhere in demanding protection for home industries in all parts of the Union. Let us feel that we are citizens of a great nation whose power and prosperity we delight in, and then we can more consistently ask and more reasonably expect to receive national protection from the surging floods of the Mississippi River, which threaten our destruction as the mad theories of free trade threaten the destruction of the industrial interests of the whole country.

INDEPENDENT.

I am not a member of either the Democratic or Republican organization, though there is something to admire in the professions of each and much to condemn in the practices of both. Believing that Mississippians should lay aside passion, prejudice, and sentimental politics, and look alone to their material development, I shall not chain myself to the wheel of any party car, but as different questions arise shall support that man and that party which in my judgment will best promote the interest of the people I represent. I shall oppose any party that is unwilling to protect by discriminating duties the American laborer, and the vested interests of American citizens of every class. I shall oppose any party whose desire to create an

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of exact justice and equality in taxation, would permit the fires of our forges to go out, the wheels of our machinery to stand still, the capital invested in our industrial interests to perish, and would force our skilled mechanics to learn new lessons in their old age or wander as tramps over the face of the earth. Such seems to be the result of the political economy of the revenue Democrats, and such madness has not been equaled since we of the South sacrificed in war our substantial rights in the States to secure our fanciful rights in the Territories.

IN CONCLUSION.

In the eloquent language of my distinguished friend, Col. Thomas W. Harris, of Mississippi, I say: "Sir, I once loved the old Democratic party with all the fond devotion of a son to his mother. My venerated father received many of the highest honors in its gift, and bequeathed to his children the love and gratitude he felt. But I should feel that I had dishonored his grave and his memory were I to cling to the loathsome carcass of modern Democracy, upheld in the South by fraud, perjury, and iniquity, when the spirit which gave it life, purity, and honor has fled, I fear forever. Dr. Johnson said that superstition was religion without morality. Such seems to be the Democracy of the South today. It is better that the body clothed with the triumphs of years should be buried out of sight since the soul that once made it glorious has fled, in the hope that a resurrection morn may come, when the vestal fires shall be rekindled on its altars, and when, phenix-like, it shall rise from its ashes clothed in the imposing grandeur of youth, strength, and beauty, and live alone for the honor, welfare, and glory of our common country."

APPENDIX.

PROTECTION TO MANUFACTURES IS PROTECTION TO AGRICULTURE.

This principle and its results are so well stated and illustrated in Report No. 3 of 1883 of the Agricultural Department, pages 22 and following, that I feel justified in inserting them here:

To test the value of this hypothesis let us divide the States and Territories of the United States into four classes, the first having less than 30 per cent. engaged in agriculture; second, those with 30 and less than 50 per cent.; third, those with 50 and less than 70 per cent., and fourth, those having 70 per cent. and over, being almost exclusively agricultural States.

VALUE OF LANDS.

Applying this test to the value of lands, the following result is obtained:

Classes.	States and Territories.	Farms.	Value.	Value per acre.	Workers in agriculture.
	No.	*Acres.*	*Dollars.*	*Dollars.*	*Per ct.*
First class	15	77,250,742	2,985,641,197	38 65	18
Second class	13	112,321,257	3,430,915,767	30 55	42
Third class	13	237,873,040	3,212,108,970	13 53	58
Fourth class	6	108,636,796	552,430,842	5 18	77

[See diagram on opposite page.]

As the proportion of agricultural to other workers diminishes the value of land increases, but in a much higher ratio. In the almost exclusively agricultural States eight acres are worth little more than one in the first-class, consisting of States of the largest non-agricultural population. In the class which averages 42 per cent. in agriculture the land is of more than twice the value of farms in the class which averages 58 per cent. of the people in rural employments.

The following States and Territories all have less than 30 per cent. of their

Diagram showing value of farm lands as affected by increase of non-agricultural population.

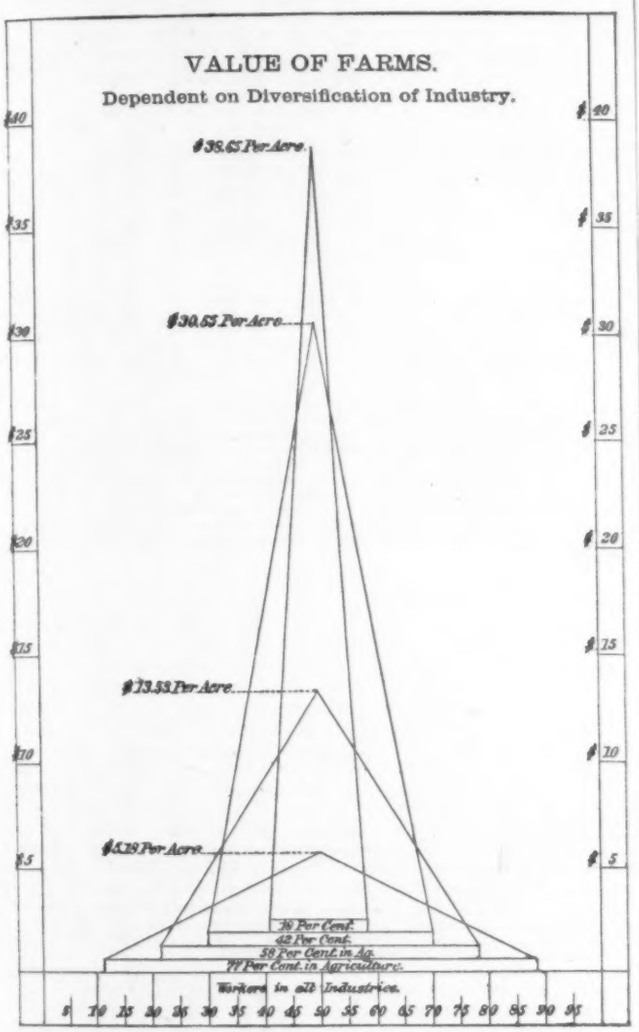
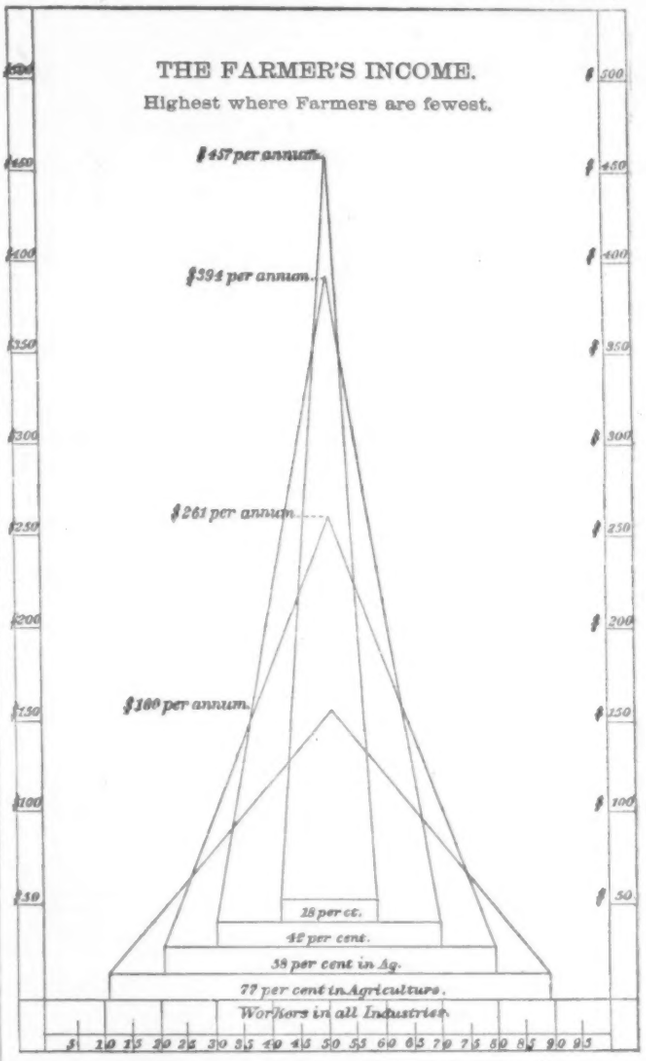


Diagram of value of products as affected by increase of non-agricultural population.



aggregate of persons in all occupations engaged in the pursuits of agriculture, and they average but 18 per cent.:

States and Territories.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
District of Columbia	18,146	3,632,403	200 18	2
Massachusetts	3,359,079	146,197,415	43 52	9
Rhode Island	514,813	25,882,079	50 27	9
Colorado	1,165,373	25,109,223	21 55	13
Nevada	530,862	5,408,325	10 19	13
Arizona	135,573	1,127,946	8 32	15
New Jersey	2,929,773	190,895,833	65 16	15
Wyoming	124,433	855,895	6 72	18
Connecticut	2,453,541	121,063,910	49 34	18
Montana	405,683	3,234,504	7 97	20
New York	23,780,754	1,056,176,741	44 41	20
Pennsylvania	19,791,341	975,689,410	49 30	21
California	15,593,742	262,051,282	15 79	21
Idaho	327,798	2,832,890	8 64	25
Maryland	5,119,831	165,503,341	32 33	28
Total	77,250,742	2,985,641,197	38 65	18

In this list the most diverse conditions are represented. On one extreme the District of Columbia has but 18,146 acres of agricultural land, which is valued at $200 per acre as suburban property under the shadow of a large city. On the other, small areas in the Territories are surrounded by immense bodies of unoccupied lands, which are given away by the United States Government, keeping the prices of cultivated farms low, though they are rising with great rapidity. California and Colorado are similarly situated, yet further advanced in point of time and in development of industries, and of course showing higher prices. In the States in which there is no public land to depress prices there is no averge that is not higher than the general average of the next class of States having 30 to 50 per cent. in agriculture; the range of prices is from $32.33 per acre in Maryland to $65.16 in New Jersey. Though New Jersey has 15 per cent. in agriculture, the influence of the adjacent populations of Philadelphia, New York, and Brooklyn reduces practically her percentage to a lower proportion than Massachusetts and Rhode Island.

When the proportion of farmers is increased to half or two-thirds, the price of land declines seriously, as follows:

States.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
Virginia	19,835,785	216,028,107	10 89	51
Missouri	27,879,276	375,635,307	13 47	51
Minnesota	13,403,019	193,724,260	14 45	52
Indiana	20,420,983	635,236,111	31 11	52
Louisiana	8,273,506	58,989,117	7 13	57
Iowa	24,752,700	567,430,227	22 92	57
Nebraska	9,944,826	105,932,541	10 65	59
West Virginia	10,193,779	133,147,175	13 06	61
Kentucky	21,495,240	299,298,631	13 92	62
Florida	3,297,324	20,291,835	6 15	64
Kansas	21,417,468	235,178,936	10 98	64
Tennessee	20,666,915	206,749,837	10 00	66
Texas	36,292,219	170,468,886	4 70	69
Total	237,873,040	3,218,108,970	13 52	58

The States having over 70 per cent. engaged in agriculture are as follows:

States.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
Georgia	26,043,282	111,910,540	4 30	72
North Carolina	22,363,558	135,793,602	6 07	75
South Carolina	13,457,613	68,677,482	5 10	73
Alabama	18,855,334	78,954,648	4 19	77
Mississippi	15,855,462	92,844,915	5 86	82
Arkansas	12,061,547	74,249,655	6 16	83
Total	108,636,796	562,430,842	5 18	77

The second class includes the smaller manufacturing States of the East and the older States of the West, in which the agricultural population is less than half of all.

States and Territories.	Farms.	Value.	Value per acre.*	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
New Hampshire	3,721,173	75,834,389	20 38	31
Delaware	1,090,245	36,789,672	33 74	33
New Mexico	631,131	5,514,399	8 74	35
Maine	6,552,578	102,357,615	15 62	35
Utah	655,524	14,015,178	21 38	36
Ohio	24,529,226	1,127,497,353	45 97	40
Oregon	4,214,712	56,908,575	13 50	40
Washington	1,409,421	13,844,222	9 82	42
Michigan	13,807,240	499,103,181	36 15	42
Illinois	31,673,645	1,009,594,580	31 87	44
Wisconsin	15,353,118	357,709,507	23 30	47
Vermont	4,882,588	109,346,010	22 40	47
Dakota	3,800,656	22,401,084	5 89	49
Total	112,321,257	3,430,915,765	30 55	42

*Average.

This list embraces also a few of the Territories and a State or two in which the unoccupied public lands continue to depress prices of farm lands.

It is conceded that differing degrees of fertility must affect prices, and other causes may be operative; yet such is the controlling force of preponderating non-agricultural population in raising prices that we find the average of this class to be more than 25 per cent. lower than class first.

INCOME OF THE FARMER.

The owner of land finds a great advantage in the increase of the proportion of non-agricultural population. Does the cultivator of the soil obtain an annual product of higher value? The answer is an emphatic affirmative in the following statement from the census of 1880:

Classes.	Engaged in agriculture.	Products of agriculture.	Value per capita.	Workers in agriculture.
	Number.	*Dollars.*	*Dolls.*	*Per ct.*
First class	1,060,681	484,770,797	457	18
Second class	1,566,875	616,850,959	394	42
Third class	3,017,971	786,681,420	261	58
Fourth class	2,024,966	324,237,751	160	77

There are nearly twice as many agricultural producers in the fourth class as are found in the first, yet the crops of the million are worth much more money than all the results of labor of the 2,000,000 workers. The class that has 58 per cent. in agriculture makes $101 per annum more than that which has 77 per cent., and the class with the lower average of 42 per cent. gets $133 above the earnings of that which averages 58 per cent. in agriculture.

It is not assumed that there are no other causes affecting the quantity and value of the farmer's crops which cause variations in the exhibit of individual States, but the relative proportions of agricultural and non-agricultural population constitute a factor which dominates all other factors, so that when such data are co-ordinate in classes of States the result appears with the invariability of the operation of law. That all these variations may be seen and the causes sought by the rural economist, the following details are given:

States and Territories.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
District of Columbia	66,624	1,464	2	$514,441	$351
Massachusetts	720,774	64,973	9	24,160,881	372
Rhode Island	116,979	10,945	9	3,670,135	335
Colorado	101,251	13,539	13	5,035,228	372
Nevada	32,233	4,180	13	2,855,449	683
Arizona	22,271	3,435	15	614,327	179
New Jersey	396,879	59,214	15	29,650,756	501
Wyoming	8,884	1,639	18	372,391	227
Connecticut	241,333	44,026	18	18,010,075	409
Montana	22,255	4,513	20	2,024,923	449
New York	1,884,645	377,460	20	178,025,695	472
Pennsylvania	1,456,067	301,112	21	129,760,476	431
California	376,505	79,396	21	59,721,425	752
Idaho	15,578	3,858	25	1,515,314	393
Maryland	324,432	90,927	28	28,839,281	317
Total	5,786,710	1,060,681	18	484,770,797	457

The largest income is enjoyed by the farmer of California, not only because 79 per cent. of the people of that State are outside of agriculture, making a market for his crops, but because of the demand throughout the United States for fruits, wines, and other peculiar products of that favored State. Wool is also a productive source of income, due to the market made by the woolen mills of other States.

Only in Oregon and Illinois, in the second class, are rural incomes up to the average of the first class, and only in New Mexico and Dakota are the annual earnings down to the average of the third class, so uniform is the action of this principle of industrial economy.

States and Territories.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
New Hampshire	142,468	44,490	31	$13,474,330	$303
Delaware	54,580	17,849	33	6,320,345	354
New Mexico	40,822	14,139	35	1,897,974	134
Maine	231,993	82,130	35	21,945,489	267
Utah	40,055	14,550	36	3,337,410	229
Ohio	994,475	397,495	40	156,777,152	394
Oregon	67,343	27,091	40	13,234,548	489
Washington	30,122	12,781	42	4,212,759	330
Michigan	569,204	240,319	42	91,159,858	379
Illinois	999,780	436,371	44	203,980,137	467
Wisconsin	417,455	195,901	47	72,779,496	372
Vermont	118,584	55,251	47	22,082,656	400
Dakota	57,844	28,508	49	5,648,814	198
Total	3,764,725	1,566,875	42	616,850,959	394

In the almost exclusively agricultural States the range of income per man is quite uniform, from $140 in South Carolina to $202 in Arkansas, the average of all being $160. It may be claimed that labor, from climate or race considerations, is less efficient than in other States, but it is evident from the small areas planted, except in cotton and corn, and the small products gathered, that the lack of diversity in industry, and even of variety in agriculture, is dwarfing the magnificent resources of this great belt of States. The wisest and brightest of these farmers have reiterated this sentiment for a generation, and many are acting on it; but the reflex influence of manufactures and mining would accomplish more for agriculture than the most persistent direct efforts for the improvement of agriculture.

Range of income.

States.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
Georgia	597,862	432,204	72	$67,028,929	$155
North Carolina	480,187	360,937	75	51,729,611	143
South Carolina	392,102	294,602	75	41,108,112	140
Alabama	492,790	380,630	77	56,872,994	149
Mississippi	415,506	329,938	82	63,701,844	187
Arkansas	260,692	216,655	83	43,796,261	202
Total	2,639,139	2,024,966	77	324,237,751	160

In the following list Iowa, Minnesota, and Nebraska lead in average income. They have below 60 per cent. in agriculture, have rich lands, easily cultivated, and send a large proportion of their products to Eastern and foreign markets, and therefore have less of the stagnation of isolation.

States.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
Virginia	494,240	254,069	51	$45,726,221	$180
Missouri	692,959	355,297	51	95,912,660	270
Minnesota	255,125	131,535	52	49,468,951	376
Indiana	635,080	331,240	52	114,707,082	346
Louisiana	363,228	205,306	57	42,883,522	209
Iowa	528,302	303,557	57	136,103,473	448
Nebraska	152,614	90,507	59	31,708,914	350
West Virginia	176,199	107,578	61	19,360,049	180
Kentucky	519,854	320,571	62	63,850,155	199
Florida	91,536	58,731	64	7,439,392	126
Kansas	322,285	206,080	64	52,240,361	253
Tennessee	447,970	294,153	66	62,076,311	211
Texas	522,133	359,317	69	65,204,329	181
Total	5,201,525	3,017,971	58	786,681,420	261

WAGES OF LABOR.

Having shown that the value of the farm and the income of the farmer are enlarged by increasing the proportion of non-agricultural laborers in a State, it is important to inquire whether the farm laborer shares in the advantage to the owner and cultivator of the soil. Fortunately a definite answer can be given from repeated and trustworthy returns of the wages of farm labor to the Department of Agriculture.

In 1870, when wages and prices generally were high, the average wages of farm labor in the first or manufacturing class of States was $34, while in the last, exclusively agricultural class, it was but $15. When the panic came, and years of manufacturing depression followed, mechanics and artisans competed with farm laborers and reduced the price of rural labor. It is a fact that prices at different times furnish an accurate measure both of the industrial status of the laborers and the prosperity of the great industries of the country.

In 1882 the wages of agricultural labor averaged nearly $25 in the first and second class, $19.50 in the third, and $13.20 in the fourth. The demand for wheat and corn, beef and pork, the product of Ohio, Michigan, Illinois, Wiscon-

sin, and other States of the second class, to supply home, eastern, and foreign markets, brought up the value of farm labor to an equality with wages in the States of the first class. The scarcity of laborers, who prefer farms of their own, also contributed to high rates in this class. Where more than half of the workers are farmers, the competition of laborers reduces inevitably the rate of wages. So we find that where the proportion reaches three-fourths, the reduction usually amounts to 50 per cent.

The influence of manufacturers, of mining, of any productive industries on local prices, whether of farms or farm products or farm labor, is plainly traceable in States and in various districts within the States by the furnace-fires, the mines, the factories that thickly dot the location where high prices for farm labor prevail.

The diagrams illustrate in a striking manner the operation of what may be deemed a law in industrial economy, and show that the value of farm lands depends more upon the diversification of industry than upon the fertility of the soil, and that the farmer's income is highest where farmers are fewest.

Backbone Railroad Land Grant.

SPEECH

OF

HON. EDWARD T. LEWIS,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1884.

The House having under consideration the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes—

Mr. LEWIS said:

Mr. SPEAKER: It seems to me the gentleman from Illinois [Mr. PAYSON] has become a new convert. He has faced about entirely upon the position which he has taken heretofore in the committee and upon the floor of this House in regard to land-grant forfeitures. I state, and he can not deny it, that in regard to the bill reported to this House with reference to the Northern Pacific Railroad land grant he has taken the position with the majority of the committee that time is of the essence of the grant; and he has joined the majority of the committee in reporting in favor of forfeiting every acre of land in that case where the road was not constructed within the time. He can not deny it. He is upon record in favor of that position. He has contended in every report before this House in cases of this kind that time is of the essence of all these land grants. He has so voted in committee; he has so acted in this House; and he dare not deny it. Yet he comes before this House in this case, and says that time is not of the essence of these grants.

Mr. PAYSON. Mr. Speaker——

Mr. LEWIS. You can not deny it. I will not yield to you one moment of time. You did not treat me with any courtesy, and I do not propose to treat you with any.

Mr. PAYSON. Then I rise to a parliamentary inquiry.

Mr. LEWIS. You can not interrupt me in this way. I will not be interrupted.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The gentleman from Illinois can not take the gentleman from Louisiana from the floor by a parliamentary inquiry.

Mr. PAYSON. Then I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. The question of order I desire to make is that I think perhaps the gentleman is hardly warranted in saying what I "dare" or "dare not" do.

Mr. LEWIS. That is not a question of order.

The SPEAKER *pro tempore*. That is not a question of order.

Mr. PAYSON. Then I call the gentleman to order.

Mr. LEWIS. I think, Mr. Speaker, after the gentleman's exhibition before the House to-day he dare do anything.

The SPEAKER *pro tempore*. The gentleman from Louisiana will suspend. The gentleman from Illinois will state his point of order.

Mr. PAYSON. I think it is hardly parliamentary for the gentleman to say what "the gentleman from Illinois" "dare" or "dare not" do. This is hardly the forum perhaps for the interchange of remarks of that kind. In the country I come from, that is not the way we do.

The SPEAKER *pro tempore*. A question of order of that kind can not be addressed to the Chair. The only question is whether the language is parliamentary.

Mr. LEWIS. I withdraw it if it is considered unparliamentary. I still think he dare not assert——

Mr. PAYSON. I hope the gentleman will not take advantage of his position to say that.

Mr. LEWIS. I am speaking in this sense of the term that I do not think he would have the rashness to deny the correctness——

Mr. PAYSON. I do deny it, and I have ever denied it, and have never asserted such a doctrine as the gentleman now asserts.

Mr. LEWIS. Very well. It is a simple question. I stand upon my individual responsibility and upon the evidence before the House in various reports made to this House that the position occupied by the gentleman on this bill in regard to the essentiality of time in land grants is totally inconsistent with the position he has occupied on that precise question in the reports we have before this House.

I wish to say this, that we hold to the position that it is the duty of legislators here assembled to claim for and in behalf of the Government and the people every right under the law to these public lands to which the Government and the people are entitled; that if we fail in these matters to claim all to which the Government is entitled we will thereby waive it; and that if we claim more than the Government is entitled to, it will not prejudice the legal right of the parties when they come before the courts, and therefore no harm is done to them.

Mr. SCALES. Is Louisiana any more interested in these lands now than any other State, or its delegation than any other?

Mr. LEWIS. Not one particle.

Mr. SCALES. They belong to the whole country, and the position of that delegation does not make any difference.

Mr. LEWIS. These public lands in the State of Louisiana are a part of the purchase from France in 1803. This public domain belongs equally to every citizen of the United States, out of Louisiana as well as in Louisiana. I as a Representative from the State of Louisiana am here advocating not alone the rights of the people of Louisiana but the rights of the people of the whole United States and of the Government to this public domain.

Our position is, if we claim too much the courts will correct it; but if we claim too little it will be a loss to the Government and the people. I say, therefore, it is our duty to vote for this declaration of forfeiture and let the matter go to the courts.

Mr. Speaker, owing to the confusion on the floor at times during the discussion of this bill, and the many apparently conflicting assertions made, I think it proper that I should make a somewhat fuller statement than has yet been made on either side. The difference of opinion prevailing among members and the prominence given to the matter by reason of this difference, will, I think, justify such a statement at length.

On the 30th of December, 1869, the New Orleans, Baton Rouge and Vicksburg Railroad Company was chartered by the Legislature of Louisiana. The company was—

> Authorized and empowered to lay out, locate, construct, equip, and thereafter to own, maintain, operate, and enjoy a continuous single or double track railway from any point on the line of the New Orleans, Jackson and Great Northern Railroad within the parish of Livingston, running from thence to any point on the boundary line dividing the State of Louisiana and Mississippi by such route as the company may deem most direct and practicable with a view of continuing and completing the said railroad to the city of Vicksburg, in the State of Mississippi. (Section 1.)

"To lay out, construct," &c. * * * "a single or double branch railway" from any point on its main line to Baton Rouge, and to any other points on the river in the State of Louisiana.

> And should the said company acquire by grant or purchase other railroads or parts of railroads, rights of way, or franchise appertaining thereto, the same shall be merged into and become part of said railroad. (Section 2.)
>
> That the said company, for the purpose of connecting its railroad with the railroads of other companies, and with mines and manufactories within the State of Louisiana, is hereby authorized and empowered to construct, maintain, and use, by running thereon its engines and cars, such branch railroads and tracks as it may find necessary and expedient to own and use; and all the powers, privileges, grants, and franchises which have been heretofore granted to said company, and which are by this act granted to said company, for the construction and maintenance of its main line of railroad within the State of Louisiana shall be, and are hereby, made applicable to such branch railroads, and for all the purposes of this act such branch railroads shall be deemed and taken to form and constitute a part of the said main line of said railroad within the State of Louisiana in this act designated and referred to. (Section 27, last paragraph.)

It will be well to note here the care with which the Legislature seemed to provide for a great central system of railways, how jealously it guarded that idea. Full power of expropriation is given to secure the right of way in the act for the main line and all its branches, but every branch built or leased or owned or controlled by the company must form and become part of the main line, must be merged into it; the identity in name and character of the road must be preserved. Every grant of power to build or own or use branch roads is specifically coupled with the condition that it must form part of it and be merged in the main line.

It should be observed further that, under the twenty-seventh section just quoted, this company was not confined to branches limited by the Mississippi River on the west, but it was "authorized and empowered to construct, maintain, and use * * * such branch railroads and tracks as it may find necessary and expedient to own and use." This was a grant of power to construct any branch road they pleased, and was ample enough to enable them to build a branch road in any direction and to any point in the State, to Shreveport, or to the State line at any point, "for the purpose of connecting its railroad with the railroads of other companies."

I call particular attention to the sections quoted, because of the position I understand the gentlemen on the other side to take, namely, that subsequent legislation was necessary to enable the company to go west of the river to any point in the State.

That the original act of incorporation gave the requisite power is sustained by the amendatory legislation itself. The title shows that it was intended to accomplish other and different objects. The gentleman from Alabama [Mr. OATES], who made the strongest connected argument in the case, laid stress upon the fact, or rather asserted, that the amendatory legislation of 1872 practically changed the terminus from Marshall to Shreveport, and contended that prior to this act the company had no "charter from the State authorizing it to go to Shreveport or to any point on the west side of the Mississippi River." (See RECORD, pages 5610, 5639.)

I call attention to this, because much if not the entire force of his argument on this branch of the case hinges upon this assumption. Now let us see what this amendatory legislation is. The title is:

An act to authorize the New Orleans, Baton Rouge and Vicksburg Railroad Company to select the point or points for the commencement of their road, to reduce the liability of the State of Louisiana by authorizing said company to issue first-mortgage bonds, and to construct and employ, or cause to be constructed or employed, steamboats or other vessels and telegraph lines along the line of railroad of said company.

Under the constitution of the State of Louisiana the title of an act of the Legislature must embrace the objects and purposes of the act, and unless it does the act is clearly unconstitutional.

Now, I challenge the astute gentleman from Alabama to discover in the title of this act a word or a syllable showing that the object or purpose of this act was to confer additional power upon the company to construct any new road or branch road—any road they did not have the authority to build independently of that act. On the contrary, the title clearly implies the previous existence of that right. It is not an act to authorize the company to build a new road or another branch, but "to select the point or points for the commencement of their road." What road? Evidently one previously provided for; not one therein authorized. This is too manifest for argument—indeed, so manifest that any one would see it at a glance, and yet my friend has failed to discover it. But let us go a step further.

The very first sentence of the preamble recognizes the existence of the previous legislation, and shows that the Legislature was acting intelligently and making some needed provision in respect to a road already chartered. It reads:

Whereas by act of the Legislature of the State of Louisiana, approved December 30, 1869, entitled "An act to incorporate the New Orleans, Baton Rouge and Vicksburg Railroad Company and to expedite the construction of their road," &c.; and

Whereas said company has, by act of Congress, approved March 3, A. D. 1871, entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes, become the recognized branch of the Texas Pacific Railroad from its eastern terminus," &c.; * * * and

Whereas the early commencement, construction, and completion of the New Orleans, Baton Rouge and Vicksburg Railroad is secured by said grant of land from the United States Government and the legislation therein provided.

Thus it will be readily seen that not only the title but the preamble of the act recognizes the fact that a road had been previously provided for, but the precise act in terms referred to. And we have in the second paragraph of the preamble a specific declaration that "said company (the New Orleans, Baton Rouge and Vicksburg Company) has * * * become the recognized branch of the Texas Pacific Railroad Company from its eastern terminus," thus clearly and unmistakably indicating a legislative recognition of the fact that Congress had fixed the eastern terminus of the Texas Pacific, and that the Backbone had become a branch of that road, not from Shreveport, but from its eastern terminus.

The gentleman from Alabama must therefore have overlooked the preamble as well as the title of the act.

But go a step further. The act proceeds in the first section to declare that said company (the Backbone) "shall have full power and authority," not to construct, maintain, equip, &c., a single or double track railway from Baton Rouge to Shreveport or Alexandria or anywhere else, but "to commence the construction," not of a branch road to Shreveport, but "of their road, in the city of New Orleans or Shreveport or at any intermediate point or points;" not on any new road therein authorized, but—

On their line of road, as may best suit the convenience of said company and facilitate the speedy construction of a continuous line from the city of New Orleans to the city of Shreveport or perfect railroad communication with the Texas Pacific Railroad or any other railroad in Northwestern Louisiana, at or near the State line: *Provided, however*, That the said company shall construct the line of its road between the city of New Orleans and the city of Baton Rouge on the east side of the Mississippi River to the corporate limits of the said city of Baton Rouge or adjacent thereto.

The remaining portion of the act has no bearing on the question in hand, but any one who cares to read it will see that it is in strict accord with the title. Certain it is there is nothing indicating an intention to create a new line of railway not contemplated before, but every indication of a delegation of power deemed essential to carry out some former design—authority to begin the construction at different points of a road previously authorized.

Stress, however, was laid upon the fact that Congress amended the charter of the Texas Pacific in May, 1872, and that this act preceded in point of time the one we are considering; and my friend from Alabama assumed that the latter was a legislative recognition of the former. He did not attempt to show or prove it, but contented himself with a statement to that effect. It is to be regretted that he did not look a little closer into its provisions, or he would have discovered that while the act in the second paragraph specifically recognizes the act of March 3, 1871, incorporating the Texas Pacific, it is utterly silent as to the act of May 2, 1872. I might invoke the maxim, *expressio unius est exclusio alterius*, so far as the language of the statute is concerned. His assumption or statement has nothing to rest on but the presumption that the Legislature must be presumed to have known the previous legislation of Congress and to have acted in reference thereto. To this I give my assent and stand by it; but so far as the legislator has expressed his intent he has made no reference to this act, but has only referred to the charter and to the fact that that charter had fixed an eastern terminus from which the Backbone was to become a "recognized branch." But the gentlemen on the other side repudiate this principle when I invoke it by the reverse process. Of this, however, I shall speak later on.

It will be seen, by recurring to the act as above quoted, that it not only contemplates an eastern terminus of the Texas Pacific, at which the Backbone was to connect therewith, but expressly provided that the line of its road should be on the east side of the river from New Orleans to Baton Rouge.

The charter had designated the location of the main line from a point in Livingston Parish, on the Jackson Railroad, east of New Orleans, and on the east side of the Mississippi River, and specifically provided for a branch to Baton Rouge; and here we find the charter—amended with specific reference to an act of Congress, with full knowledge of the grant of land contained in that act, together with all the conditions coupled therewith—amended for the purpose of availing itself of the grant and with direct reference thereto, and in that act making or rather reiterating and emphasizing its former location of the road on the east side of the river as far as Baton Rouge. I pass now to a consideration of the acts of Congress. The grant, as I have already stated, is in the twenty-second section of the act of March 3, 1871, and is in these words:

That the New Orleans, Baton Rouge and Vicksburg Railroad Company, *chartered by the State of Louisiana*, shall have the right to connect, by the most eligible route to be *selected* by *said company*, with the said Texas Pacific Railroad at its *eastern terminus*, and shall have the right of way through the *public lands* to the same extent granted hereby to the said Texas Railroad Company; and in aid of *its* construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in that State, to connect with the said Texas Railroad Company at its *eastern terminus*, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public land per mile in the State of Louisiana as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be *withdrawn* from market, selected, and *patents issued* therefor, and opened for settlement and preemption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California: *Provided*, That said company shall complete the *whole* of said road *within five years* from the *passage* of *this act*.

The italics are mine.

Before going further it is important to ascertain the exact meaning and scope of the language here employed. Much confusion I think has grown out of a failure to do this in the discussion. A critical examination will show—

First. A recognition by Congress of the fact of prior legislation by the State of Louisiana, and not only the fact, but the character and extent of that legislation. The language is: "that the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right," &c. It is simply absurd to say that Congress in legislating for the benefit of this company was ignorant of the provisions of its charter. I mean all of its provisions, and among them the location of the road, as well as others, for its location is found in the first section of the act.

Second. That the company was authorized to select the most eligible route by which to connect with the Texas Pacific road.

The opponents of the bill contend, if I am not mistaken, that by the grant of this power the company was fully authorized to locate their road on either side of the river, or in fact anywhere; and the gentleman from Illinois [Mr. PAYSON], with much apparent dogmatism, asserted the power of the National Government under the decision of the Supreme Court in the Granger cases to do what it pleased in relation to transcontinental lines; that it made "no difference whatever as to the restrictions which the State Legislature made upon the local corporation." I shall not discuss the propositions so loosely stated by him on this subject. They are not only loosely stated, but have no connection, none whatever, with the subject-matter of the bill, nor any relation to any position taken by any one who has participated in the discussion. The question is not what power Congress has over the question of interstate commerce, but what Congress did or attempted to do in this particular matter. Did the act either directly or by implication authorize the grantee to build on the west side of the river? Unless it clearly appear that Congress did intend to change the geographical location of the road as to the river, or confer upon the company power to do so, it had no such authority.

It can not be said that Congress would lightly repeal or change known provisions in an act of a State Legislature, and the intention to do so

must clearly appear, for otherwise no court would so hold. These laws are in *pari materia*, must be construed together, and receive that interpretation which will give effect to the whole. To say that the company, under the authority to select its route, can thereunder disregard the provisions of the charter in that respect is to hold that Congress, by remote implication (there is nothing express), repealed an important requirement of the very act in relation to which it was legislating, and the benefit of which it sought to avail itself.

I think, therefore, a fair and just interpretation of this language is that the discretion as to the selection of routes was to be exercised under the restraints imposed in the charter as to the general geographical location of the line from New Orleans to Baton Rouge. The eligibility of the different routes on the east side of the river was the extent of the power granted. Besides all this, one would naturally think if Congress had intended to authorize this radical change of route it is a little strange, to say the least of it, that Congress did not say so.

I may here remark that this view was never questioned by the grantee. The maps of location filed by them in the Interior Department all show the road to be located on the east side of the river. It was their understanding, it was the interpretation placed by them upon the statute, and no other contention was ever heard of until the astute gentlemen on the other side discovered this miraculous mine of power.

Third. That a right of way was given through the "public land," and nowhere else; thus illustrating the idle waste of legal lore with which the gentleman from Illinois [Mr. PAYSON] regaled the House as to the power of the "National Government" over "transcontinental lines" in the States.

Fourth. That the company was given the right to connect with the Texas Pacific at a certain place—its "eastern terminus"—and in aid of the construction of its road from New Orleans to Baton Rouge, thence by way of Alexandria to connect with the Texas Pacific at its "eastern terminus," a grant of land was made. The point at which the connection was to be made is not left in doubt, being mentioned twice, and so far as language can make it so its location is here definitely fixed.

Fifth. That the said lands shall be withdrawn from market, selected, and patents issued therefor in the same manner and time as is required of the Texas Pacific in California.

Section 12 of the act contains the provisions here alluded to, and is as follows:

> That whenever said company [Texas Pacific] shall complete the first and each succeeding section of twenty consecutive miles of said railroad and put it in order as a first-class road in all its appointments, it shall be the duty of the Secretary of the Interior to cause patents to be issued *conveying* to said company the number of sections opposite to and conterminous with said completed road to which it shall be entitled for each section so completed. Said company, within two years after the passage of this act, shall designate the general route of its said road, as near as may be, and shall file a map of the same in the Department of the Interior; and when the map is so filed the Secretary of the Interior, immediately thereafter, shall cause the lands within forty miles on each side of the designated route within the Territories, and twenty miles within the State of California, to be withdrawn from pre-emption, private entry, and sale.

A proviso follows not material to the issue and is omitted.

Though somewhat out of order, I shall here advert to a point suggested after the report of the Public Lands Committee was prepared, and in relation to which no discussion was had. The grant in this case, by common consent on all hands, has been held to be a present grant upon condition subsequent, and hitherto that has not been questioned. Further investigation and reflection, however, has led me to doubt the correctness of the proposition.

The words employed in this act are words of present grant. "There is hereby granted to," &c., means, as a general rule, that an estate is immediately vested, and conditions attached to such a grant are usually conditions subsequent, but it is not invariably the case. The use of such words in a statute does not always create a present estate.

The language above quoted from the twelfth section seems to be inconsistent, manifestly so, with the idea that this is a present grant. It declares, as will be seen, that *whenever* said company shall complete the first and each succeeding consecutive section of twenty miles of road then the Secretary of the Interior shall issue patents, *conveying*, &c. The idea here is that the construction of the road must precede the conveyance or transfer of the title.

I do not care to elaborate but to merely suggest the point, and shall only refer to a decision rendered by Judge Deady, of the district court of the United States (8 Sawyer), in the case of the United States *vs.* Childers, wherein the character of the Northern Pacific grant was brought in question. The language of that grant is almost identical with this.

The granting words are: "That there be, and hereby is, granted to the Northern Pacific Railroad Company, its successors and assigns," &c., and "that whenever said Northern Pacific Railway Company shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated" by the act, and that fact shall be made to appear in the manner provided by the act, "patents of lands aforesaid shall be issued to said company, confirming to said company the right and title to said lands situated opposite to and conterminous with said completed section of said road; and from time to time whenever twenty additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company, conveying the said additional sections of land as aforesaid;" provided that only ten sections per mile "shall be conveyed to said company" on the line of the road east of the western boundary of Minnesota, &c.

The judge, after quoting Schulenberg *vs.* Harriman as follows: "They [the authorities] established the conclusion that *unless there are other clauses in a statute restraining the operation of the words of present grant*, these must be taken in their natural sense to import an immediate transfer of title," says:

> But in my judgment the clauses in section 4 [above quoted] of the act under consideration, concerning the conveyance of the lands granted to the corporation as each section of twenty-five miles of the road is constructed and accepted by the grantor, does restrain the operation of the words of present grant in section 3; so that it appears manifest that while it was the intention of Congress to set apart and devote the lands in question absolutely to the construction of the Northern Pacific Railroad, yet it did not intend to part with the title to them until and only so fast as they were earned by the completion of the work.

(See also 1 Black, 358; 16 Wallace, 603; 22 Wallace, 444–464.)

If this be good law it would seem that the grant, in that case as also in this, was upon condition precedent and not subsequent, in which event by all the rules of law, and not disputed, the conditions in all respects must be strictly complied with in respect of time as of other conditions before the estate can be created.

So far it is clear that the Backbone company was required to construct its road on the east side of the river, and to connect with the Texas Pacific at its eastern terminus, which, it is not denied, was fixed in the granting act at Marshall, Tex. It is also clear that nothing in the amendatory act of December 11, 1872, made any change in these respects, but on the contrary gave emphasis to them.

Now, let us see what there is in the act of Congress of May 2, 1872. Confessedly there is nothing in that act having any bearing upon the question before the House except the latter part of section 5, which is as follows:

> *Provided*, That said Texas and Pacific Railway Company shall be, and is hereby, authorized to construct, maintain, control, and operate a road between Marshall, Tex., and Shreveport, La., or control and operate any existing road between said points of the same gauge as the said Texas and Pacific Railroad; and that all roads terminating at Shreveport shall have the right to make the same running connections, and shall be entitled to the same privileges for the transaction of business in connection with the said Texas and Pacific Railway as are granted to roads intersecting therewith: *Provided further*, That nothing herein shall be construed as changing the terminus of said Texas and Pacific Railway from Marshall, as provided in the original act.

The gentleman from Alabama [Mr. OATES] contends that this law changed the terminus of the Texas Pacific, and attempts to explain away the plain meaning of the words by making a distinction between termini. According to his notion Shreveport is the actual and Marshall the business terminus; that is, that the road has two eastern ends. He ignores entirely the idea, plainly embodied in the act, that Marshall was to be the radiating point eastward for the Texas Pacific system, and at which this road was specifically required to make its connection; and he apparently makes the mistake of supposing that Congress required the Texas Pacific to maintain a road to Shreveport for the exclusive benefit of the Backbone. He does not seem to know that a road running across the State of Louisiana from Vicksburg, in the State of Mississippi, terminating at Shreveport, La., has been in process of construction for years; that Congress years ago made a grant of land to that road, which is now nearly completed, and that connection at that point was necessary to facilitate trade and travel going eastward or westward through the State. He seems also to be oblivious of the fact that nowhere in any of the legislation on this subject does the legislator express a purpose to change the original design either as to the location or terminus of these roads; but on the contrary, in plain and unmistakable language, insists upon maintaining both.

The Backbone company had no doubt the right to build to Shreveport; but Congress did not make the grant upon the condition that they should build to that place, but to Marshall, forty miles distant.

On the question, therefore, of completion of the road I think it manifest that the road has not been built where the law plainly required it to be built, nor has it been constructed to the point where the law, with equal precision, required the connection to be made.

Let us now examine the transfer or assignment upon the validity of which the claimant company rest their case. Among the different gentlemen who have discussed the various questions involved not one has touched what I consider the fatal defects of this transfer.

The attack on this line has been to refute the validity of the act repealing the charter of the Backbone company. The gentleman from Illinois [Mr. PAYSON] was especially pointed and emphatic on this point, and dwelt with gusto upon the Dartmouth College case. He enunciated principles no one disputes and spent his force in knocking down something upon which nobody had laid any particular stress.

The point to which I wish to direct attention is that neither the president nor the directors of a railroad company have any legal authority to sell its assets by virtue of the functions of their offices. Such

a sale must be made by the stockholders. Now, what was done? I append the history of this transfer as it appears in the record:

OFFICE OF THE NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY,
No. 150 Broadway, New York, December 29, 1880.

At a special meeting, duly called, of the board of directors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, held this day at the office of the company, there was present a quorum of the board.

In the absence of the president of the company, Mr. Simpson was called to the chair.

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That the president and secretary of this company be, and they are hereby, authorized to transfer to the New Orleans Pacific Railway Company, on such terms as they shall see fit, all the right, title, and interest of this company in and to the land granted to this company by an act of Congress approved March 3, 1871, entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," and to make and execute in the name of this company such deed or instrument as shall be necessary to complete such transfer.

On motion, the meeting was adjourned subject to the call of the president.

WM. M. BARNUM, *Secretary.*

This indenture, made the 5th day of January, 1880, between the New Orleans, Baton Rouge and Vicksburg Railroad Company, a corporation created and existing under and by virtue of a special act of the Legislature of the State of Louisiana, approved December 30, 1869, party of the first part, and the New Orleans Pacific Railway Company, a corporation created and existing under and by virtue of the laws of the State of Louisiana, party of the second part, witnesseth—

That the said party of the first part, for and in consideration of the sum of one dollar lawful money of the United States of America to it in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, and of other good and valuable considerations, has remised, released, and quitclaimed, and by these presents does remise, release, and quitclaim, unto the said party of the second part and to its successors and assigns, forever—

All the right, title, and interest of the said party of the first part, its successors or assigns, of, in, or to a certain grant of public lands granted to the said party of the first part by an act of the Congress of the United States, approved March 3, 1871, and entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have and to hold all and singular the above-mentioned and described premises, together with the appurtenances, unto the said party of the second part, its successors and assigns forever.

In witness whereof the said party of the first part hath caused its corporate seal to be hereunto affixed, and these presents to be signed by its president and secretary, the day and year first above written.

W. H. BARNUM, *President.*
WM. M. BARNUM, *Secretary.*

Sealed and delivered in the presence of—
CHAS. L. BEAMAN,
CHAS. EDGAR MILLS.
CHARLES NETTLETON, [SEAL.]
Commissioner for Louisiana in New York.

[The Western Union Telegraph Company. * * * Dated, New Orleans, February 19, 1881. Received at ——, ——.]

To Hon. W. H. BARNUM,

President New Orleans, Baton Rouge and Vicksburg Railroad Company:

In pursuance of the resolution of the board of directors of the New Orleans Pacific Railway Company, passed February 3, 1881, I hereby accept in behalf of said company the deed and transfer executed by the New Orleans, Baton Rouge and Vicksburg Railroad Company, bearing date of January 5, 1881, conveying all is rights, title, and interest into and under the land grant made by section 22 of the act of Congress approved March 3, 1871.

THE NEW ORLEANS PACIFIC RAILWAY COMPANY,
By E. B. WHEELOCK, *President.*

(Indorsement:) Received the within this 19th day of February, 1881. The New Orleans, Baton Rouge and Vicksburg Railroad Company, by W. H. Barnum, president.

(Indorsement:) 1377, C. 14. Department of the Interior, Lands and Railroad Division, "M." Received October 29, 1881.

Proxy.

Know all men by these presents, that I, David Smith, do hereby constitute and appoint E. B. Wheelock attorney and agent, for me, and in my name, place, and stead, to vote as my proxy at an election of diretors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, to be held December 9, 1881, and also vote as my proxy upon any other business which may come before the stockholders' meeting, to be held on the day named, according to the number of votes I should be entitled to vote if then personally present.

In witness whereof I have hereunto set my hand and seal this —— day of ——, 1881.

D. SMITH. [SEAL.]

Sealed and delivered in presence of —
—— ——.

Armed with these nine proxies he proceeds to do sundry things, all of which will appear in the following extract from the record, as made up in Senate Executive Document No. 31:

Minutes of a meeting of stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company, held at the office, No. 20 Camp street, on the 9th day of December, A. D. 1881, from the hour 12 m. to 2 p. m.

The meeting having been organized by the selection of Mr. E. B. Wheelock as president and Thomas F. Maher as secretary, the following resolution was presented:

Resolved, That the action of the board of directors and officers of this company in transferring to the New Orleans Pacific Railway Company all the right, title, and interest of this company to the lands granted to this company by act of Congress approved March 3, 1871, and entitled "An act to incorporate the Texas Railroad Company, and to aid in the construction of its road, and for other purposes," be, and it is hereby, approved, ratified, and confirmed.

And said resolution having been voted upon was passed unanimously—42,775 shares voting therefor.

The president stated that the next business in order was the election of a board of directors of the said company, and the following ticket of names was presented.

Charles J. Canda.	Lucien Birdseye.	Edward E. Hooper.
N. B. Stevens.	S. S. Brooks.	Wm. H. Barnum.
John W. Simpson.	James G. Janeway.	Wm. L. Scott.
Charles C. Deming.	David S. Draper.	
Willis Gaylord.	Allan McCulloh.	

And there being no other nominations, the election was proceeded with, Messrs. J. W. Patton and L. L. Davis, of New Orleans, being duly appointed commissioners of election to receive, count, and return the votes; and the votes having been duly cast, the commissioners made their return, which is hereto annexed and made part of these minutes, as follows:

NEW ORLEANS, *December* 9, 1881.

We, the undersigned commissioners of an election held in this city, at the office No. 20 Camp street, to receive and count the votes cast to choose a board of directors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, hereby certify that the following votes were cast, to wit:

	Shares.
William M. Barnum	35,001
B. G. Clarke	20
J. Counsellor	600
G. W. Cochran	6,150
David Smith	1,000
Charles C. Deming	1
James G. Janeway	1
Allen McCulloh	1
John W. Simpson	1
Total number of votes	42,775

The said votes were cast as follows:

FOR DIRECTORS.	*Votes.*
1. Charles J. Canda	42,775
2. N. B. Stevens	42,775
3. John W. Simpson	42,775
4. Charles C. Deming	42,775
5. Willis Gaylord	42,775
6. Lucien Birdseye	42,775
7. S. S. Brooks	42,775
8. James G. Janeway	42,775
9. Allen McCulloh	42,775
10. Edward E. Hooper	42,775
11. William H. Barnum	42,775
12. William L. Scott	42,775
13. David S. Draper	42,775

J. W. PATTON,
LAWSON L. DAVIS,
Commissioners.

BOARD OF DIRECTORS.

Chas. J. Canada.	Lucien Birdseye.	Wm. H. Barnum.
N. B. Stevens.	S. S. Brooks.	Wm. L. Scott.
John W. Simpson.	James G. Janeway.	David S. Draper.
Charles C. Deming.	Allen McCulloh.	
Willis Gaylord.	Edward E. Hooper.	

I hereby vote for the foregoing names as directors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, then under proxy of the following stockholders: Wm. M. Barnum, 35,001 shares; B. G. Clarke, 20 shares; J. Counsellor, 600 shares; G. W. Cochran, 6,150 shares; David Smith, 1,000 shares; Chas. C. Deming, 1 share; James G. Janeway, 1 share; Allen McCulloh, 1 share; John M. Simpson, 1 share.

E. B. WHEELOCK, *Attorney.*

NEW ORLEANS, *December* 9, 1881.

(Indorsement:) Board of directors to be elected.

And it appearing by said return that 42,775 shares were duly voted for the said candidates and that the said candidates were duly and unanimously elected, the president of the meeting so declared.

And there being no other business before the meeting, the meeting adjourned at 2 o'clock p. m.

THOS. F. MAHER, *Secretary.*

NEW ORLEANS, *December* 9, 1881.

31 D.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY.

Stockholders of record, November 28, 1881.

	Shares.
Allen, C. H	20
Ayer, Herbert C	150
Ayer, John V	450
Ayer, John M	300
Bearman, Charles C	50
Beman, August	500
Barnum, W. M	35,000
Bolles, B	50
Clark, B. G	20
Counsellor, J	600
Cochran, G. W	3,250
Cochran, Jas. F	255
Dewees, E. W	200
Dearie, E. M	30
Foster, E. W	20
Fitch, George A	1,650
Gubernator & Terry	14
Hamlin, E. W	100
Hahn, Michael	1,000
Lacey, George S	10
Rea, George H	50
Sanford, D. W. C	10
Smith, David	1,000
Stevenson, V. K	1,000
Tucker, James T	5
Ware, C. V	20
Woodruff, Henry	20
Total	45,774

(Indorsement:) New Orleans, Baton Rouge and Vicksburg Railroad Company. Stockholders of record, November 28, 1881.

Supplemental list of stockholders New Orleans, Baton Rouge and Vicksburg Railroad Company.

	Shares.
Barnum, William H.	1
Birdseye, Lucien	1
Branch, John	1
Branch, Oliver	1
Brooks, S. S.	1
Canda, Charles J.	1
Deming, Charles C.	1
Draper, David S.	1
Hyatt, Thaddeus	1
Hyatt, Theodore	1
Janeway, James G.	1
McCulloh, Allen	1
Monell, Ambrose	1
Noyes, Moses L.	1
Sanford, A. G.	1
Sessions, John	1
Simpson, John W.	1
Scott, William L.	1
Stevens, N. R.	1
Warner, Willis	1
Watrous, Edward	1
Wheeler, O.	1
Wood, James N.	1
Total	23
Number of shares on original list	45,774
Total stock	45,797

NEW YORK, *October* 20, 1881.

DEAR SIR: As a stockholder of the New Orleans, Baton Rouge and Vicksburg Railroad Company, and claiming to be entitled to an interest in the land grant heretofore made to that company by the act of Congress of 1871, I would beg to state that I am not yet satisfied of the regularity of the transfer of the land grant of that company to the New Orleans Pacific Railway, and I beg that no patents be issued to the New Orleans Pacific Railway Company for any land that would come under the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company until I shall have an opportunity of presenting to you a statement of the true position of the matter.

That you may understand who I am, as well as my standing and reliability, I beg to refer you to Senator Henry M. Teller.

Very respectfully, yours,

C. R. BISSELL.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

NEW YORK, *November* 18, 1881.

DEAR SIR: As intimated in my letter addressed to you on the 20th ultimo, I, Charles R. Bissell, as a holder of a large amount of the stock of the New Orleans, Baton Rouge and Vicksburg Railroad Company, now enter my formal protest against the issuing of patents to the New Orleans Pacific Railway Company for any lands granted by the act of Congress of 1871 to the New Orleans, Baton Rouge and Vicksburg Railroad Company, for the following reasons:

That the transfer of the grant to the New Orleans, Baton Rouge and Vicksburg Railroad to the New Orleans Pacific Railway Company was made without proper consideration, and in fact without any consideration at all, to the New Orleans, Baton Rouge and Vicksburg Railroad Company.

That the said transfer was made without being submitted to the stockholders of said New Orleans, Baton Rouge and Vicksburg Railroad Company, and without the knowledge of a large number of the stockholders.

That the directors authorizing said transfer had no authority to authorize the same, and had not been duly elected within a year before said transfer was authorized, and that the parties claiming to act as directors and authorizing said transfer were in fact "mere dummies," as admitted by the secretary of said company, and were acting in the sole interest of the president and secretary of the New Orleans and Baton Rouge Company, who own a large majority of the shares of said railway company, and are endeavoring to secure to themselves the entire benefits arising from the transfer and sale to the New Orleans Pacific.

I therefore beg of you that before patents are issued on said transfer I may be permitted to substantiate what I herein claim.

Very respectfully,

C. R. BISSELL.

Hon. S. J. KIRKWOOD,
Secretary of the Interior, Washington, D. C.

These documents contain the entire history of this assignment, except that but one proxy is given, only one being necessary, as all were alike and evidently cut out of the same cloth and by the same hand. I invite a critical examination, for no one can make it without coming to the conclusion—a conclusion that will irresistibly force itself upon the mind—that the whole transaction is a fraud consummated by "dummies." I have neither the time nor patience to point it out, but desire only to direct attention to the legal effect of the proxy. It is but a mandate or power of attorney, upon the construction of which the case turns. If under the law it did not give authority to ratify the sale made by the president of the company there was no legal assignment of the grant.

The law of Louisiana by which this power of attorney should be controlled is clear and positive. Article 2996 of the civil code of that State is as follows:

A mandate conceived in general terms confers only power of administration.

If it be necessary to alienate or give a mortgage or do any other act of ownership, the power must be express.

Article 2997 illustrates the above, as follows:

Thus the power must be express and special for the following purposes: To sell or to buy; to encumber or hypothecate, &c.

I doubt whether any court would hold that the proxy given in this case conferred the power upon the mandatary, Mr. Wheelock, to do what he attempted to do, that is, to ratify the act of the president and secretary in making the assignment.

It confers power "to vote as proxy at an election of directors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, to be held December 9, 1881, and also vote as proxy upon any other business which may come before the stockholders' meeting." Here is specific power to do a particular act, namely, to vote for directors and a general power to vote on any other business coming before the meeting. The former is specific, the latter general, and both powers of an essentially administrative character. Surely it can not be said that any express power is here given to sell or ratify, and the action of Mr. Wheelock in holding his meeting of stockholders and ratifying the assignment is *ultra vires*, and if this be so the Backbone company has not been legally divested of whatever rights it may have had in the land grant.

But I am met here with the suggestion that the company does not complain, and that it does not lie in the mouth of any one else to do so. I answer that the record is full of complaints from parties in interest, there being protest upon protest and complaint upon complaint filed in the Interior Department. I answer, further, that the Government is interested and has an undoubted right to avail itself of every legitimate ground upon which it is possible to recover from the grasp of speculators the patrimony of the people. I answer, still further, that if it be true, as repeated *ad nauseam* by the advocates of the railroad in this matter, that any one interested in a condition can perform it and thus destroy the condition, it is equally true that the Government, interested in behalf of the people, can claim the benefit of an omission to do that which was necessary to be done to conclude it.

It is idle to say the Government has no interest in this matter. That position can only be maintained upon the theory that the grantor has no interest in the estates it has granted upon condition, whether precedent or subsequent. The Government is the grantor here, and has the unquestionable right to avail itself of any defeasance of which the grantee may be guilty.

I pass now to the third branch of the case, which is, that time is of the essence of the grant. There is no pretense that any road whatever was constructed by any company within the time fixed in the granting act, and the question is, is it material?

It is well to bear in mind that Congress has never in any case that I am aware of made a railroad grant without fixing a time within which the road should be constructed as a condition, and in construing the effect of such a condition it is singular in the extreme that Congress seemed never to forget or omit to insert such a condition. If such conditions had been only occasionally inserted in a granting act, one might suppose that it was unimportant; that Congress was jesting and perhaps trifling with the divine right of railroads; in fact, one might suggest a great many theories to show that Congress did not mean what it said, but when it invariably says a road must, as a condition, be built within a certain time, I think it quite natural for the people, if not the lawyers, to believe that there is some meaning in it.

It will not do to say that Congress means nothing in using such language. What is the intent, the purpose, the design? For intent, purpose, and design there surely is. In some cases it may be to secure a speedy settlement of an uninhabited, wild, and perhaps fertile country, to the end that the "general welfare" and prosperity of the people may be promoted; in others it may be to give a more speedy means of transportation between different sections of the country, and perhaps enhance the value of lands lying contiguous to the road. An increase in the value of the lands is evidently one of the objects expected to be accomplished, for the moment a land grant is made the Government doubles the price of the lands within the limits of the grant subject to entry. This enhancement in the value of the public land must be one of the objects sought to be accomplished by the building of a road; and as the Government immediately upon making the grant and withdrawing the granted land from market doubles the minimum price of land not granted within the limits of the grant, on the ground that a road is to be built through the lands granted, it is reasonable to exact of the grantee that the road should be constructed within a given time. The Government otherwise would not be justified in doubling the price of its land.

Now, take the case in hand. In 1872 and 1873 the lands granted to this company were withdrawn from market and the price of the even sections subject to entry within the limits of the grant were immediately doubled in price, because of the expected completion of the road within five years—by the 3d of March, 1876.

Congress in effect said to these railroad builders, "We desire to promote the speedy sale and settlement of the public domain by the people—to facilitate their means of intercommunication and transportation, and to that end we will assist by granting a part of the public land; but in order that these results shall be reached as soon as possible we will require that the road shall be constructed and completed as quickly as possible within a given time."

Mr. Pomeroy, in his work on specific performance, volume 1, section 384, says:

When the nature of the subject-matter is such that its value necessarily changes—that is, either increases or decreases with the mere lapse of time—time is then of the essence of the contract, and performance must be completed at the specified time.

Continuing on the same subject in section 385, he says:

It is settled that time is essential in contracts for the sale and purchase of stock in those relating to the transfer of shares in business corporations and joint stock companies and in contracts for life annuities.

Another very important class of contracts in which time is essential, from the very object and purpose of the agreement, consists of those made with the direct object of promoting or carrying out business or commercial enterprises, including those for the sale and purchase of land to be used for carrying on trade and business.

Who shall say, who can say, with truth, that the promotion or carrying on of business or commercial enterprises among the people was not one among the leading objects and purposes of this and all other similar grants?

And who can deny that the construction of a railroad increases the value of the contiguous lands or say that it makes no difference to the people whether this increase shall occur in one, or five, or fifteen years? Does it promote the general welfare of the people for which alone these grants are made to leave the accomplishment of these results to the caprice of corporations? Are the commercial and business interests of the country and the appreciation of the property of the people to be submitted to their convenience? Surely not; and I can but think that Congress, invariably inserting time as a condition of these grants, intends to make it essential.

I add the following authorities:

The time fixed is at law deemed of the essence of the contract. (Sugden on Powers, Perkins's edition, page 395, and authorities there cited.)

The general opinion has always been that the day fixed was imperative on the parties at law.

It is to be hoped, therefore, that the day appointed will always be deemed of the essence of the contract at law. (*Ibid*, page 397.)

The Committee on Public Lands contends, in strict accordance with law as I think, that all the conditions of a grant by statute must be strictly construed, and on this branch of the subject I quote the following authorities:

Justice Field in Farnsworth's case (2 Otto, 62), says:

But it is said that provisions for forfeiture are regarded with disfavor and construed with strictness, and that courts of equity will lean against their enforcement. This, as a general rule, is true when applied to cases of contract, and the forfeiture relates to a matter admitting of compensation or restoration; but there can be no leaning of the court against a forfeiture which is intended to secure the construction of a public work, in which the public are interested, where compensation can not be made for the default of the party, nor where the forfeiture is imposed by positive law.

He cites the case of Keating *vs.* Sparrow in 1 Ball and Beatty, and quotes with approbation Lord Manning's language, who says:

It is manifest that in cases of mere contract between parties this court will relieve when compensation can be given, but against the provisions of a statute no relief can be given.

Justice Story says:

It is clearly established that courts of equity will not interfere in cases of forfeiture when there can not be any just compensation decreed for the breach. Thus, for example, in the case of a forfeiture for the breach of a covenant not to assign a lease without license, or to keep leasehold premises insured, or to renew a lease within a given time, no relief will be given, for they admit of no just compensation or clear estimate of damages. (2 Story's Eq. Just., sec. 1324. See also note and Hilliard on Real Property, 4th ed., 528.)

Continuing on the same subject, he says:

Where any penalty or forfeiture is imposed by statute upon the doing or omission of a certain act, there courts of equity will not interfere to mitigate the penalty or forfeiture, if incurred, for it would be in direct contravention of the direct expression of the legislative will. (*Ibid.*, sec. 1326. See also note.)

It is a settled rule "that public grants are to be construed strictly, and that nothing passes by implication." (1 Black, 380; Rice *vs.* Railroad Company; 11 Peters, 544; 8 Howard, 581; 13 Howard, 81; 16 Howard, 435; 27 Penn., 339; 2 Barn. & Ad., 792; 7 M. & Gr., 253.)

To recapitulate: I think I have shown that the road was not completed, that the claimant company did not legally acquire the grant by its alleged assignment, and that the conditions of the grant have not been complied with, and if I have not done so to the satisfaction of the opponents of the bill, I have at least thrown sufficient doubt around the pretensions of the claimant to justify any fair-minded man in supporting the measure in the interest of the people.

Much has been said about the action, of what has been constantly called the Government—about the road having been built on the faith of the grant and about the action of the Louisiana delegation. Reference has been frequently made to the latter, and stress has been laid upon the fact that I alone of that delegation have been opposing this grant. Such distinctions are invidious.

Allusion to them can have no other purpose than to put me in the light of a factionist, arraying myself in opposition to the wishes of the people of my State as represented by my colleagues. The gentleman from Mississippi [Mr. VAN EATON] "rolled it under his tongue as a sweet morsel," and took particular pains to put the evidence of it in the RECORD. With my colleagues I have no cause of quarrel, feeling assured that this was not of their seeking. I am content to render an account to my constituents as, I am sure, they are prepared to do. Nor shall I bandy words with the gentleman from Mississippi, but lest his fervid zeal may have led some unwitting member to think unkindly of me for daring to differ with my colleagues and with him, I will produce my warrant of authority. It is to be found in the following resolutions of some of the local authorities of my district. I invite his special attention particularly to the first. If he will read it he will find that I am not alone in my opinion of the fraudulent character of the Backbone matter, and may possibly come to the conclusion that I am not misrepresenting my constituents.

THE POLICE JURY.

CLINTON, LA., *June* 5, 1883.

The police jury met in regular session. Minutes of the last meeting read and approved. All members present.

Resolved (1), That the protest and resolutions presented and read by Mr. Henry Skipwith, sr., be adopted as read, and upon motion carried. The same was ordered published.

PROTEST OF EAST FELICIANA.

Whereas the Secretary of the Interior has recently set aside the protest of the Florida parishes—of which East Feliciana is one—remonstrating against the recognition of a grant of lands commonly called the grant to "the Backbone railroad," a fraudulent concern, which was by some adroit impecunious adventurers and speculators organized fifteen years or more ago as a tributary to the Texas Pacific, and which never had any vitality, except the unlimited cheek of its projectors, and never gave any evidence of life except by running a survey from Pontchatoula to Baton Rouge, thence to Clinton, and thence to some point northeastward, never, we believe, definitely ascertained; but presumably the survey was continued as far as enough public land could be found within thirty miles of the projected line to pay all the costs of the construction of the road. Beyond that survey of the proposed line and the accumulation of some formidable piles of cross-ties along the surveyed line, the Backbone railroad was a swindling myth which was originally projected for no purpose whatever except to enrich a few greedy speculators, by getting a position to gobble up a large slice of the valuable franchises of the Texas Pacific. Respectfully and firmly do we, the police jury of East Feliciana, remonstrate against the perpetration of a most unmitigated fraud upon the people of the communities in which this overshadowing land monopoly is created.

We remonstrate, with no hope or expectation of prevailing with the Secretary of the Interior, who has already decided that he is powerless to apply a remedy for the wrong done these communities; a wrong so flagrant that it conveys to a gang of worthless schemers all the public domain between the Mississippi River and the Illinois Central Railroad for nothing. In Louisiana, we conjecture, it amounts to 500,000 acres, and how much in the State of Mississippi we have not enough data to justify a conjecture. If it be urged that the claim of the Florida parishes is not for a restitution of these identical lands, but for an acre of land scrip for every acre of land surveyed by order of Congress from the Montpelier and Greensburg land offices, we respond to such an objection that since 1812 the United States has treated this territory as a muniment of eminent domain, but always against the protests of our vigilant and clear-sighted ancestors—notably on the two occasions which we are proceeding to recite, to wit:

When, on the 10th day of October, 1810, the convention which was the governing power of the free, sovereign, and independent State of West Florida, sent a hospitable invitation to the Government of the United States to come and assume jurisdiction over the territory which the people of West Florida had conquered from the King of Spain, the convention inserted in the invitation an express reservation of title in the soil of the conquered domain to the conquerors thereof.

Secondly, in the first Legislature which met after Congress had extended the laws of Louisiana over the domain recently governed by the State of West Florida—in the first Legislature of Louisiana, we repeat, in which the Florida parishes had representation, the proposition was made to petition the General Government to open a land office for the survey and sale of lands within the borders of the defunct State of West Florida upon an equal footing with the other public lands in the State of Louisiana. To the adoption of that measure our ancestors protested on the grounds that the public lands in Louisiana had been bought and paid for by the United States from France in 1803, but the lands in West Florida had been conquered from Spain in 1810, and belonged rightfully to the conquerors. This protest was signed by all the members representing any of the subdivisions of the defunct State of West Florida, and among the protestors was the late William Silliman, who represented the district of Feliciana, which has been since subdivided into East and West Feliciana. It is well known that since the establishment of the land offices the Government has sold and given away a large portion of the land conquered by our ancestor, the State of West Florida, which demised in 1812. For that reason the claimants make no reclamation for the identical lands which their ancestor conquered and owned, and transmitted to them by a valid title. Adhering as closely as the nature of the case will admit to the line laid down by our ancestors, the police juries propose to accept restitution in the shape of land scrip; hence it may be logically inferred that the claim for restitution is in no manner affected by the recent acts of Congress granting nearly all the public lands between the Mississippi and the Pearl River to the Backbone railroad, or to the assignee of that collapsed and mythical concern, the Texas Pacific, which has constructed a line of railroad on the western bank of the Mississippi River. But we have, besides our interest as citizens of the United States in the endeavor to defeat this lawless grab upon the public domain, a special interest in holding off the land-grabbers. We have always viewed with distrust large grants of power or wealth to corporations for any purpose whatever except in the matter of railroad grants, in which particular we have reluctantly assented on the hypothesis that it was better to enrich a monopoly than not to have a railroad. But this Backbone grant is not only a stupendous fraud upon the people of the United States, but it creates an overshadowing monopoly in every one of the communities which are now claiming from the Government their rightful inheritance; and not only creates in our midst a monopoly odious to the genius of our people, but it specially devolves upon us to resist the malappropriation of vast bodies of land to which our community has looked confidently to furnish current funds by the sale of the timber to maintain a useful and general system of common-school education, and by the sale of the lands to acquire a fund sufficient for the liberal advancement of the public schools. If there is no power in the Interior Department to right the gross wrong we complain of, common sense assures us that the power which made the grant can revoke the grant, because it was obtained in fraud and because manifestly the transaction is destitute of a consideration. To Congress, then, we now appeal to strike with nullity this most iniquitous transaction. And to the end that our appeal may be properly voiced,

Be it resolved, That the above protest be printed in the official journal of this parish, and a printed copy be forwarded by the clerk of the police jury to the Hon. ED. LEWIS, with a request that he will bring this matter to the notice of Congress properly at its next session; and that a printed copy be similarly furnished to the presidents of the seven police juries which are co-claimants, with a request that they will co-operate with us memorializing Congress; and

Be it further resolved, That the district attorney be requested (if in his judgment such a course of action be practicable) to institute in the name of the people of East Feliciana legal proceedings to cancel the mortgage upon the public domain which has just been recorded in East Feliciana by the agents of the Texas Pacific Railroad.

[Extract.]

POLICE JURY ROOM,
Parish of East Baton Rouge, June 12, 1883.

On motion of Mr. F. Gardere, after the reading of the protest of the police jury of the parish of East Feliciana, relative to the Backbone railroad grant, it was ordered this jury do indorse the action of the said police jury of East Feliciana and join in their protest.

* * * * * * *

ANDREW JACKSON, *President.*
O. P. SKOLFIELD, *Clerk.*

POLICE JURY ROOM,
East Baton Rouge, La., July 19, 1883.

A true extract from minutes of the proceedings of police jury of this parish.

O. P. SKOLFIELD,
Chief Police Jury, E. B. Rouge.

STATE OF LOUISIANA,
Parish of East Baton Rouge:

CLERK'S OFFICE.

I, Benjamin F. Bryan, clerk of the seventeenth judicial district court for said parish and State, do hereby certify that O. P. Skolfield, whose name is signed to the annexed certificate, is now and was at the time clerk of the police jury of said parish, and that the same is in due form and signed by the proper officer.

Given under my hand and seal of office at Baton Rouge this 3d day of September, A. D. 1883.

B. F. BRYAN,
Clerk Seventeenth Judicial District Court.

FRANKLINTON, *August* 4, 1883.

DEAR SIR: At the July session of the police jury of Washington Parish the following resolution was passed, namely:

Resolved by the police jury of the parish of Washington, That we protest in the name of the people of the parish of Washington against the grant of any lands embodied in the area of what is known as the Florida Parish to the Backbone railroad, or to any other railroad, by the United States of America

Resolved, That a copy of this resolution be forwarded to Henry Skipwith, esq., our agent and attorney in fact.

M. J. PITMAN, *Clerk P. J.*

HENRY SKIPWITH, Esq.

As to the allegation that the road was built on the faith of the grant, I have not much to say beyond this, that I have no doubt whatever that these schemers hoped to get the land grant, but I do not find any evidence in the record that Congress, the grantor, ever did one single act to justify them in expecting it. Some years ago the Louisiana delegation promised to do what they could to secure it for the claimant company, and they accordingly did what they could. Bills, for the purpose of transferring the grant to them were introduced in the Forty-fifth and Forty-sixth Congresses. (And here let me repeat what I have already said heretofore, that no bill for this purpose ever was reported to the House for its action beyond the bill reported by Mr. Elam in the Forty-fifth Congress, which was merely reported and recommitted to the Committee on Pacific Railroads, out of which it never came back to the House. I challenge the production of any other report, for I have diligently searched and have not been able to find any.) The delegation tried doubtless to get Congress to transfer the grant, but failed. This foundation of their faith failed them.

They then abandoned further effort in that direction and went to what they and the gentlemen who spoke in opposition to the bill are pleased to call the Government. They speak of assurances given them by the Government, of the official action of the Government, of having built the road on the faith of the assurances of the Government and on the faith of the official action of the Government, &c. They abounded in faith—a faith, I fear, not the "gift of God." But I can not dwell longer upon this. All their dealings have been had with the Interior Department, a mere creature of Congress, and I care not what have been its assurances—what its official action, it has no power to dispose of the public domain except in accordance with the laws of Congress, and whatever they may do outside of its provisions is void.

I could demonstrate, however, were it worth the trouble, that the Interior Department never, prior to the alleged completion of the road, gave them any good reason to believe that it would recognize their demand for the grant.

Let me now pay my respects to the somersault of the gentleman from Illinois [Mr. PAYSON]. I said at the outset that I would show that he had reversed the position he has hitherto taken upon these subjects—that he had hitherto agreed with the majority of the committee, that time was of the essence of these grants.

He is with the majority of the committee on the bill to forfeit the land grant to the Northern Pacific. That bill proposes to forfeit all the land except that lying contiguous to that part of the road constructed within the time fixed in the granting act. The company constructed only 530 miles within the time and 1,340 miles after the time, and yet he votes with us to forfeit all the land opposite this 1,340 miles, on the ground that it was not built in time. (See H. R. 6534 and Mr. HENLEY'S report thereon.)

He is with the majority of the committee on the bill (H. R. 5897) they reported declaring a forfeiture of all the land grant to the California and Oregon Railroad Company, except that part coterminous with that part of the road constructed within the time. (See Mr. HENLEY'S report thereon.) He is with the committee on the bill to forfeit all the land grant to the Southern Pacific of California, except for that part constructed in time, and has been with the committee in every case on this question of time except this case. I might go on and enumerate others, but these are enough. I respectfully commend to his careful and prayerful attention his letter, to be found in the Forest Rambler, his home paper, of April 19, 1884, and which I append:

HON. L. E. PAYSON'S LETTER.

WASHINGTON, D. C., *April* 7, 1884.

MR. GOODELL: I am, as you will see by the Chicago papers, in the midst of the railroad fight, and the burden of it is on my shoulders.

We are having a great contest over the Oregon Central land grant, and expect it to be followed with the other bills on the Calendar, four in number, reclaiming these vast areas of land for the settler, for homes (cheap homes under the beneficent system devised and consummated by the Republican party, the homestead law) for the poor, instead of allowing them to remain as assets in the hands of rich and defiant corporations not legally or equitably entitled to them.

My sense of duty imperatively compels my remaining here at this work, instead of going home to look after a renomination. My interests, after all, in that direction are in the hands of the people, and with their judgment, uninfluenced by my presence, I shall be perfectly satisfied.

I have striven to do my whole duty while here, never allowing any personal business to interfere with my public work. Except when absent on business of appointment for that object, I have never missed a vote or a roll-call since I have been a member here. The special work I have been engaged in shows for itself. I am perfectly satisfied with it, and trust my friends and political opponents as well are content.

This you may say to the convention for me, that I renew the pledges I have made (and I know I have kept) to serve the people of the district and the nation to the best of my ability, and to make the public business paramount, should they deem it proper to extend to me a renomination.

As a matter of personal pleasure, I deeply, earnestly wish I could be present with the representatives of the people at the district convention, but I believe you will all approve my course in remaining here.

Indeed, as the public business now stands on these matters, I would not leave if my nomination depended upon it.

Remember me kindly to all friends.

Yours, truly,

L. E. PAYSON.

Hon. A. GOODELL,
Chairman Central Committee, Ninth District, Illinois.

Was the "burden" too great for the gentleman in this case? I congratulate him, and hope he will give the country a new version of Sinbad the Sailor.

In conclusion, Mr. Speaker, permit me to say that there are over three hundred honest settlers on these lands in my county alone who honestly believe that they have a better right to their homes than this railroad company, and that I believe as they do. I earnestly hope the bill will pass. But if it must be defeated let me ask the gentlemen from Alabama [Mr. OATES], from Mississippi [Mr. VAN EATON], from Illinois [Mr. PAYSON], and all the honorable gentlemen who have spoken and expect to vote against it, to come and go with me to the haunts and halls of the victor, the conquering hero, he who, in my humble judgment, will gather in the spoils of this struggle, Mr. Jay Gould.

The Western Union, his willing slave, will have long since clicked to his ears the glad tidings of success. He will have learned not only the result of the vote, but the names of those who voted yea and the names of those who voted nay. The minutest details attending its passage have not escaped his attention; it is all fully known to him, and doubtless a record made of whatever may be thought useful to him and his confederates in future schemes of personal and corporate aggrandizement.

We shall find him, perhaps, not "arrayed in purple and fine linen," but in the midst of luxurious surroundings. There will be soft and costly carpets glowing with the richest coloring of the Orient. It will give forth no sound from either the footfall of the gentle dame or the lordly master, no warning of coming and going. There will be wainscoated walls inlaid in mosaics of rare and beautiful woods from every clime, all arranged and grouped with matchless skill. There will be plate-glass windows of crystal clearness, artistically draped in curtains of antique design, through which the light of heaven creeps gently in. There will be frescoed ceilings rivaling in their beauty and perfection the highest works of the art. There will be paintings upon the walls, statuary in the niches, paintings from the old masters of priceless value, paintings illustrative of every virtue of the human heart, of peace and plenty, of justice, of mercy, of truth, of charity. There will be wonderful collections of curious things from beyond the seas, from above and beneath the earth, relics rare, mementoes more precious than the gold of Ophir. There will be reclining in old oaken chairs of rich and rare design, around a table blazing with the mosaics of the Old World, Mr. Gould, Mr. Dodge, Colonel Wheelock, Mr. J. J. Flannagan, and Mr. William H. Barnum. There will be a package on this table, curiously labeled:

"Land-Grant Bonds.
"New Orleans Pacific.
"Doubtful."

Listen, now, to what Mr. Gould has to say:

"Gentlemen, the fight is over and we have won. How nobly our friends have stood by us. We must not forget them.

"These bonds, hitherto marked doubtful, are now gilt-edged securities. Before we proceed to a division permit me to thank you sincerely for the energy and discretion displayed in the management of this scheme and especially in engineering the defeat of the bill in Congress.

"I was apprehensive that Senator VAN WYCK at one time would secure an investigation and develop the inward facts, which would have defeated our speculation, but that fear is happily past and we can now

felicitate ourselves upon having secured a bonus of over 1,000,000 acres of the finest agricultural and timber land in the country, worth at the lowest figure $3,000,000. Fill your glasses, gentlemen. Here is to our friends."

A sip or two only of the sparkling fluid is taken, for the division is yet to be made, and each feels the necessity of retaining possession of all his faculties. Even these men watch each other narrowly.

The division begins, bright new bonds slip easily through the nimble fingers of the presiding genius of this conclave, and as they are passed to the one and then to the other, see how the eye of each kindles with unwonted joy; how triumphant the smile that creeps over their flushed cheeks. Silent, erect, intent, each scans the count, unconscious that truth, justice, mercy, and charity, gloriously symbolized upon the surrounding walls by the magic brush and pencil of the old masters, are dumb witnesses of the scene.

Take a final glance, gentlemen of the opposition, at what I have but faintly endeavored to outline. Fill in the picture with all that imagination can suggest or wealth procure; burn it indelibly, if possible, into your heart and brain and then go with me elsewhere. I will lead you to the humble home of the man, and brother shall I say? who wins his bread by the "sweat of his brow." It shall be upon the vast savannas of my native land.

As we approach, on either side will be herds of wild cattle and horses, peacefully grazing upon lands fertile beyond computation, covered with rich native grasses and flowers that fill the air with delicious perfume. There will be in the distance signs of human habitation, and you will wonder why this rich and beautiful land is not crowded with the busy sons of toil. A wide expanse stretches away to the right and to the left, and in front of us will be dimly seen the abodes we seek. Skirts of timber loom up as we advance on either hand as nature's framing to these gently undulating prairies, dotted here and there with rude dwellings inhabited by a peaceable, happy, and contented people.

By devious paths we travel and finally halt in front of the nearest. We dismount, throwing the reins of our bridles over the heads of our horses, leaving them free to graze where they will, for such is the custom of the country. Stop a moment and make a note. Rail fences with stake and rider inclose this quiet home. Pole bars that slip back and forth form the entrance. A small field is in the rear containing the little corn, cotton, and potatoes upon which these people depend for food and clothing.

There will be but one bar up, giving easy access to the premises, for this is one sign of their hospitality. Hatless, shoeless children will be playing in the yard, surrounded in every direction with domestic fowls. They will scamper away as we advance. There will be a tree planted here and there, and a small garden spot fenced with oak pickets near by; the house is rude in the extreme, built either of logs or boards, with one main room perhaps fifteen feet square, with possibly a shed room; a mud chimney; the floor and ceiling of split boards; a ladder in the corner of the room with which to reach the loft; two or three wooden stools, a raw-hide chair, perhaps two of them; a rough cypress table; one bed in the corner, a trundle-bed slipped under it; a cupboard with a small quantity of crockery and tinware, and a wide chimney-hearth, in one corner of which the good wife is seated cooking, or perhaps brewing a cup of coffee.

There are no glass windows, no panel doors, all is built of rude boards on wooden hinges and fastened with wooden latches. As we enter she will glance timidly at first at her visitors, and then bid us welcome. Rising from her chair she will insist that it be taken. Her husband comes in from his labors and greets us kindly. He will ask me with anxious voice about his homestead. Answer him if you have the heart to do so. Tell him that your votes have taken it from him; that you have given it to the wealthy men of the land, to Jay Gould & Co., to the railroad.

Nerve yourselves to the task and tell him further of the scene you witnessed in the division of the spoils; of the magnificent and luxurious abodes of the railroad magnates; of how they felicitated themselves upon their success; of how much they realized. Then watch the face of this honest yeoman. He is but a type of those who bear the burden of your taxation, who fight your battles, whose blood and heroic fortitude won for you your freedom, and whose strong arms are ever ready to be uplifted in defense of their country. Glance at the wife—at the little ones—at their simple household gods—and then pray God to forgive you for the sorrow and anguish you have visited upon this rustic home.

You will have driven the steel into his soul; your hand has been turned against the dearest spot to him on earth. And can you wonder that his hand should be turned against you, against the greed and despotism of wealth? Can you wonder that nihilism, communism, agrarianism is silently taking possession of the hearts and minds of the laboring classes? You dare not say they have no grievance, nor dare you deny that in the oppressions, the insatiate demands of wealthy men and soulless corporations lies the true cause of that grievance.

Contrast the two pictures—put them side by side. Look first at the money kings adding to their ingots amid scenes of royal splendor, and then at the humble cottage of the lowly patriot who, at their bidding, having gathered together his little all, is turning sadly away from the birthplace of his children. Choose ye between them.

Mexican War Pensions.

SPEECH

OF

HON. CASEY YOUNG,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884,

On the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. YOUNG said:

Mr. SPEAKER: I desire to say a few words in reference to this extraordinary bill, giving to the House some of the reasons at least which influence me in voting against it. I do not like to oppose a pension bill, whether for the veterans of the Mexican and Indian wars or for the soldiers who fought in the Union Army during the late war, and any bill based upon a reasonable appreciation of the services rendered to the country by the soldiers who fought in these different wars would receive my support. But in view of what this bill, if passed in its present form, will ultimately lead to, I feel that I should fail in a high public duty if I did not oppose it and point out its ruinous features.

The soldiers of the late war are already provided for by a system of pensions more enlarged and liberal than was ever created by the legislation of any other country in the world. The soldiers of no government were ever so generously and munificently provided for. And this is right. I assisted, and cheerfully, too, in the enactment of some of the laws for their benefit which are now on the statute-books; but I did not then suspect that these laws were but the commencement of a system of legislation that would in the end impose upon the country for the next half century a vast financial burden.

The veterans of other wars have not been so kindly cared for, and now, after long years of neglect and when most of them are in poverty and old age, their condition appeals most strongly for a part of that bounty, nay, that justice, which has been so lavishly bestowed upon their younger brethren in arms. A few of them are my constituents, and have expected me to vote for this tardy recognition of their just claim upon the Government, but they do not, I think, expect me to do so at the enormous cost which this bill would inevitably entail. Whatever may be expected of me, however, in this regard, I could not with my convictions of public duty give my assent to the passage of this bill if it would enrich every Mexican veteran, no one being as anxious as I am to do them a justice already too long delayed. I have no right as a public representative to confer a benefit upon a few individuals at the cost of a sum almost as great as the national debt ever was.

I take it for granted that gentlemen who are so earnestly urging the passage of this bill to the exclusion of all other measures have not stopped to consider what a cruel wrong they are doing the Mexican veterans, and what an enormous additional burden they are endeavoring to lay upon the people of this country, already complaining most grievously of overtaxation. These gentlemen surely do not dream that their unselfish zeal in behalf of the soldiers will, if they succeed in passing this bill, cost the country more than two thousand millions of dollars, but a careful calculation made from the most reliable data attainable shows that this is a moderate estimate, and will most probably fall under rather than go above the real amount which this bill will cost. This will no doubt surprise those who have not examined the subject closely. It startled me when my attention was called to it by one of the most accomplished actuaries and statisticians in this country. I requested this gentleman to make a thorough examination of every accessible source of information upon the subject, and to make a calculation of the most probable cost of this bill. He has given me the data upon which I base the following facts and estimates:

The muster-rolls of the United States Army and Navy show that in the war between the States there were enlisted 2,064,000 men. How many of them were married or had dependent relatives is not shown, to my knowledge, by any published report or document, but the proportion is easily arrived at by an examination of the pension-rolls.

Of these enlisted men 604,000 died or were killed, leaving 1,460,000 alive January 1, 1866. The 604,000 dead soldiers left 307,000 widows who have applied for pensions, as shown by the report of the Commissioner of Pensions. This shows that more than 50 per cent. of the soldiers who died were married. And it is fair to assume that a much larger percentage of those living are married. It can be safely estimated that at least 80 per cent. of the men discharged from the Army in 1866 at the average age of 32 years are now married.

That is to say, there are now 1,200,000 married men who were soldiers in the Union Army. These men die at the rate of twenty to the thousand, which rate steadily increases as they grow older, until in forty years the last will have passed away. Thus the first year after the passage of this act there would be 25,000 widows to pension at $12 per month; the second year the number would slightly increase. In

six years there would be over 200,000 widows on the pension-roll, and the money to be expended would amount to $30,000,000 per annum. In ten years the widow's roll would contain over 300,000 names and would require $45,000,000 per annum. The expectancy of life for these widows, supposing them to average 32 years of age now, shows that at the end of thirty years 50 per cent. of them will be alive and the pension-list then for widows would be reduced to $22,500,000 per annum.

Thus in one year after the passage of the bill 25,000 widows will be entitled to its benefits; in ten years the number will be 300,000, the highest point to which this rule would reach, and the amount paid in these ten years would be $240,000,000. For the next twenty years, when the names on the roll decrease from the highest point to one-half, the amount to be paid out would be $670,000,000 in the aggregate. In thirty years more this "widows' roll" would be extinct, costing during this latter period $290,000,000 more, a total of $1,200,000,000.

This calculation includes children, but not fathers and mothers, and of these there would be at least 50,000, to whom the annual pension in the aggregate would be $7,000,000, lasting ten years and making the total for dependent relatives and widows under the ninth section of the bill $1,270,000,000.

Section 8 provides that any one of these living soldiers who served three months and is dependent upon his labor for support shall be entitled to a disability pension ranging from $24 to $288 per annum. It may be safely estimated that one million of those living will be found to be dependent on their labor, and therefore eligible under the bill as pensioners. The average of the disability pension may be assumed at $12.50 per month, or $150 per year, which is more than $50 less than the present average of pensions, which is $203 per annum. If only 10 per cent. of those living were to apply for pensions, the cost would be $15,000,000 per year. The expectancy of life for a man of 50 years is twenty-one years. This would make the average cost of each of those pensioners $3,150 or $315,000,000 for 10 per cent. of the number of living soldiers. But the records of the Pension Office show that of the 1,200,000 survivors of the war 496,721 have already applied for pensions, claiming wounds or disabilities incurred in the line of duty. Of these 201,111 have been allowed and 66,534 rejected, and 181,608 remain unacted upon.

Pass this bill and these 180,000 applications will be granted as soon as the clerical work can be done, and you add at once $27,000,000 to the pension-roll per annum. If none of the 963,000 discharged soldiers who have not applied for a pension should apply the passage of this bill would add over $600,000,000 to the pension-roll in cases where the applications are already made. But human nature is the same everywhere, and the probabilities are that in ten years more than 50 per cent. of the soldiers who have not applied will apply under this bill and obtain pensions. Suppose 500,000 are put upon the rolls within the next ten years, they would add $1,575,000,000 to the cost of pensions, and it can scarcely be doubted that at least this number will be added.

To summarize: under section 9 we will probably have to pay $1,270,000,000 for dependent relatives, and under section 8 we will have to pay at least $600,000,000, and most probably $1,500,000,000, for disability pensions.

These are facts deducible from the bill and the established "mortuary" and "expectancy of life" tables, and show that the grand total of expenditure which is involved in these sections 8 and 9 will be the enormous sum of $3,370,000,000.

The Commissioner of Pensions, when called on two years ago for the number of survivors of the Mexican war, estimated 36,000 soldiers and 32,000 widows. This estimate, made by the "Carlisle tables," seems rather large. There were in round numbers 100,000 men in the Army that conquered Mexico, and the entire losses did not exceed 20 per cent., leaving 80,000 men of the average age of 28 years discharged in 1847. Climatic influences, added to unwonted hardships and dissipation induced by army service in a foreign country, must have caused a much greater than the ordinary death-rate, and it is fair to presume that 25,000 men and 15,000 widows who have not remarried would be about the number who would receive service pensions under this bill.

The soldiers under this bill average 65 years old, with a life expectancy of twelve years, while the widows average 57 years of age, with a life expectancy of sixteen years.

At a pension of $12 per month nearly $6,000,000 would be the annual addition to the pension-roll, and about $40,000,000 would be paid out before the list was extinguished.

This is but a small sum compared with the enormous expenditures proposed by the eighth and ninth sections of the bill, but the vicious principle of a service pension is established, rendering it certain that in a few years a similar demand will be made for all the soldiers of the late war, and then who can estimate the amount of money it will require to meet the demands of our pension-roll?

I know and appreciate the character of influence that is behind and influencing the support which many members are giving to this bill, and that it is an influence and power that few public men have the courage to defy. But ought we to allow any sort of pressure, however strenuously applied, draw us into the enactment of a law which our judgment and sense of public duty must condemn?

I do not believe the soldiers will want this bill passed themselves when they come to understand the disastrous consequences which it will entail. I can not think that the gallant men who rescued the Government from the perils of civil war are now willing to surrender it wholly into the hands of the tax-gatherer for the next fifty years—for such would be the effect of this bill. We now owe to the public creditors more than $1,400,000,000; add to this sum $3,000,000,000 more, all of which must be paid within the next fifty years, and it does not present a very hopeful outlook to the people, who are now feeling the burden of a taxation too large to be comfortable with probable prosperity. It may and doubtless will be claimed that the estimates I have submitted are too high, but I have considered them most carefully and am of opinion that they are more likely too low. For these reasons I can not give this bill my support, though I should be glad to vote for such a pension bill as the soldiers of all wars have a right to ask for; but further than this I will not go.

Salt in Politics—Its Conservative Quality—Decay of Integrity—Mortmain and Monopoly—Lant-Trust and Restitution—Progress and Poverty—A Time for Reform.

"If the salt have lost his savor, wherewith shall it be salted."—Matthew v, 13
"Have salt in yourselves, and have peace one with another."—Mark ix, 50.

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the following amendment offered by Mr. BELFORD to the bill (H. R. 7012) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes:

"For the improvement of Salt River, in the State of Kentucky, the sum of $100,000: *Provided*, That the improvement herein contemplated and provided for shall be completed before the 11th of November, A. D. 1884, so that the Democratic party may thereby have free and easy access to one of the States of the United States they have the capacity to govern."

Mr. COX, of New York, said:

Mr. CHAIRMAN: I do not intend to respond to the gentleman from Kentucky [Mr. WHITE]. His references to Salt River and the necessities for its improvement are facetious, but on a bill of this kind they provoke me to serious thought. He quotes what I said on a former discussion of another river and harbor bill when the present Speaker, his colleague, suggested to me the macadamization of a certain stream in Kentucky, so as to improve its—navigation. I did jocosely propose to make it—a thoroughfare. I referred to the gentleman's colleague then as being opposed on principle to this questionable legislation.

While I admit that the present bill is an improvement on former legislation of a similar character, yet I hope still further to improve it, so as to make it acceptable to those who, like myself, can see no Federal commerce in small local streams, nor any power or place to build canals in a bill for the improvement of rivers and harbors.

But, sir, I rise to moralize somewhat. I desire "special leave" to discuss the conservative elements of salt as well as Salt River. Salt River is not located in Kentucky. It is of wider renown. It is a stream as full of sad meaning to the politician as the Stygian stream to the ancient Greek. It is the route to official exile—exile to Hades—the political *Limbus Fatuorum*.

SALT IN SYMBOLS.

The word "salt," sir, is Aryan in origin. It has preserved its savor on all derivative tongues. Its relation to politics is implied in the word salary. Salt was a legal tender among the Latins. It is an element of the sea as well as of the land. Its function is preservative and purifying. It seasons our food to make it palatable, and our wit to make it pungent. It gives flavor and relish. It is an element of health. It was the ancient symbol of hospitality. From time immemorial, to be placed above the salt at the banquet table was regarded as the most polite recognition of rank. Those who were not seated near the salt-cellar, so to speak, were regarded as servile and mean, and were relegated to the "attic." Therefore, if one means to be self-respecting, it is still said, in the old parlance, that "he never drinks below the salt." Salt is the emblem of purification. The sea is salt over the ruins of Sodom. On the Dead Sea's shore the crystallized wife of the fleeing patriarch became a pillar of salt. How sad her lot!

But, in its most remote and liquid meaning, the word salt implies a retiracy from power, an exile up a stream where there may be no patronage but much repentance. *Hinc lacrimæ!*

UNSAVORY CANDIDATES.

It was remarked by my friend here from Massachusetts [Mr. LYMAN] that he could not sustain certain eminent Republican candi-

dates. They lacked the moral purity by which his independent course was guided. Besides, he added, it is necessary to the health of parties that they should be retired for purification. It was indeed a bad party that exile from power could not help. He meant that a place for Salt River is indispensable in our Federal bill for rivers and harbors, and that it should not be neglected, as it had great utilities. He would therefore enlarge the channel of this national stream, and to its

* * Holy water for lustration bring

the defiled party of moral ideas—and immoral deeds.

Mr. Chairman, my reasons for so often opposing bills of this kind have been freely given. This is a sample of other objectionable bills. Each and all of them should be subject to one test and one rule.

I have served long in Congress. If there be any secret cause for my long continuance in this House it may be discovered in my mode of business.

DUTY OF THE LEGISLATOR.

Let us work by a rule. The office of the law-maker is one of trust. Let us measure its duties by a standard, and determine the trust by its terms and not by loose construction. The rule should not be elastic. It should neither shrink nor stretch.

Whether in benefactions like the life-saving, letter-carrier, immigration, foreign steamer inspection, and other bills; or in economies respecting taxation and tariff; the river and harbor, and other appropriations; or in matters affecting our social and political science, such as the census and apportionment; or as to the relations of citizens—Federal, State, and foreign—my action has been guided by the rigid rule of written law applied to granted power, strictly construed. I have indulged in no excesses, no prodigalities, no compounding or usurpation of powers, no straining after the glitter of national effulgence that would eclipse the more important though less garish system of local and State institutions. Hence, I have tried to lessen the temptations of spoils by reducing Federal taxation, with its alarming and alluring surplus. I would frugally limit appropriations. While allowing luxuries to remain taxed, I would abolish the internal-revenue machinery, with its dangers and wrongs, and reform the tariff so as to reduce and equalize burdens.

LAX CODES AND MODES.

Believing that loose political codes and elastic modes of interpretation and construction, even though not vicious in themselves, create corruption, I shall continue to practice as well as profess these principles. Nor is this a difficult course to pursue, since it has become a habit. Thus practicing, do I not, as a law-maker, represent my party in its best and purest thought, and assist its counsels in this, its crucial year of trial, as it is springing under the popular impulse into promise and power? Do I not thus best represent the people in whose service I have passed so many delightful though laborious years?

The theme suggested so playfully by the gentlemen from Colorado and Kentucky rises into seriousness and dignity beyond most of our debates. It involves the statement that good logic is good morality; that strict construction and trustworthy action in Federal affairs are one; that the evils of time, which threaten to ingulf our best hopes, are the result of the libertinism that comes from disregard of our old codes of faith and rules of conduct.

CAUSES OF DEGRADATION.

Standing as I do to-day among friends who have known me in the two States I have represented since my early manhood; among friends to whom every step of my public career and every act of my private life are as an open book, may I not speak freely of the causes of our present national degradation?

The prime cause was our departure from the landmarks set by the fathers when they established the limitations of the powers delegated to the Federal Government. I yield to no one in devotion to my country. My every thought and wish and act, in peace and in war, has been inspired by devotion to the Federal Union, but I charge that the evils of the times had their origin in the breaking down of these landmarks. The terrible fratricidal war which twenty years ago deluged the land with blood, gave occasion for the exercise of Federal power, which, although necessary and therefore permissible in time of war, grew into excesses and precedents for times of peace.

The Union established by the fathers for the common defense of the States and the general welfare of the people is worth all the bloodshed and treasure expended for its establishment and maintenance. But how long will it be worthy of maintenance if the republican form of government gives place—as it is rapidly doing—to a plutocratic usurpation of all the co-ordinate branches of the Federal Government? Is not wealth, or unscrupulous fealty to corporate wealth, fast becoming the main, the only, and the all-sufficient qualification for the high offices of State—executive, legislative, and even judicial? What has brought about this woful anti-republican condition of affairs? Is it not plainly the continuance of the extravagances of the war times, when the foundations of most of the present colossal fortunes were laid in great contracts and cemented with the blood, tears, and cruel taxations of the people?

REPUBLICAN SPOILSMEN.

While our soldiers were laying down their lives for the Union there remained at home the army contractors and spoilsmen, who for four long years exacted from the people nearly $2,000,000 a day as their pay for devotion to the Union! The service of the contractors and spoilsmen and of the patriots who loaned the Government 30 cents on the dollar at heavy interest has ever been regarded by the Republican party as something nobler and more worthy of acquittance than the patriotism of the people who sent their sons to the field and toiled to support our armies.

Whatever of legislation was demanded by the contractor, the bondholder, or other non-combatant creditor of the nation has ever been most freely granted by Republican Congresses and administrations. We became so inured to Federal taxation and extravagance under Republican administration, that we looked upon an annual expenditure of five or six hundred millions of dollars with far less concern than we once regarded an expenditure of one-tenth such outlay.

Most of the Federal disbursements go into the pockets of the vast army of agents, officials, stipendiaries, and contractors which has been organized by the Republican party in the twenty-four years of its power. It now costs 50 per cent. more to maintain the Federal Government than it does to support the State, Territorial, county, and municipal governments of our thirty-eight States and eight Territories.

If this were the whole cost of Federal rule, the work of reform would after all not be so difficult to an honest party after its administration got into good working order.

THE POWER BEHIND THE THRONE.

But this is not all that a reform party will have to contend against. It must encounter something stronger, something more exacting on the people than the grand army of office retainers in the Republican party. It must encounter a power more compact and wealthy than that of the Republican official organization itself. It must encounter the great unofficial Republican organization of plunderers. This power has grown up within the last twenty-five years under national charters, cash subsidies, land grants, exclusive financial franchises, and the excessive profits of indirect tariff taxations. This army has now almost absolute control of the entire floating wealth of the nation. It has also amassed the great bulk of the fixed wealth, either in direct proprietorship or by mortgage and trust securities.

THE AMERICAN MORTMAIN.

Nothing but the wonderful resources of our rich domain could have enabled the people to support themselves under such long-continued and enormous exactions as those to which they have been subjected during the past quarter of a century. The immense flood of immigration that poured in upon us during that period has helped to develop those resources so rapidly, that to the superficial observer our wonderful achievements over nature seem to be conclusive evidence of general prosperity. You, my friends, who remember the condition of the working people of this country under the old Democratic régime, know how fallacious this view is. You know, from every day's experience, that although our national wealth has doubled, quadrupled, quintupled, during that time, it is not shared by the masses of the people. It has eluded the grasp of its producers, by some sort of sleight of hand. This is incomprehensible to most people. But it is patent enough to even the tyro in political economy that it has been gathered into the coffers of those who own bonds and stocks. It has been sequestered by companies to whom either directly or indirectly have been granted certain State and Federal powers and privileges without any accompanying features of governmental responsibility or control by the people.

There have been opened to the favored few, by legislative grants and by the prostitution of legislative power, the opportunities to organize under the cloak of the law, which enabled thousands of men to become millionaires without ever earning an honest dollar, and hundreds to possess tens and twenties of millions of the wealth we boast of in our statistics.

Thus it has come to pass in this great country of inexhaustible wealth that the masses are miserably poor, that the struggle for existence is daily growing harder for them, and that each year they have less power to control or direct the making, construction, and execution of the laws of this country. Thus it is that wealth—vulgar, coarse, and brutal in its lust, greed, and selfishness—seeks to prostitute every branch of the State and Federal governments to its own ends. It has so benumbed the senses of the people that they have come to that condition in which they scarce think of the possibility of electing a Chief Magistrate, Senator, or even a Representative to Congress who is not either a millionaire or the boudsman of a great corporation. What a humiliation it is to be compelled to acknowledge such a falling away of patriotism! Are we worthy of the liberties won by our ancestors?

THE DECLARATION OF LIBERTY.

We are approaching the one hundred and eighth anniversary of their day of independence. Let us revive some of the old spirit of the fathers.

Our ancestors never made a declaration of liberty against the tyranny of money. They never dreamed that their sons could become the slaves of such a power.

We are still a free people; hence we should be ruled by ourselves. But how long will the institutions of our fathers, honeycombed as they now are by fraud, permeated by selfishness, and putrescent with corruption, remain as the witnesses of the heroic struggles of a hundred years ago? What are magna chartas and bills of rights and muniments of personal freedom, the grand incentives to public content and private fortune, when the air is fetid with poison and the Government has degenerated into a moneyed cabal?

THE NATAL DAY OF INDEPENDENCE.

Our fathers were wont to celebrate the natal day of American independence as men whose glory it was to feel and know that theirs was a land of liberty and plenty; a land where poverty and riches were alike unknown; a land where the people ruled; a land where patriotism, moral worth, and intellectual power were the only sure passports to popular favor. What changes have been wrought among us in a few short years—in the flight of a single generation! Then, we were in very truth a commonwealth; now, we are a nation, with rulers set over us. Then, "our country" was the theme of all our eloquence, and liberty our highest aspiration; now, a most ignoble ambition is eminent and dominant. It rules the press, the pulpit, and the arena of politics. I mean the inordinate desire for wealth, that scruples at no means, however dishonorable, that will secure its gratification even at the expense of the general prosperity. The frequent acquisition of sudden wealth, which was so notorious during the late war, seems to have developed among us a spirit of insatiate greed.

SPECULATION AND BUSINESS INTERESTS.

Is it indeed true that "money answereth all things"? Is it indeed true that our country has "waxed fat and kicked"? The acquisition of wealth by sinister methods, in the marts of money in the great metropolis, at 20 per cent. a month, is but one of many recent developments leading up to the craze of speculation and the insanity of gambling. Is it true that the old prudence, which is itself a virtue, the heroic loyalty to conscience, and the faith in a Supreme Ruler have given way to the self-seeking promptings of inordinate gain? The panics in our streets and the prisoners in our jails are living illustrations that the Pecksniffs are not all gone; that the Pharisees are yet making broad their phylacteries.

It is true that our civilization creates many wants, many temptations. It has taken hold of the people; it moves them to the front; it engenders a desire for luxury and prodigality which too often benumbs the scrupulous moral sense in the hurry for the attainment of wealth. The ambition to become rich has tainted almost every department of social life. It has become the common incentive to almost every financial fraud and crime. It has been left for this summer and New York city to show us how "business interests" can be transformed and developed in a way never before defended in the forum of conscience. Whether in the daily investment of capital or in the increase of professional practice, adventurers of all kinds seek, with fair prospects of success, to reach social standing by the prostitution of trusts. The great mass of society in the cities has been leavened by this most undesirable element.

MERETRICIOUS CANDIDATES.

In the selection of candidates for the highest trust known to civilization the eyes of the people and their delegates have been blinded by the dazzle of wealth. They fail too frequently to see that the methods of gain, however successful, are not always such as comprehend justice, the dignity of mankind, or the brotherhood of the nation. In other words, the pleasures of social and sensual life have become so paramount as to allure the imagination of the people toward the exaltation of meretricious splendor and sensuous display over modesty and solid worth. The self-styled "party of moral ideas," which boasts of the culture of the schools, of the higher thought, of the finer feeling, of the nobler ambition, and of intellectual exaltation, has long since succumbed before the insolent plutocratic assurance which undertakes to record in advance of the ballot the people's verdict at the polls

How long shall such methods of intrigue be allowed to manipulate, bargain for, and capture the highest candidacies of the Republic? How long is this party of wealth, hypocrisy, chicanery, and fraud to administer the public trusts?

REVIVE THE OLDEN SPIRIT.

Upon the recurrence of this patriotic season, made memorable by the self-sacrifices of patriots, who pledged fortune, life, and sacred honor to maintain their independence and confirm their liberties to posterity, it is especially becoming in us to determine that extravagances and glitter, epicurean luxuries and treacheries, financial and political frauds shall receive the condemnation which righteous indignation and common honesty should heap upon them. It is especially fitting that we should commend that enthusiasm of patriotism which over a hundred years ago consumed in its wrathful fire the miserable selfishness of men, gave revival to conscience, and shone like a precious gem in the crown of Liberty. To despair of one's country is dastardly. He is a graceless son who will not aid his mother in her extremity. More need then of hopeful, helpful, invigorating works.

If there be one way more than another in which popular sovereignty may be overthrown most speedily and dishonored most ignobly, it is that by which our public service is made the feudal retainer of corporate wealth and the goal of spoilsmen intent, only on private aggrandizement. It is a sad day for our country when a small coin no larger than one's eye is brought so near to constituent and representative that its disk shuts out the whole horizon of social and political life. The history of nations shows that it is not impossible, by absorption in one ignoble pursuit, to lose that spiritual vision which gazes undazzled at the full noonday radiance of alluring ambitions. How hard for man to resist temptations when such as now allure were even offered to Divinity itself.

I am not as one without hope. We have not all bowed the knee to Baal. I feel that I am among men who are not altogether engrossed in the pursuits of avarice; men who engage in daily toils and nightly meditations that are more attractive than the chink of silver or the rustle of greenbacks; men who can enjoy books more interesting and inspiring than the ledgers of the counting-room. Thank God, we are not yet as a nation altogether bankrupted in patriotism and selfish in greed.

JUDGE CANDIDATES BY THEIR LIVES.

In a year like this, when we should select our leading officers—Federal, State, and municipal—with a view to the general welfare, is it not our duty to inquire into the causes of the untrustworthiness which has become all too common in public and private administration, in order that they may be removed by such an exercise of long-outraged and indignant suffrage as will tend to exalt honesty over greed? Our newspapers are full of the catalogues of speculative liabilities, aggregating millions in amount. They are full of the long lists of stocks and bonds pledged, or purloined to be pledged, in dishonest schemes from which thousands of innocent people have grievously suffered. The ventures pertaining to some of these peculiar transactions have come very near to my own city and the Federal Government. This startling array of fraud and speculation is a warning against the selection for high public trusts of mere "business men." Their political and financial trustworthiness has not stood the test of public scrutiny.

Blackstone said that it required thirty years' study of the law in order to become so imbued with its principles as to be qualified to administer it in the courts. There is great wisdom in this view of the learned commentator. No man can be a student and practitioner of law for thirty years without having established a well-deserved reputation either for integrity and ability, or for dishonesty and chicanery, or for honesty and mediocrity. The same is true of persons who have held offices of honor, profit, or trust for any considerable time. Their acts and modes of life are the fruits by which they are to be judged. Judging candidates for offices and trusts in this way, and giving our suffrages to the competent and worthy only, would soon bring to us the reform we so sadly need. I do not concur with those who would regulate our State and Federal administration on "business principles." I desire a higher standard in our public agents than that of mere faithful employés and wage-earners. I would have no offices of profit. All should be of honor, trust, and modest compensation, and filled only by those of proved ability and integrity. I would make office-holding not merely an educational reward, but an award of civic honor to patriotism, capacity, and unquestioned integrity. Especially would I demand such qualifications in the legislators, the judges, and the more important executive offices. The minor offices, like the streams from pure or turbid fountains, will partake of the translucence or the tinge of the sources from whence they flow.

TRUE CIVIL-SERVICE REFORM.

If we had such a civil-service reform as this, would there be the place-hunting, the arrogance and riotous display of wealth by men in public stations that is such conclusive evidence, in thousands of cases, of the ill-gotten gains that grow out of corrupt contracts for public service, barters of political influence, embezzlements, speculations with public moneys, and other breaches of official trusts? Every fifth year the ancient Romans had their *lustrum*—their year of purification, of census, of apportionment of public burdens, of accounts of stewardships. How long has it been since our nation had its lustrum?

It is an old rule of Democratic faith that the money of the people should not be deposited in banks designated by officers, to be trafficked in at pleasure and tempt to speculations that end in bankruptcy. The subtreasury system of the United States grew out of this jealousy for the safe-keeping of the public funds. How the times have changed. Not long since a bank in New York city had in its vaults, by permission of a Secretary of the Treasury, securities and moneys of the United States resulting from securities amounting to nearly fifteen millions, free to speculate in, without any bonded liability to the Government in case of loss. I will not assert that this was the result of a corrupt bargain; but I will say that such questionable conduct in an office of great public trust should be regarded as conclusive evidence of want of virtue in the incumbent. It is sufficient ground for divorce from the public service. It is only a matter of good luck, perhaps, that in the case referred to speculation did not run so high as to have absorbed or sunk the millions deposited.

THE GENERAL DISTRUST.

It is a matter of sadness for many a stockholder that a shrinkage of

ten millions occurred the other day in one of our railroads, for which there was no compensation in the shrinkage in value of a millionaire's assets of twenty-three millions. A depreciation of forty points on twenty-five millions of bonds, equal to ten millions of shrinkage, not only affected by its reaction other investments at home, but in the present condition of freightage proved a terrible blow against the prosperity of railways, their operation and extension. It begat in foreign investors distrust of American securities sudden and disastrous.

Are we to learn, under the untrustworthy associations of to-day, the lesson that no confidence can be placed in any man, however high or proud? The game of hazard has been often played by men of high social standing, in cotton and grain, in clothing and food. Speculation has run riot, loans have been shifted, and business disturbance become turbulent. The banks that are now maintained for the purpose of giving a safe and uniform currency to the people at a cost to the tax-payers of from 2.70 to 4.50 per cent. of their issue have become so tainted by participation in these transactions that Congress is now seeking to learn something about the unsound condition of their reserves and securities. The people demand to know why the recent enormous shrinkage in values has begotten such a shrinkage of confidence in respect to all financial operations.

VARIETIES OF FRAUD.

Army officers duplicate their pay until the son of Lincoln loses patience at their petty devices of fraud, and court-martials are called too late. Armory contracts display frauds. We see fixed returns of the rotten railroads that owe the Government moneys not computable. Our Land Office shivers under 600,000 pending claims for 7,000,000 acres of public lands, mostly claimed by land thieves. It is not alone the starry route, and vast largesses in the elections of 1880, nor the use of money to buy mercenary delegations at Chicago. It is not alone that the Government seeks to hide its schemes of aggrandizement under secrecy, so as to disburse a quarter of a million to the congress and newspapers of Central America for private ends and canal projects. It is not alone the acquisition by hook and by crook of 20,000,000 of acres of our soil held by foreigners. It is not alone giving to France and England control of our isthmian routes. It is not alone the system of absentee landlordism that exists in Dakota and other Territories to blight our heritage as it has blighted the fertile fields of Ireland. It is not alone the railroad wrecker and repudiator who strove to wrest Old Virginia from her ancestral politics.—These and the thousand other frauds wring from such Republicans as George William Curtis the following confession:

> Honest and economical administration, peaceful and honorable foreign relations, the progressive purification of the public service at home, wise reduction of the revenue, and that sense of general security which springs from the moral elevation of the administration are not to be expected from Republican success.

THEIR NAME IS LEGION.

A clerk has lucky speculations among his Norwalk (Ohio) neighbors, while pocketing fifty thousand of their earnings. A railroad magnate mismanages his road between Nashville and Louisville, but manages to get caught on $200,000 restitution of unlawful funds. Insurance rogues deal with Death, and call in the gospellers to help his claims. Suicides become common, and the coroners find—"deficits." Even staid Boston has her scandal of gas bribes to senators for their votes. Poultices and plasters help the weak, bail bonds and Government counsel help the wicked. The outcasts of dishonesty base all their hopes on the possible election of a Republican candidate. Yet this dark cloud has some silver lining—a few earnest and honest Republicans protest.

What, asked an English paper, makes the American a more dangerous gamester than the Frenchman or Englishman? This was its answer:

> What, indeed, is ruin in that exhilarating air, with nobody caring, and thirty-six States around you offering to the skillful thirty-six thousand ways of making money? An attack of dyspepsia is far worse; and, in fact, when a prominent American is ruined we generally hear that he is "sick," and that his friends upon that account are full of anxiety for his future.

THE SPIRIT OF GREED.

What cable can tether or chain bind this spirit of unholy greed in private and public life? Whether in the cañons of the Colorado deep down below the sound of human woe, or within the rocky volumes of the geologic and prehistoric eras, where the simple Zuni worships like an Oriental, or upon the unctuous soil of the Indian reservations, where the red man imagines that he is located as long as grass grows or water runs, this spirit of greed is there, rolling arable acres as a sweet morsel on its tongue. It hovers over the splendid Yellowstone Park, where the laboratories of nature are producing by their perpetual chemistry the weird wonders which the pencil and easel of Durant have made familiar to us. Go to the uttermost parts of our land, from the Téche, where the alligator fights the sugar planter with a show of teeth not unlike his own tariffs, to the Red River of the North, the vales of Montana, and snow-capped, verdure-robed cascades of the far Northwest; and lo! the greedy spoiler is on the wing—prospecting, engrossing, and blighting our fair domain, the heritage of our children's children!

THE DECAY OF INTEGRITY.

All these matters can be referred to the decay of integrity in politics, business, and society. A few days ago the criminal judges of New York city delivered charges to the grand jury in which they commended our police and our criminal jurisprudence. They said that the persons and property of our people are protected from the ordinary felon and bully. This is undoubtedly true. Reasonable protection has been given against the common robber and burglar. Even the bunko men and other vagrants have been apprehended in their petit larcenies. But the many instances which occur to you in New York city, as well as in other cities—in Pittsburgh and Newark—show that the rottenness of our society prevails not so much on the outside as inside of our institutions. For example, there was the Penn Bank, named after the mild and honest Quaker of Pennsylvania. It had provisos against any stockholder or officer being liable or assessable for an amount greater than the face value of his stocks. It received deposits by the millions. The other day the depositors found little or no assets and two millions of their money gone! Better than burglars' jimmies or outsiders were the insidious banker's instruments of wholesale robbery in Pennsylvania. Such instances of plunder are more emphatic in producing industrial depression than your masked tariffs and taxations. How was the collapse of this bank managed? By fictitious entries of deposits. This bank, like others, became simply a medium of respectable rascality. How much of a dividend will the little remnant of assets give the depositors? Who among the gang of defrauders will wear the striped clothes of the penitentiary? Men like Vanderbilt masquerade upon the books of the bank, and oil speculations gave lubricity to the slipperiness of its officers.

It is no satisfaction to know that the fiduciary guardians of the West Side Savings Bank, with its disappearing cashier, lamented in deepest sorrow the necessity for suspension. They regretfully closed the doors against the men and women who sought the hard-earned money they had deposited with them. It is no satisfaction to know that the stock exchange is excited over the tumbling down of gilded hopes. How sad that the head office of Jerry McCauley's Cremorne Mission is now vacant for another Wall-street saint! It is little satisfaction to know that it is easier for such rich men to go through the eye of a needle than to enter the kingdom of heaven.

LEGALIZED GAMBLING.

Much has been said by purist committees of State Legislatures about the prevalance of gambling houses in our great cities. It seems to have been overlooked that these houses exist by reason of the insatiate craving created by the business of the exchange; for what is its business unless it be betting on the price of stocks under the pretext of purchase? Faro is respectable and poker courageous in comparison. In these games other people's money is not always risked. The law may make a difference between these and other games of chance, but as between a bucket-shop and a put-and-call establishment, as between a margin-dealer and a roulette-player, there is little or no moral difference. If there be any, it is in favor of the bucket-shop and the roulette-wheel. It is this passion for gambling that is at the bottom of the methods of the conventions and the street.

To these methods may be attributed the cause of much political baseness and social decay. The capitalist who deals in futures is in some respects better than he who speculates, to the ruin of innocent families, with money not his own. Yet both are gamblers. Embezzlement, fraud, defalcation, theft, all the phases of financial crime are begotten by this illicit passion for gain. As the cause of causes, this passion is more harmful than all the other business schemes of men who seek to engross the patrimony of the young and the honest earnings of the old. The time may come when the now respectable dealers in these games of chance will be branded as destroyers of families, and their operations be condemned as incentives to unlawful speculation. So long as these games of chance are conducted as legitimate business by the pious and devout, by the long-faced hypocrites and Tartuffes of society, just so long should wealth so gained be regarded with scorn and indignation. Is it from this school of gamblers that we are to take lessons in "business methods," administration, and public policy?

OUR WEALTH ENGROSSERS.

Time was, at the beginning of this generation, when the property of the country was more generally shared by the people than now. There was then not so much value per capita in the country; but the people were more contented. There was then little of private defalcation and less of public dishonor. Now we have our Goulds and Vanderbilts and others who engross most of the wealth of the nation. No one is considered in the roll of wealth to-day who does not list his property by the million. The vast assets of our great millionaires were accumulated, not by the ordinary rise of values incident to our industrial developments, but by the watering of stocks, aided by corrupt courts, the subtle artifices of bribed legislators, and combinations organized for the spoliation of honest stockholders.

It is not worth while to speak to you in detail of the enormous swindles, heaped like Pelion on Ossa, by which hundreds of millions of ill-gotten gains have been accumulated in the hands of a few financial conspirators. Perhaps the remarks already made may be sharply criticised because they relate to private and not to public matters. My answer to this is, that when business men, so called, who are supposed to manage and control the great interests which center in our metrop-

olis and involve the prosperity of the whole country, join in demonstrations of a political nature, it is well for us to learn how far their business interests go into the field of politics. The dashing Ward, the festive Eno, the pious Hatch, the humane Seney, the devout Bogart, and the godly Gould all join in an apotheosis to the Republican party, as if they were worshiping devoutly some emperor lavish with the plunder of the nations. These worship at the Republican shrine with the same reverential awe as the Dorseys and Elkinses of the postal Milky Way. The big king of the gambling financiers himself rushes into print to hail the Republican nominee as "a live man," "a live President," as "abreast of the times," "the man who never allows himself to fall behind a single step," "a man for the place." Many such "business men" are so high above the people that they ostentatiously avoid being contaminated by association with industrious men who vote the Democratic ticket and marshal under our banner.

THE UNION LEAGUE DICTATORS.

These and other Jeremy Diddlers of the Union League, who assume to be the best society and falsely claim the highest culture, might well be spared from the arena of politics which they befoul with their unsavory presence. Let us endeavor to teach fiduciary agents something of that fidelity which would come from the rule of honest labor and Democratic practices. They and their brethren of the street should learn something of the philosophic wisdom of Jefferson, the economic frugality of Franklin, and Jackson's contempt of mere money-mongers before they presume to dictate to honest citizens whom they shall elect as Chief Magistrate. These gamblers in millions are fit associates perhaps for the official pirates who ran New York city in 1872, and who were always promptly at the front of the citizens' movement for reform. These are the "reformers" who gloried in the Sherman and Hayes administration of 1877. The speculators and bankers who gamble on the earnings of the poor; who feather their own nests by treachery and falsehood; who buy and sell what they do not have; who make bread and coal dear by secret combinations; who deify successful political profligacy; who would exclude honest merit from social position—are these the men by whom reproach can be cast upon those who seek to make society honorable under the pure teachings of Democracy, and the nation worthy of its founders?

The example of these gamblers for wealth is followed not alone by the confidence-men who will meet you in our avenues and squares, not alone by the agent who may collect money in the name of the Goddess of Liberty and the Bartholdi statue, not alone by the clerk who robs his employer to gratify his lust of gain, not alone by the cashier or the president of a bank who breaks faith with those by whom he is trusted, but, alas! also by men who have obtained leadership in the great sanhedrim of political organization. Thus the decay of our integrity, beginning with the very fruit and flower of our system, extends and ramifies its blight into every social and political institution all over our land.

A TIME FOR REFORM.

However numerous the modes of deceit and the practices of fraud may be, however demoralizing the prostitution of official trusts by public officers and corporate and other managers, we might still be able to bear and forbear if the consequences were limited to the records of detected frauds; but when fraudulent quotations make the prices of our bonds speculative, it is not to be wondered at that other restrictions of honest business modes have been removed, it is no wonder that hypothecations and sales of borrowed property have been made by respectable financiers who oppose legal restrictions upon their private business conduct, and complain that it is not the concern of the public to restrain speculation by law. The pools which defy and set at naught the honest enterprises of industry and trade and depress or enhance values at pleasure might be of little moment to us if they only affected the private interests of conspirators; but when great public interests are injuriously affected, when the whole market reeks with deceptive and fraudulent deals and quotations the moral atmosphere becomes equally tainted, and industrial prostration, bankruptcy, and other evil results follow. When these are the results is it not time to attempt some public and business reforms? Is it not high time to attempt some reform when a great political party in its candidacy for the most honorable office in the gift of the American people enthusiastically nominates for that high estate a candidate of whom it would be mild language to say that he is reasonably suspected of acquiring vast wealth by the prostitution of great official position and influence?

Allow me to make some pregnant illustrations of what I have said. They are in reference to corrupt and demoralizing combinations which cause much of the decay of integrity both in business and political relations. And first, as illustrated in the grasping monopolies under our tariff system; and second, the grasping combinations and pools not originating in the tariff.

THE OLD TARIFF THEORY AND THE NEW.

The old theory of protective tariffs was based on the idea that as the countries of the Old World had great knowledge and experience in the manufacturing arts, some special favors should be extended to persons on this continent. This was to be done with a view to enable and encourage them to develop manufacturing industry. It was not until after many years that the question of protection of wages entered into the tariff policy. The larger the growth of our manufacturing industry the more important became the question of wages.

The original theory vanished long since. It vanished because it is now admitted on all sides that manufactures are so firmly established among us that, so far as tariffs are concerned, the laborer is the only party who needs protection.

Then it follows that the laborers in our shops and factories are the only parties who have any proper interest in the maintenance of high tariffs. The question is, Are they the beneficiaries? I hold that they are not; and therefore I hold that the operations of the tariff laws are unjust. These laws are oppressive to the full extent of their indirect taxation. Show me that these laws are beneficial to the mechanics and other laborers, and I will advocate a tariff for revenue so adjusted as to enhance as much as possible the rewards of labor. I will do this even though the tax weigh heavy on the whole people, if I have constitutional power.

We have the constitutional power to raise all our Federal revenue from the customs; but to do this we must import manufactured goods. We have no constitutional power to enact a law that is ostensibly declared to be a revenue measure, but in fact the opposite, a prohibition of importation, and hence in its operation a restraint on exportation. Our people can not engage in the latter without practicing the former.

The Constitution forbids the taxation of exports, much more the larger measures of prohibition. The reason for this is that foreign markets are a prime necessity for the maintenance of our farming interests. The more these are developed the greater the necessity for observing in good faith this wise restriction on Federal power. If we adopt the policy of the advocates of high tariffs we must favor legislation that is forbidden by the Constitution. We must restrain exportation. We must to that extent restrain the development of our greatest industry, agriculture. Would this be wise?

RESPECT FOR THE CONSTITUTION.

I have never known an instance of unconstitutional legislation proving beneficial to the people. Bad logic is bad law. All our legislators are sworn to obey the Constitution. We are bound to respect its spirit as well as its letter. I believe in commerce because of its benefits. All the more do I believe it my duty to foster commerce, because that is a duty imposed upon us by the Constitution, which we have sworn to obey.

The very fact that the protection of wages was never in the early days of the Republic considered as being within the scope of tariff legislation, and that the heavier the tariffs the more talk there was and is of the necessity for protection of wages, is strong evidence that the operation of a tariff is inconsistent with the theory of its advocates. Why, then, do these men insist that there shall be free trade in labor, and that we should violate our oaths by imposing unconstitutional restraints on the large business of exportation? Is it because the labor in our mills and factories is benefited?

AN EXPOSURE OF THE TARIFF FRAUDS.

In my addresses to Congress this session on the tariff question I proved by the official figures that under the tariff laws of 1880 the average wages in our manufacturing industries was $1.16 a day for three hundred working days in the year, while at the same time the average profits of the manufacturers were equal to 36 per cent. of their invested capital. I also proved that the indirect taxation of the tariffs reduced the purchasing power of these wages at least 40 per cent. This, in connection with the well-known fact that employers are ever on the alert for cheap labor, is conclusive proof that they are not interested in maintaining high wages.

Why, then, do employers demand high tariffs? Why do they organize lobbies to prevent the reduction of tariffs? Motives of philanthropy are not the inspiring cause of these lobbies. I will show you the cause of their efforts in the sacred name of labor—as I exposed it in my last address to Congress on this subject. It is the insatiate greed of wealth. I thus exposed it. I thus proved by cold arithmetic the extent of the tariff robbery:

THE EVIDENCE OF TARIFF ROBBERY.

First. I showed by the figures of the Tenth Census that the profits of manufacturing capital for the year covered by the official returns amounted to $1,024,801,847, a sum equal to between 36 and 37 per cent. of the capital employed. I showed that if this profit had not exceeded 10 per cent. there would, at the wages paid, have been a saving to consumers of $745,774,587; that this sum would have paid all the State and local taxes and still have left to the credit of the consumers $443,573,863; that the latter sum, saved annually for six years and invested in United States 3 per cent. bonds, would amount to $2,861,051,610—a sum $70,779,004 in excess of the total capital invested in 1880 in the manufacturing industries of the United States; that this six years' savings would pay off all State, Territorial, county, municipal, and other local debts, and still leave unexpended $1,804,645,402; that this six years' savings would exceed by $247,445,346 all the paid-up capital of all the railroad companies in the United States in 1880; and that six years more of such savings would pay off all the

bonded and all the unfunded debt of these railroad companies, as reported in 1880, and leave an unexpended balance of $48,935,314!

Second. I further showed that the total amount of wages (including salaries of officers and clerks) paid in 1880 in the manufacturing industries was $947,953,795; that on a 6 per cent. return to the capital invested the manufacturers could have paid, in 1880, to their employés 90.45 per cent. in excess of the wages paid that year; that on a 10 per cent. return to the capital they could have paid their employés 78.62 per cent. in excess of the wages paid that year; and that they could have paid from the returns accrued to their capital in 1880 all the State, Territorial, county, and municipal taxes, and 46.79 per cent. more wages to their employés than they did, and still have a return of 10 per cent. on the capital employed in their business.

THE ANNUAL CONSCRIPTION.

As a 10 per cent. return to capital was liberal in a year in which money was freely invested in Government bonds bearing low interest, I charged that our tariff-protected manufacturers were engrossing the wealth of the nation at the rate of $745,774,587 per annum, while labor was receiving the bare pittance of $1.16 a day—equal only to 75 cents in purchasing power! I say now, as I said then, that it was this annual conscription of the national wealth that capitalized all the other exacting monopolies. And yet the Republican party dares us to attempt tariff reduction. It challenges the Democrats to make this an issue in the approaching political campaign.

It is this system of tariff concentration of our great and enormously increasing national wealth that the great bulk of the Democratic party is opposed to. It is this system that the Republican party is as determined to maintain.

The evil effects of tariffs do not stop at the iniquitous exactions from the people, the incident paralysis of industry, and the degradation of labor. The moral tone of our society has been debased by this open legalized system of robbery which is unblushingly carried out under the most transparent veil of hypocrisy that ever disguised a fraud. When I see so plainly this tariff monstrosity, my wonder, my indignation arises almost as much against the blindness and stupidity of the grossly defrauded laborers who adhere to the party that legalizes their robbery and enslaves their children, as it does against the robbers themselves.

ASSOCIATIONS FOR PLUNDER.

The great manufacturers are associated for two purposes, yea, three, namely:

First. To maintain high tariffs.

Second. To maintain high prices for their products.

Third. To reduce wages as low as possible and to prevent any and every organization of labor, social, industrial, and political, that would tend to defeat any of these objects.

Any young man of talents and brilliant qualities as an advocate can enter the service of these associations with reasonable prospect of high legislative position, if he has sufficient elasticity of conscience to yield to their seduction.

Wealth commands talent. Wealth is "the daughter of the horseleech, crying, 'Give!' 'Give!'" "The grave and the barren womb, the earth that is not filled with water and the fire that saith not, 'It is enough,'" are not more insatiate than the tariff spoilers.

Surely of their generation was spoken the word of Agur, the son of Jakeh, even the prophecy: "There is a generation, whose teeth are as swords and their jaw-teeth as knives, to devour the poor from off the earth and the needy from among men."

I would remind the incorporated devourers of the poor who, like "Hell and destruction, are never satisfied," that "He that hasteth to be rich hath an evil eye and considereth not that poverty shall come upon him;" "He that is greedy of gain troubleth his own house." I would tell them: "Better it is to be of an humble spirit with the lowly than to divide the spoil with the proud;" "Better is a little with righteousness than great revenues without right."

When I see the corrupt methods of the corporate and tariff spoilers, the social and political degradation that they have brought upon us, I thank my God for having directed my steps away from those who haste to be rich on the unrequited labors of the poor, and for enabling me to preserve in thought and deed true loyalty to my oath and the Constitution in the halls of legislation.

It is this ill-gotten tariff wealth that has caused the decay of integrity in our business and political relations and fostered the development of other monopolies. It was amassed in fraud of the people, by modes that have cast reproach on the legislative branch of our Government. It has long controlled legislation and made the way easy for many violations of the Constitution in the name of national developments.

THE PUBLIC LANDS TRUSTS.

The lands transferred to the Federal Government in trust for the people by Virginia and other of the old States that formed this Union and those subsequently acquired were long regarded as a sacred heritage. This trust was fairly guarded until the high-tariff party obtained control. Then it was that the policy of lavish grants to railroad corporations came in vogue.

From the year 1864 to 1875 the Republicans had full control of both branches of Congress. In the House of Representatives Schuyler Colfax was Speaker from December 7, 1863, to March 3, 1869. For six years thereafter the present nominee of the Republican party for the high office of President of the United States, a gentleman of still more unsavory fame then his predecessor in the Speakership, presided in the House.

In the eleven years following 1863 Republican Congresses voted 296,000,000 of acres of our public lands to a few corporations, in addition to millions upon millions of public money. Very much of the latter was used as a corruption fund for members who were in haste to be rich. These grants exceeded in area that of all the farms in the United States in 1880; exceeded it by many millions of acres. They exceeded by 75,000,000 acres the area of the thirteen original States. This empire, equal in area to fifteen average States of the Union, was vested in the possession of a handful of millionaires who now wield the full political power of at least that number of States.

Is not this another illustration of the monstrous combinations of monopolies? Have not these caused the decay of political morality? Is not the gambling in stocks secured by these infamous grants another illustration of the decay in business morality? Do you ever stop to consider the effect of these stocks, both direct and indirect, as an obstacle in the way of the attempt made in Congress to make some restitution of the lands despoiled from the people in violation of a most sacred trust? If you do, you will begin to know something of one of the causes of the decay of integrity that is second only to the tariffs in its baleful influences on public and private morality.

THE FALSE REPUBLICAN PLATFORM.

We have created our masters—our task-masters. They dictate our laws, our tariffs, our wages, and our rates of transportation. They scarce allow us straw to make the brick for their pyramids of wealth. Their greed is only equaled by their effrontery. The climax of their audacity is the last Republican platform, hung with false lights to lure the people to their wreckers.

When will labor arouse from its lethargy? Is there any haven for it in the Democratic party? If not, farewell to the Republic of our fathers. But I do not despair of the Republic. When our people begin to discuss the tariff policy their natural quickness of perception and good sense will soon bring them as right on this question as they are on the other monopoly issues.

The genius of greed needs no legislation to foster its passion. If I could make the law, my aim would be to render it impossible for any man to accumulate a million dollars while labor was glad to earn a dollar and sixteen cents a day the year round. While this condition of industry remains, the fraud of tariff protection is patent and corporate enterprise is robbery.

If you would have progress, prosperity, virtue, and reform, your representatives and officials must not be hirelings of millionaires or directors of corporations. Ye can not gather figs from brambles nor grapes from thistles. Holy Writ says, ye can not serve two masters. Ye can not serve God and mammon; neither can your legislators nor executives nor judges. They must hate you and love mammon, or else the reverse.

If such be the political ethics and practice as to political economy in our public lands, you will not wonder that the laboring man is poorly recompensed for his day's labor, and that even the Scotch crofter and the Irish tenant, oppressed as they are by harsh laws and avaricious landlords, begin to hesitate about yielding to the attractive forces of that emigration which has filled our shores.

REPUBLICAN PHARISEES.

You have read of the Pharisee who thanked God that he was better than other men, therefore you wonder not that even the Republican platform-makers assume a virtue which they have not in resolving against the consummation of their own land thefts and the turning over to foreigners of large areas of our public domain. You need not wonder that our nation has become a shipless one under the rule of such a party.

With such examples of corruption as those furnished by the Republican administrations you are not surprised at the testimony given before our investigating committees as to the inutility and perfidiousness of the "star-route" prosecutions. Even the bar, not to speak of the jury, are tainted by the order to "let Dorsey and others go." Are you surprised that a leading Republican paper in 1883, despairing of any reformation under a Republican administration, cried, after the acquittal of the Bradys and Dorseys, "Turn the rascals out." Was there ever a shame equal to the Republican mode of prosecution or to that verdict of acquittal? Was there ever a cause for public shame equal to the impudence and arrogance of those other rascals who, never acquitted because not indicted, have undertaken to make nominations for the American people to fill the highest offices of trust? If it be impossible to find a jury in Washington to convict representative Republican statesmen in such palpable cases of grand larceny, can we expect that the smaller thieves, the Howgates and the Burnsides, will not go acquit of their crimes and unwhipt of justice?

TURN THE RASCALS OUT.

The business methods of the Executive Departments under Repub-

lican administration are very like those of the many robbed and broken banks. The accounts of the paymaster in the Post-Office Department had not been audited for three years; and though the amount of peculation may be quite small in a federal way, as compared with others that occurred in the Departments, or many recent ones in banking business, the temptations to the embezzlement of money by the fever of speculation and immunities given to our magnificent rascals become more and more frequent. The extent of Republican embezzlements and peculations will never be known until we—"turn the rascals out."

OFFICIAL LOBBYISTS.

Much has been said, and doubtless truthfully, of the lobbies around our legislative bodies. Much has been said as to the control of lobbies at Albany, Harrisburg, and Washington. Doubtless the lobby at the latter place has been bold, even beyond the vigorous grammar of Senator LOGAN to denounce. He publicly acknowledged some weeks ago that he had been excessively lobbied for a railroad grant or other monopoly in the Yellowstone by a high Republican official in our Land Department. The party which shamelessly confesses to having elevated Garfield by the use of money, and which, as has been alleged, recently used money lavishly for the transportation of purchasable delegates to Chicago, and consigned them there to the care of its confidence-men, affords a striking illustration of the difference between precept and practice. It has not improved upon its former teaching. Its long-established practice and present conduct and policy make the combinations and log-rolling for public-building and river-and-harbor plunder bills venial, compared with the repeated attempts, which have signally failed in this House of Representatives, to carry a measure for New York bankers by which to appreciate securities and help a firm heavily loaded with a certain class of bonds.

Official corruption, base political methods, the connection between bursting banks in New York, closing savings-banks in New Jersey, and the attempted Republican legislation in Washington, together with the frantic efforts to stop the late panic by calling Government bonds in advance of expectancy—thus giving Government aid and participancy in rings of corrupt speculators—all illustrate the decay of integrity in a political, business, and social point of view.

Is it in vain to call attention to the $387,000,000 wasted upon an unseen navy? Is it in vain to inveigh against the Robesons, Belknaps, and others who have made official life suspicious by reason of their partialities?

A DEGRADED JUDICIARY.

Yet these public wrongs are as nothing compared with the contempt which has been heaped upon our supreme judiciary. The bench may no longer boast of its immaculate ermine. Even before it was dragged into the mire through which Hayes was elevated, it had lost much of that sanctity which was our best guarantee of liberty and justice. The miscarriage of justice on that occasion was not alone due to the corruptions incident to this age of moral decay. It was a conquest by corporate money-power, aided by political bigotry and partisan malice—a crime against our institutions that was condoned and defended by some of the highest men in the Republican party. Perhaps this startling degradation of the judical office was less astounding at the time because the people had become, in some sort, accustomed to vicious and mercenary judicial practices in political affairs.

The times which make such men as Jay Gould possible have made us indifferent to deeds that would have outraged our former sense of honor and duty. Is not the very form and system of our Government perverted when men like Gould can openly boast of using the legislature and the court for their selfish ends? Is there not decay in the land where judges sit in the highest courts whose gowns have been thrown upon their shoulders by cunning intrigue if not by mercenary litigants? Is there not a vulture tearing at the vitals of honest industry when a board of directors, controlled by one man, is permitted to double its corporate stock by watering and distribute its shares broadcast among his friends? It is because such things as these are possible in this Republic that panics come to us and the hard-earned wages of labor are evanescent. It is as true that the corruption which belongs to our public life has been caused as much by the profligacy of private life, as that the corruption of private life has been fostered by the opportunities which public life has afforded.

There is great need of business, social, and political reform. We have had many sad days in our history; but the saddest of all is to come if a leader such as the one recently chosen at Chicago, one whose great wealth has, it is said, been acquired by the manipulation of public credit and legislation, shall be elected to sit in the seat of executive power, with all its opportunities for political and financial rewards. The modes of the campaign which ensue from the recent contest at Chicago will be dictated not by virtue and fidelity to good principles, but by the reckless, unblushing practices of those who seek to corruptly influence the public vote.

CAN THE LAW BE ENFORCED?

What is the remedy for these recent aberrations and crimes? We must appeal to the electoral as well as the judicial tribunals. We must have a purer administration of power and justice. The unparalleled swindlers must have some other form of trial than before a Washington jury. The demand for extradition of embezzlers and public thieves must be stronger than our present State Department is disposed to make. Why are the wholesome provisions of the national banking laws allowed to remain inert on the statutes? The Federal officers high and low whose duty it is to enforce them have been criminally inactive; they should be themselves arraigned as criminals. Our law declares that every officer or agent of any national bank who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association, or who makes any false entry in any book, report, or statement, and every person who aids or abets any such business, shall be imprisoned not less than five nor more than ten years. Can this law be executed? If not, let us know the reason why. Let the national banks undergo a searching inquisition. Let the right kind of examiners be appointed. Let the apathy which now reigns be changed to activity by the demand of the people, and we will have some amazing and mysterious disclosures that will lead to reformations such as renovated France after the bursting of John Law's bubble.

THE PLATFORM OF THE PEOPLE.

But there are other remedies besides those of the law. The working people are not satisfied with the modes of the present great parties. They are organizing against monopolies. They may not very clearly see where the grievous wrong is, but they know that the rich are growing richer as the toiling millions are growing poorer. The working people are watching the oil monopolies and money engrossers, the national bankers and political Jeremy Diddlers, the bank embezzlers and official peculators, with a keen and vigilant eye. They are noting the extent of the money-power in political parties. They demand that labor and capital shall be allies in profits as well as production. They proclaim that charters are repealable and controllable by the power that granted them; that economy must be exercised in the public service; that bounties shall no longer be given for the largess of the few against the welfare of the many; that taxes be levied only for the economic ends of Government; and that unnecessary taxation must bring corrupting surpluses. They indict the old organizations—the Republican party for gross dishonesty and the usurpation and prostitution of Federal power; the Democratic party for its supineness, its want of vigorous policy, and its toleration of mammon. They insist that the best interests of the people, the many, must be regarded, as well in their daily life in respect to shelter, clothing, and food, as in their hours of labor, their system of education, and their share in our institutions and common heritage. They demand that the men who labor least shall not have the best and largest rewards. They point to the awful chasm which has been widening every day between our two great classes, the employers and the toilers.

REFORM THROUGH POLITICAL ORGANIZATION.

Do not the great ramparts of wealth that were founded in robber tariffs, reared high by corporate exactions, and manned by the political band of the money lords, challenge an outbreak of communism that may at any time destroy them? The bad blood which caused the outbreak at Cincinnati the other day is some evidence of the need of a timely reform. Peaceful reform must come from the good sense and integrity of the people through political organizations. They must combine to reform. They must communicate with each other to secure concert of action for reform. Is the needed reform to come through the Democratic party? It is not the party of the tariff robber, the commerce destroyer, or wealth engrosser. Its motto is, "A fair field for labor in all industries and no special privileges to capital." We believe that commerce should be so regulated between the States that the price of bread, coal, and the other necessaries of life may not be unduly enhanced. We demand that the importation of foreign labor under contract should be prohibited. We say that not only shall no further subsidies of public lands be granted, but that Congress must repeal the grants of lands already forfeited by the faithless corporators.

LAND-GRANT FORFEITURES.

What has Congress done in regard to land restitution? Already the Democratic House has begun the work. The following is a list of the forfeiture bills passed in the House at the present session. This list gives the names of the corporations and the acreage we are trying to recover for the people:

	Acres.
Gulf and Ship Island Railroad	652,800
Tuscaloosa and Mobile Railroad	688,000
Coosa and Tennessee Railroad	140,060
Savannah and Albany Railroad	900,000
New Orleans and State Line Railroad	120,860
Little Rock and Fort Smith Railroad	1,057,024
Texas Pacific Railroad	14,309,760
Oregon Central Railroad	1,130,880
California and Oregon Railroad	2,126,526
Atlantic and Pacific Railroad	16,000,000
Sioux City and Saint Paul Railroad	85,654
Total	37,211,504

The following bills are on the House Calendar:

	Acres.
New Orleans, Baton Rouge and Vicksburg Railroad	903,218
Oregon and California Railroad	3,701,760
Marquette, Houghton and Ontonagon Railroad	627,200
Ontonagon and Brule River Railroad	232,848
Marquette and State Line Railroad	540,848
Northern Pacific Railroad	20,000,000
Southern Pacific of California	7,500,000

How many of these bills will become law? I fear a satisfactory answer will have to await the action of a Democratic Congress.

REPUBLICAN DUPES AND AUGURS.

Shall we, like the augurs of the Republican party, regard these principles as mere generalizations for the delusion of honest voters on election day, and wink at each other over the cheat? It is not by the worship of the golden calf into which the Republican Israel has strayed that Democracy can restore the ancient faith. A compact organization of prejudice, insatiate greed, and vast money power confronts us. If we would emancipate and have labor for our allies, we must enter on reform in no hesitating fashion. Our standard-bearers must be good men, tried and true. The demands for reform are not to be disregarded. The party that disregards them will soon lack the votes to give it the power for reform. The party which disregards the industrial toilers, and levies and continues to levy heavy tribute upon the people and impose countless wrongs upon the millions, will not be the party of success, though its platform be studded with all the political and social platitudes of the times. The victory of the people is at hand. The party of the people can not be led by doctrinaires nor controlled by mere money.

THE FLAME OF DISCONTENT.

The frequent election of millionaires to the Senate and the House of Representatives only adds fresh fuel to the flame of discontent. The monstrous accumulations of wealth in the hands of a few, through legislative partiality, must soon receive a check at the hands of an indignant people. Legal trickeries, the extortions of railroad pools and tariffs, breaches of trust and of the Constitution, and other reckless disregards of social and political order we must grapple with, but the main contest will be with the giant of monopoly, whose pockets are lined with money, whose agents and directors sit in our Legislatures, and whose platitudes of hypocrisy and greed furnish planks for the fraudulent political platforms of the party in power. History repeats itself. It warns us of the fate of nations in which the privileges of the few are allowed to override the liberties and interests of the many.

Are we to learn the lesson of the French Revolution by practical inculcation? It is the old story of the downfall of nations—of royalty gambling in the provinces of the people, of enormous fortunes squeezed out of the industrial masses, of judgeships purchased, of juries suborned, of granted monopolies, of crime punished only when the criminal is poor. It is the old, old story of corruption sowing the seeds which yield the harvest of chaos and destruction.

THE BASE FASCINATION.

One would think that in this age and country the preservation of law and order would be the first object of those who have a desire for the security of property and the maintenance of liberty. One would think that the honest business interests of this country would look askance at such nominations as have recently been made at Chicago and aid in administering the remedy. One would think that a people like our own, with an inheritance so splendid, with an ancestry providentially guided here, and with the example set them by generations of patriotic men who have passed from us, would still retain the freshness and purity of virtuous power. Our lands and mines and rivers and forests and our very oil wells and fisheries—all the bounteous elements of sea and earth and sky—would seem to beckon our legislators, our judges, our executives, and our ministers of official grace and honor away from the base fascinations of hoarded pelf which dishonors to destroy our institutions.

HASTE TO THE WORK OF REFORM.

We must haste to the work of reform. America in its fresh hemisphere, in its first cycle of liberty, with the vote, with the numbers, with the added wisdom and practical sagacity of her people, must clarify the political and social atmosphere, and declare for a new order of administration ere the light of our liberties be extinguished. Let not progress and poverty march abreast in this as in the older hemisphere. Let us make the American Republic an exemplar for all future republics which may be created by the achievements of free men. Now that the world is adapting itself to new developments of physical forces and moral resources, now that new boundaries are being made between the nations, now that new elements are startling kings and kaisers, and giving fleet coursers to civilization by the vapor of water and the spark of lightning, let progress and prosperity march hand in hand on this continent. Let us not prove recreant to the demands of this new order.

THE ONWARD MARCH.

National wealth is not always national prosperity, nor does great progress always imply corresponding happiness. The world is moving, but is humanity benefited?

England is laying her grasping touch upon Egypt. Forty centuries of enslaved labor are made tributary to her crown. Russia is pressing down to despoil her of the stolen empire of India. France seeks an African realm in Tunis on one side of Algiers, and on the other side looks longingly toward Morocco. She has just concluded the treaty of Tien-Tsin and obtained the exclusive right to trade with the Chinese provinces bordering Yunnan and the contiguous provinces of Kuang-si and Kuang-Tong; and after swallowing Madagascar she craves the rich tin and copper opulence of Nong-Yuen-Tu. With the Portuguese adventurer upon the east coast of Africa, phlegmatic Holland with an Orange free state in the Transvaal, the Italian flag flying in Tripoli, and a German colony in Southwest Africa, England finds herself with rivals at every step disputing her right upon the Congo and throughout the Dark Continent—all these changes and advancements of our race upon the earth come from the greed and rivalry of kings.

Let our progress be in the paths of peace, of humanity, and justice, and all our victories in the interest of liberty and industry. Let the torch of patriotism shine out upon the shoals and reefs where the wreckers would despoil our ship of state, so that free, unbiased as the winds and waves, she may sail on forever freighted with the hopes and the happiness of our human kind. Let those who shall hereafter direct her course be as the elect of God—yea, even the salt of the earth.

Contested Election—English vs. Peelle.

SPEECH

OF

HON. GEORGE L. CONVERSE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 20, 1884.

The House having under consideration the contested-election case of English vs. Peelle—

Mr. CONVERSE said:

Mr. SPEAKER: The reading of the majority and minority reports renders it unnecessary to enter into any very extended discussion in opening the debate on this contest. It will be seen by those who followed the reading of the two reports that the final question depends upon one or more of three or four prominent points in controversy. The first is the question of the recount. The testimony shows there are three counties in this Congressional district. In two of them English carried a majority of 553 and no contest is made by either party in these two counties. When English came into Marion County, the third county of the district, he had that majority of 553, which was to be overcome by Mr. Peelle in order to secure his election. Mr. Peelle secured the certificate of election on an allowed plurality of 87 votes. There was no suspicion of any false count of the vote immediately after the election and no discovery was made of a false count until some days afterward, when the discovery was accidentally made. It was known these fraudulent tickets, or spring-back tickets as they were called, had been voted extensively in Marion County in violation of the constitution and laws of the State of Indiana, which provided that the ballot there should be kept secret, and which also provided that tickets should be of uniform width, printed on white paper without any distinguishing marks. The supreme court of that State have held that ballots cast in violation of these provisions should be rejected. The committee were of the opinion that these spring-back tickets, which are simply tickets printed on a sort of pasteboard or lithographic paper, were as distinctly marked as if there were photographs of one or the other of the candidates on the ticket itself.

These tickets were voted to the extent of 12,051 in Marion County. Mr. English knew of the use of these illegal and fraudulent tickets, and that the Democrats had protested against their use on the morning of the election and all through the day and objected to the counting of them, and he immediately took steps to have those spring-back tickets which had been cast in Marion County recounted.

After the election a contest was had in the courts over the election of sheriff, and under the law of Indiana it was the duty of the court to appoint three judicious, disinterested men of high character to recount the ballot. Mr. Austin H. Brown was one of the three appointed by the court. All parties attest his integrity and high character and purity as a man. He attended and was connected with that official count, and was asked while making the official count also to count the number of spring-back tickets cast in that county at that election. That was all he was employed to do, but of his own accord and of his own motion he thought it prudent and proper to count the vote in that county between Mr. Peelle and Mr. English, and in making the count of the vote he was the man who discovered that a fraud had been perpetrated in the count of the ballots and the return of the vote to the clerk. He discovered an error of 99 votes, which was enough to change the result in favor of Mr. English and give him a majority of 12 over Mr. Peelle.

Hon. Austin H. Brown, who is shown by the evidence to be a gentleman of the highest standing and an expert of great ability, was the Democrat on this commission. The fact that he was appointed by a Republican judge implies that the Republicans thought he was a good and capable man to make a reliable recount of the ballots. He did recount them, not a long time after but immediately after the election, in the same month. This was an official recount of the ballots

under the law of the State; and while it directly involved the votes cast for the office of sheriff, it necessarily required a recount of all the ballots cast; and Mr. Brown clearly had the right to examine and closely scrutinize every ballot, which he says he did do. He is well known to many gentlemen in Congress, and those who do not know him will no doubt be satisfied as to his qualifications and high standing by reading what is said of him in the evidence by such men as ex-Senator Joseph E. McDonald and Judge William E. Niblack, who was for many years a member of the United States House of Representatives. (Record, pages 461, 521, 464, 466, 84, 454, 455.) The ballots were examined by him by authority of law. He says he carefully examined and counted every one of them, not only for sheriff but Congressman. He made a record of his count, not a long time afterward, but right then and there, when the count was completed, which was very soon after the election, and he was sworn to the correctness of that record, and it shows that the contestant was certainly elected.

He says that every ballot passed through his hands and was carefully scanned by him, and that contestee's majority was only 541 in Marion County, instead of 640, as returned by the board of canvassers; and it is proved that on the day of completing the count he told F. P. Woolen that his count showed that Mr. English was elected, and not Mr. Peelle. Mr. Woolen so testified. (Record, page 464.)

Mr. Brown's testimony shows that the returns made by the board of canvassers were false and utterly unreliable, that he found a great many errors, not only as to sheriff, but Congressman; in the latter case that contestant gained as many as 30 votes by errors which he discovered in two Republican wards alone (Record, page 456), and that he gained in many other precincts, aggregating 99 votes more than the aggregate of errors found in favor of contestee, and that he carefully counted as to both; also that he found the returns incorrect as to sheriff, there being numerous errors, the aggregate being in favor of the Republican candidate of 49 votes.

It is not claimed that the other commissioner made any count of the vote for Congress, so that Mr. Brown's evidence stands as the only full and complete count of all the ballots made by any person, and it stands uncontradicted.

The objection that is made that Mr. Brown was not sworn to count the ballots for Congressman is a mere technicality. That did not keep him from making the count correctly, or telling the truth about it when examined under oath, as he was in this case.

There is no substantial difference between Mr. Brown's oath that he would correctly count the ballots and Mr. Brown's oath that he had correctly counted them.

Objection is made to Mr. Brown's count because it contradicts the returns made by the board of canvassers, as though there was anything infallible in returns made by partisan election boards such as these were shown to be, where evidence of fraudulent tickets and fraudulent practices crops out all along the line, and where the Republicans themselves have shown that the returns were false and utterly unreliable, for it is not disputed that on the official recount the votes counted for sheriff did not agree with the returns.

The commissioners reported unanimously that the ballots showed that the returns made by the election officers and board of canvassers were not correct; on the contrary were full of errors, amounting in the aggregate to 49 votes. So reported all the commissioners to the court, and so testified all the commissioners in this contested-election case. (See record, pp. 86, 403, 410.)

If the returns were false and unreliable as to sheriff there would seem to be no reason to doubt the evidence of a competent and honorable witness, such as Mr. Brown is shown to be, that he had carefully counted all the ballots and found the returns not only false and unreliable as to sheriff, but also as to Congressman, and that if the returns had been made out in accordance with the ballots Mr. English was certainly elected.

All admit Mr. Brown's count of the vote for sheriff to be correct. Why not his count for Congressman? If Republicans question the latter, is it because in the former case it was favorable to a Republican and in the latter to a Democrat?

It is true the official return is *prima facie* correct, but it is only *prima facie* correct, and means simply that a rebuttable and provisional presumption of law stands behind the returns. (Wharton on Evidence, section 1226.)

It is not in any sense conclusive on the House. The very presumption of the correctness of the returns vanishes when you take into consideration that there was but one Democratic inspector out of fifty-six in the city of Indianapolis; that the whole election machinery used in making up these returns was intensely partisan; and that there were strong indications of fraud.

And the presumption of correctness entirely ceases and gets on the other side when, in addition to these things, it is shown that it was judicially determined that the returns were not correct in the matter of the sheriff, all the commissioners uniting in the report to that effect, and all testifying in this case that the returns as to sheriff were full of errors and false. Under this state of affairs it would be strange indeed not to accept as true the statement under oath of a gentleman of character like Mr. Brown as to a matter of fact which he knows of his own personal knowledge, which he obtained in a lawful manner, reduced to writing at the very time he obtained it, about the correctness of which he has no doubt whatever, and which has not been successfully controverted by any other evidence.

Errors or frauds might have been made in the count in any of the numerous precincts, and it is much more likely that they were made in one or more of these partisan election boards than that a gentleman of such standing as Mr. Brown would make a false count of the ballots and swear to it, especially as the ballots were to be kept in the custody of Republicans and had been in their custody all the time. After the evidence of Mr. Brown the burden was on the contestee to contradict it by something more substantial than the flimsy statement of Mr. Byram, made out more than a year after the election, and with his admission that there were about 7,000 ballots which he did not even attempt to count. The only inference is that Mr. Brown's statement is true and that there was no evidence that would contradict it. Surely something more is required to successfully meet such positive evidence as Mr. Brown's count than technical objections.

As to the keeping of the ballots after the election Austin H. Brown testifies as follows:

Q. Who had the custody of the ballots from the time of said election until the time of the recount by said commissioners?
A. Under the law they were in the custody of the inspector after the election, from the time of closing until the meeting of the board of canvassers, on Wednesday, at 10 o'clock of that day, and then they were placed in the charge of the clerk of the county, and they were then retained by him until this commission met, and they were turned over by the then clerk. In the mean time there had been a change in the office. Mr. Ransdall had gone out, and Mr. McLain had succeeded him.
Q. What were the politics of these clerks?
A. Republican.
Q. Were they the supporters of Stanton J. Peelle as a candidate for Congress at that time, if you know?
A. Yes; so far as I know they were.
Q. Were the ballots sealed and put in bags, as required by law, at the time the commissioners received them officially from the clerk?
A. All that came into the possession of the commission were so sealed. (Record, page 86.)

The Republican clerk of the county, Moses McLain, testifies on this subject in answer to questions asked by Mr. Peelle himself, after Mr. Brown had testified in this case, as follows:

Q. You had charge of the ballots as clerk of this county?
A. Yes, sir.
Q. And still have possession of them?
A. Yes, sir.
Q. Are they still the same as when the board returned them?
A. Yes, sir.
Q. The ballots are in your possession now as clerk of this county?
A. Yes, sir. (Record, p. 531.)

This would seem to be pretty conclusive evidence as to how and by whom the ballots counted by Mr. Brown and the commission had been kept, and it will be seen that they were kept by Republicans, who were ardent friends and supporters of the contestee, and who still had possession of them after Mr. Brown testified in this case.

If Mr. Peelle questioned the truthfulness of Mr. Brown's statement or the correctness of his count why did he not when he had the custodian of the ballots on the stand bring them forward and have them counted again and thus prove Brown's error or falsehood?

The law of Indiana on the subject of keeping the ballots is as follows:

As soon as the votes are counted, and before the certificate of the judges, prescribed in the foregoing section, is made out, the ballots, with one of the lists of voters and one of the tally papers, shall, in the presence of the judges and clerks, be carefully and securely placed by the inspector, in the presence of the judges, in a strong and stout paper envelope or bag, which shall then be tightly closed and well sealed with wax by the inspector, and shall be delivered by such inspector to the county clerk at the very earliest possible period before or on the Thursday next succeeding said election, and the inspector shall securely keep said envelope containing the ballots and papers therein, and permit no one to open said envelope or touch or tamper with said ballots or papers therein; and upon the delivery of such envelope to the clerk, said inspector shall take and subscribe an oath, before said clerk, that he has securely kept said envelope and the ballots and papers therein; and that after said envelope had been closed and sealed by him in the presence of the judges and clerks he had not suffered or permitted any person to break the seal, or open said envelope, or touch or tamper with said ballots or papers, and that no person has broken said seal or opened said envelope to his knowledge, which oath shall be filed in said clerk's office with the other election papers.

The clerk shall securely keep said envelope so sealed with the ballots and papers therein in the same condition as it was received by him from the inspector. (R. S., 1881, sections 4713, 4714.)

It will thus be seen that the ballots after they left the hands of the voters went into the hands of the election inspectors, every one of whom in fifty-four precincts of Indianapolis were Republicans.

The law required them to be carefully sealed up by the inspector and delivered to the county clerk, and the county clerk then was Daniel M. Ransdall, an ardent Republican supporter of Mr. Peelle and chairman of the Republican county committee. He was the same person who selected the material and aided in getting up the illegal "springback" ticket. (See his own deposition, record, pages 365, 367.)

But a few days after the election Moses McLain, another ardent Republican and supporter of Mr. Peelle, became county clerk and legal custodian of the ballots, as we have already shown by the law and the evidence, and he turned them over to the Republican board of commissioners to recount according to law, and they were recounted by Mr. Brown and the other commissioners, but still retained in the custody of Clerk McLain, as shown in his evidence already quoted.

In Buchanan vs. Manning it was held that the contestee should be responsible for the conduct of his "party friends" for firing cannon in close proximity to the polls. (Election Cases Forty-seventh Congress, page 287.)

Now, if the ballots in this case were not safely kept it was because of the fault and wrong of these Republican custodians. It must be borne in mind that all of the Republican county officers, including Clerk McLain, had election contests on their hands growing out of this same election for like causes, and that the ballots under the statute were to be used in these contests. It can not be rightfully claimed that the ballots were tampered with in the interest of the contestant, as it is proved and not contradicted that the ballots were all the time in the custody of the ardent friends and supporters of Mr. Peelle, the contestee.

To hold that official returns are conclusive and can not be contradicted, when, as in this case, they are shown to be notoriously false, fraudulent, and unreliable, would be to deny substantial justice; and it would be the most glaring injustice to hold the contestant responsible because a ticket voted for himself in the second precinct of the seventeenth ward by Austin H. Brown could not be found, especially as the evidence showed that that precinct was under the control of his most unscrupulous opponents and that the ballots had all the time been in the custody of the zealous friends and supporters of the contestee.

There is not the slightest evidence or ground for presuming that there was any tampering with the ballots in the interest of the Democrats, and especially of the contestant.

Now, Mr. Speaker, that single fact thus established by the sworn testimony of an honest man, a man of high character, a man of ability for this sort of service, is sufficient to change the result in this contest and of itself settles the controversy. Not one syllable of evidence has been offered upon the other side to overthrow the testimony of Austin H. Brown. If Mr. Peelle or his partisan friends were not satisfied or had not been satisfied with the honest count made by Mr. Brown, they had it entirely in their power, they had it exclusively in their own hands, to have shown the error and to have established the mistake if any had been made in this count, and they would have done so. But instead of offering proof in that direction, if they claimed a mistake, not a scintilla of evidence has been offered by Mr. Peelle or any of his friends tending to impeach the count of Mr. Brown. The testimony, I have said, shows the high character of Mr. Brown and his ability, which are testified to by men of both political parties, and I believe has not been questioned.

But, Mr. Speaker, I pass from that point. The evidence shows that in some two or more election precincts in the city of Indianapolis, where I am led to believe that there has not been an honest election for the last fifteen or twenty years, one hundred Germans and others who came there for the purpose of voting were turned away from the polls and not allowed to deposit their ballots. These parties came there with the intention of voting for Mr. English. The law of Indiana requires that when a vote is challenged the voter shall present not only his own affidavit but that of some freeholder that he is a citizen and entitled to vote. These men came there for the purpose of voting. Their votes were challenged. They presented these affidavits, and the affidavits were rejected.

The votes were rejected notwithstanding that the law of Indiana requires whenever the affidavit is filed the trustees of the election have no discretion whatever in the matter, but are obliged to receive and count the vote and leave its validity to be determined by subsequent contest. It was their duty to have received the votes and leave the question of the validity of them either to the courts or to Congress, as the case might be. But they refused to receive the votes, and the testimony of some seven witnesses shows that in the neighborhood of one hundred of these Democratic voters were thus turned away from the polls and not allowed to exercise their right of voting. It shows also that the entire police force of the city of Indianapolis was in the hands of the Republican party. The officers of the election built a chute up to the polls through which the voters were required to walk to the polls. When the challenge of a voter was made there was a police officer at hand to tell the party offering to vote to get out of the chute, and one hundred or more legal Democratic voters were turned out in that manner. Senator McDonald, who is known to you and the members of this House personally or by reputation, was one of the men who testified to these Democratic voters being turned away who were desiring to vote, and who had complied with the law of Indiana by filing the necessary affidavits. He himself went up the chute with some of the voters and asked the trustees to receive their votes, but his request was refused and the votes rejected. From that source alone there was enough fraud to change the result of the election. Their votes alone, if they had been received and counted, would have given the majority where it properly belonged, to Mr. English instead of Mr. Peelle.

I have now shown, Mr. Speaker, two facts constituting valid objection to the retention of the seat by the contestee in this case, either of which would have elected Mr. English instead of Mr. Peelle. But the evidences of fraud do not stop there. The evidence shows that at the hands of the leaders of the Republican party in Indianapolis the poor-house and the jail were emptied and the "spring-back" tickets, those fraudulent pasteboard tickets, which I will call particular attention to presently, were put into the hands of the honest poor of the poor-house and the jail-birds who had been assiduously collected for weeks for that purpose, and they were marched to the polls, and in that way compelled to vote the Republican ticket. The evidence shows that thirty-four men, tramps and thieves, who had been gathered up about the city of Indianapolis by the authorities just preceding the election, were marched up in that way to the polls with the pasteboard ballots in their hands and compelled to vote the Republican ticket.

Even if they were legal voters, which is not probable, the votes were cast under duress, and therefore fraudulent and void.

The evidence shows that in two instances, at least, Democrats who had come out of the jail as they went up the chute in some way came in possession of Democratic tickets and undertook to vote them instead of voting the spring-back tickets furnished by the Republican jailor. They were immediately challenged and turned aside, though released from jail for the purpose of voting.

There were 51 of those votes from the poor-house; there were 34 from the jail. The evidence shows that two-thirds of the men from the poor-house were Democrats and desired to vote the Democratic ticket. Some gentlemen laugh because I have said a majority of the poor were Democrats. Yes, sir; our party is supported by the poor. We depend upon the laboring honest poor for the support of our party. [Applause.]

Mr. MILLER, of Pennsylvania. How about your candidates? Are they poor?

Mr. CONVERSE. And that is the reason we desire to preserve the secrecy of the ballot-box and are so jealous of every invasion of it. We do not intend you shall destroy it and thus prevent these poor men from voting their honest sentiments.

From these two sources there was fraudulent votes enough in the hands of the Republican managers, with their spring-back tickets, to change the result. Thus there are three separate sources of Republican frauds, either of which was sufficient to change the result. I come now for a moment to another question.

Mr. HEWITT, of Alabama. Will the gentleman allow me to ask him just one question?

Mr. CONVERSE. Certainly.

Mr. HEWITT, of Alabama. I desire to ask just one question in relation to the jail matter. Did they take prisoners out of the jail, march them up under an officer, and vote them?

Mr. CONVERSE. Some of them were marched up under an officer and voted. Many of them were dismissed—turned loose—and sent to the polls on a promise to vote the Republican ticket; and they went to the polls and voted under the eye of the Republican police, who knew them and who could tell from the pasteboard tickets in their hands as they walked up the chute whether they were voting right. After voting there were no further charges against them.

Mr. LEWIS. Were they undergoing sentence?

Mr. CONVERSE. I suppose they were mostly tramps that had been gathered up in the vicinity for the purpose of being voted. It must be remembered that the authorities of the poor-house and the sheriff—who hauled the poor in wagons to the polls and placed the pasteboard tickets in their hands, the election officers coming to the wagons to get the tickets and place them in the box—and his deputies, who had in charge those prisoners, were Republicans. The Republican sheriff was on the stand as one of Mr. Peelle's witnesses, and yet Mr. Peelle never asked him one word about these frauds at the ballot-box through those prisoners. He never asked a word as to the frauds through the poor-house, though he had witnesses there of whom he could have inquired. I think I can imagine the reason why no inquiries were made of the sheriff. His friends probably found out, and I have seen the affidavit to that effect, showing that some of those prisoners, though that is not proved in the record in this case—it was not taken in time, and I only offer that as a reason why no inquiry was made——

Mr. PEELLE, of Indiana. Will the gentleman allow me——

Mr. CONVERSE. The gentleman knows what is coming. That affidavit shows that half a dozen of these prisoners were marched from one poll to another and voted over and over again.

Mr. PEELLE, of Indiana. Will the gentleman name the man who made the affidavit?

Mr. CONVERSE. If the gentleman desires to have it in the RECORD I will have it printed.

Mr. BROWNE, of Indiana. Does it not appear to the gentleman from Ohio a somewhat singular course to bring testimony before the House which is not in the record?

Mr. CONVERSE. I have stated that it was not testimony, but I said that that was probably the reason why the gentleman and his friends declined to go into the inquiry any further; that is all.

Mr. BROWNE, of Indiana. Why do you use it, then, if it is not testimony?

Mr. CONVERSE. I have a right to surmise the reason why the gentleman did not inquire. I have stated it as a fact that the inquiry was not made, that the gentleman did not dare to inquire on that subject. There can be no question about this contest as to how it ought to be decided.

I will refer to one other fact, not for the purpose of counting the vote so much as for the purpose of showing the depth of degradation to which these Republican managers in Indianapolis descended at this election. They went to work and printed counterfeit Democratic tickets, spurious Democratic tickets, with Mr. Peelle's name where Mr. English's name belonged. Those tickets were peddled by the internal-revenue collector of the city of Indianapolis, as the proof shows, and some dozen of them got into the boxes, though they were discovered by 8 o'clock in the morning, and immediately upon their discovery the Democrats posted large handbills at every election place in the city warning the voters against them. Notwithstanding that precaution some dozen of those counterfeit tickets got into the ballot-boxes and were counted for Mr. Peelle. The men who voted them were not only deprived of having their votes counted as they should have been, but the votes which they gave were counted on the other side, making the difference in the result twice what it would have been had the men been allowed to vote their honest sentiments.

The Democratic ticket was in exact conformity to the requirements of law, being printed on ordinary plain white paper, such as is generally used for printing, as was also the Greenback ticket. But the evidence shows that the Republican ticket was printed upon a heavy material, called by many of the witnesses "card-board," but by persons engaged in the manufacture and sale of such material as "plate" or "Western plate," and by some of contestee's witnesses as heavy "book," twice as heavy as ordinary printing-paper. Because of the extraordinary character of the material and the tendency of the ticket to spring open when folded, thus facilitating double voting, the tickets became known as "card-board" or "spring-back" tickets. The material is shown to have been bought and billed as "plate" (record, page 442), and the evidence is conclusive that for election ballots it was material of extraordinary thickness and texture, and for that reason the ballots, even when folded as ballots are usually folded when voted, could be easily distinguished by sight or touch from ballots printed on plain white paper, such as is ordinarily used for election tickets and such as the statute of Indiana clearly seems to require, namely:

> All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper of a uniform width of three (3) inches, without any distinguishing marks or other embellishments thereon except the names of the candidates and the offices for which they were voted. (Section 4701 Revised Statutes of 1881.)

Now, when a statute uses language obviously not technical (and it is admitted that the words in the above statute are not technical), the language must be interpreted and understood in its popular or ordinary sense. (Potter's Dwarris on Stat. and Con. Law, page 203; Bishop on the Written Law, section 101.) And it is an elementary principle universally recognized that a statute is to be construed with reference to its end and object, with reference to its reason, intent, and purpose. The reason, intent, and purpose of the Indiana statute is obvious. Even before its passage the supreme court of that State had declared that the ballot system of voting provided by the constitution of that State meant secret voting.

The statute was in furtherance of the constitution and meant to secure the secrecy of the ballot. When it is provided that ballots shall be written or printed on plain white paper without distinguishing marks or embellishments, it means ordinary plain white paper ordinarily used for printing or writing, not extraordinary plain white paper used for extraordinary purposes. It was certainly not the intention of the law-makers to authorize a "scheme to beat" any party by means of ballots printed on lithographic plate paper, or any other material that would be unusual and extraordinary as election tickets. Even without any statutory enactment secrecy of the ballot was required by the spirit of the constitution of that State, which provides that "all elections by the people shall be by ballot." (Article 2, section 13.)

Now, ballot means secret voting; its purpose is, by means of such secrecy, to secure perfect freedom to the elector, to emancipate dependents from the control of superiors, to protect the employé from the employer, the workingman from the boss, the debtor from his creditor, the members of a society or a party or a class from his associates, or even an offender against the laws from the officer who may attempt to control his vote.

The supreme court of Indiana decided in Williams vs. Stein (38 Ind.) that the word "ballot" as used in the constitution of that State "implies absolute and inviolable secrecy, and that the principle is founded in the highest considerations of public policy." (Page 95.)

The court quotes, appropriately, from Cooley's Con. Lim., 604, that even—

> In the absence of such a statute, all devices by which party managers are enabled to distinguish ballots in the hands of the voter, and thus determine whether he is voting for or against them, are opposed to the spirit of the constitution, inasmuch as they tend to defeat the design for which voting by ballot is established.

And again:

> These statutes are simply declaratory of a constitutional principle that inheres in the system of voting by ballot, and which ought to be inviolable, whether declared or not.

Clearly the object of the statute of Indiana was to secure secrecy of the ballot, and "any device" which destroyed that was a violation of the statute and a violation of the spirit of the constitution, even if there had been no statute on the subject. That "the spring-back ticket" did destroy the secrecy of the ballot at that election is clearly proved, and also that it was designed for that purpose by the Republican managers.

Nothing could be more absurd than to claim that because the Democratic and Republican tickets could be distinguished from each other, therefore one destroyed the secrecy of the ballot as much as the other, just as much as to say that because a right act can be distinguished from a wrong act therefore there is no difference between the qualities of the acts! Such logic would apply just as well were the Republican tickets printed on leather or sheet-iron.

If the Democratic ticket is used as a standard of comparison it is not because it is the Democratic ticket, but because it is conclusively shown to have been, and is admitted to have been, printed on ordinary plain white paper, such as the statute of Indiana clearly contemplates. The "spring-back" ticket is shown not to have been printed on such material. This is conclusively proved.

Such men as ex-Governor Thomas A. Hendricks, ex-United States Senator Joseph E. McDonald, and David Turpie, Hon. R. W. Medkirk, the Greenback candidate for Congress, and other old and favorably known citizens of Indiana, and such well-known Republicans as W. P. Fishback, Edward Mill, C. F. Darnell, C. S. Butterfield, W. F. Fish, J. J. Curtis, &c., testified to the distinguishable and extraordinary character of these "card-board" or "spring-back" tickets, and that in their long experience they never knew tickets at any election in Indiana before to be of such thick and extraordinary material, and that the effect of their use was to destroy the secrecy of the ballot. In most of the cases where questions as to the legality of distinguishable tickets have arisen it has been where the distinguishing marks or embellishments were on the inside of the tickets, placed there accidentally or without design to defraud or destroy the secrecy of the ballot, and where the ballots were received and counted at the time without objection or protest from the opposite party.

This is not a case where the distinguishing feature was on the inside of the ballots only, but it was in the material itself, so distinctly visible and distinguishable from the outside, even when the ballots were folded, as tickets are ordinarily folded when being voted, that they could be, and were, readily distinguished.

Senator McDonald testified that he could and did distinguish these "spring-back" tickets in the hands of the voters, as they were being voted, when he was off a distance of fifteen or twenty feet. Councilman Fultz testified that he could distinguish them, as they were being voted, from any other ticket, even when standing in the middle of the street, twenty-five or thirty feet distant from where the tickets were being voted.

It will hardly be denied that ballots printed on leather, or tin, or cloth, or black or red or striped paper would be in violation of the statute of Indiana and the spirit of the constitution of that State, and consequently illegal and void, because, being distinguishable, they would destroy the secrecy of the ballot; and yet these "spring-back" tickets could be distinguished as well as those by sight and touch, as was conclusively proved by contestee's own witnesses. There can be no doubt but material can distinguish a ballot and destroy secrecy quite as well and in some instances more completely than color. It will hardly be contended that at an election in Indiana ballots would be legal that were printed on white blotting paper the eighth of an inch thick. It could not be considered plain white paper in the ordinary or popular sense such as the Indiana statute clearly contemplates. Even if the material be white and plain on the surface, there must obviously be some limit to its bulk and thickness, otherwise the attempt to preserve the secrecy of the ballot would prove an utter failure.

Neither is it a case where the distinguishable ticket was used by accident or without fraudulent design. Neither is it a case where the distinguishable ballots were received and counted without objection from the opposite party, as there is an abundance of evidence that the "spring-back" tickets were denounced as illegal to the election boards on the morning of the election, and that Democrats objected and protested against such tickets being received or counted.

This was not necessary, however, as an examination of the constitution and statutes of Indiana will show that no objection or challenge is provided for at the polls, except as to the character of the voter, his age, residence, &c. The character of the ticket is left to be judged of by the courts in case of local officers, by the House of Representatives in the case of Congress, upon subsequent scrutiny.

A man may use a black ticket if he wish, and though that may be no ground for challenge, it is a good ground for discarding the ballot upon subsequent investigation and trial. But in this case the objection was distinctly and repeatedly made, as already stated, to receiving or counting the "spring-back" ballots on the ground of their illegality.

It can not be said that the wishes of the voters could be just as well expressed by these "spring-back" tickets as by a ticket on ordinary plain white paper, such as the law contemplates, and that if voters saw fit to use ballots that were distinguishable they had a right to do so, and that it was nobody's business but their own.

"The right of suffrage is not a natural right, nor is it an absolute unqualified personal right. It is the right derived in this country from constitutions and statutes." (McCrary, section 3, and cases therein cited.)

Whether a few men or an immense number of men might be willing to let the world know for whom they were voting by using distinguishable ballots has nothing at all to do with determining whether or not such ballots are in conformity with the law.

The wishes of the voters could be very well ascertained by *viva voce* vote, and the voters might prefer making a selection that way, but an election of a member of Congress in Indiana in that way, under the present laws, would not be deemed valid by this House, even though the party claiming the seat was the undoubted choice of the majority of electors so voting. Neither should his election be held valid if the ballots cast for him were printed on tin, or leather, or any other material than provided by law, or in any other way than provided by law; for while it is conceded that under the Constitution of the United States the House of Representatives "is the judge of the election, returns, and qualifications of its own members," yet it would be an unwarranted use of that power to hold that ballots should be counted, in determining an election, which were in violation of the law of the State where the election took place, and especially where the law evidently intended to secure the secrecy of the ballot, and in a State having a constitution which requires that "all elections by the people shall be by ballot."

Elections should be conducted according to law, and the party violating the law should not be allowed to profit by their wrong-doing. And that the number of "spring-back" tickets voted was large has nothing to do with the question of their legality. If they were in violation of law they were illegal, whether numbering hundreds or thousands; and in this case the parties using such ballots would have no one to blame but themselves.

Having invaded the secrecy of the ballot, and thereby violated the spirit of the law and the constitution of their State in their zeal to get the advantage, and having overreached themselves in so doing, they alone will be responsible for results.

This is not a case where a party innocently and without design used a distinguishable ticket, or a ticket of unusual or extraordinary bulk and texture, but the reverse. The evidence shows that the "spring-back" tickets were printed on the Sunday preceding the election. The work was done under the superintendence of D. M. Ransdall, the chairman of the Republican county committee, and Otto Hassleman, a member of the executive committee of the same Republican county committee.

The material for the tickets was selected by these men, and the latter said it was purchased of Chatfield & Woods, of Cincinnati, and when the bill of Chatfield & Woods was produced it disclosed that the material was billed as "plate."

He also admitted that the day before the election he borrowed similar material from Mr. Burford, of Indianapolis, who is a Democrat, and that he returned the same identical material to Mr. Burford after the election, the object evidently being to secure the Republicans a distinguishable ticket by reason of being on unusually heavy material, which no other party would have.

This was confirmed on the day of the election by this same witness, who acted as a Republican challenger at the first precinct of the eleventh ward, and there admitted to several persons that the "spring-back" ticket was "a scheme gotten up by us Republicans to beat you Democrats."

Colored men inclined to vote the Democratic ticket came to the polls and went away without voting after looking at the two tickets and seeing that the Republican ticket was of such extraordinary bulk that it was distinguishable.

One witness, who was at this precinct, said:

> In one or two instances I saw them go away and come back with their tickets cin a little envelope and go to the window so that the Republican challenger ould not see their tickets.

Hon. W. P. Fishback, one of the most prominent Republicans in Indianapolis, and a lawyer of great ability, declared at the polls on the day of the election that the Republican ticket was "a fraud, and gotten up for fraudulent purposes."

In the very nature of things it would be difficult, and in fact almost impossible, for the contestant to show, specifically, how many voters would have voted for him and did not, but either voted for contestee or did not vote at all, because the secrecy of the ballot was destroyed by the use of the "spring-back" ticket; but he has, nevertheless, introduced conclusive evidence showing that he lost thereby many votes. There is no reasonable doubt that he lost from this cause alone many more than 87 votes.

The same is true as to the double voting. The evidence shows that the spring-back tickets, as their very name indicates, were of such material as to spring open when lightly folded and thus facilitate double voting, and that there was double voting in consequence at that election. The exact number is difficult to show, because the surplus ballots in some instances, if not all, were destroyed by the local election boards and not counted in their returns or sent up to the county clerk with the other ballots.

Mr. Albertsmyer testified the surplus ballots were thrown out "to make it correspond."

Mr. Fultz testifies that the Republican board in his precinct threw out 8 ballots in order to make the number correspond with the number of voters names on the poll list.

It may be said that this was fair if 4 were Democratic and 4 Republican ballots, but this can not be sustained, for the ballots destroyed may not have been the same ballots voted double, even if the same number was destroyed. If this excess of ballots grew out of the use of "spring-back" tickets, which, the evidence shows, facilitated double voting, then the destruction of the same number of Democratic and Republican ballots still left the Republicans gainers to the extent of about one-half the double ballots voted. There are eighty precincts in Marion County, and the Republican "spring-back" ballots were voted in all of them.

Florence Casey testifies that in his precinct three or four pasters having the name of Mr. English were found loose in the ballot-box, and were not counted for him. Undoubtedly they had been placed over the name of Mr. Peelle, and had become detached in the ballot-box. That would make a difference of six or eight in English's favor in that precinct alone.

I have nothing further to say at this time in opening this case, and desire to reserve the balance of my time. I will say to gentlemen on the other side that we would be glad if we could get a vote on this case at half past 4 o'clock this afternoon.

Mr. MILLER, of Pennsylvania. Why not take the vote now?

Mr CONVERSE. I am perfectly willing.

Mr. MILLER, of Pennsylvania. I have no doubt of it.

Mr. CONVERSE. I would inquire how much time I have left?

The SPEAKER *pro tempore* (Mr. Cox, of New York). The gentleman has forty minutes remaining.

Mr. WHITE, of Kentucky. Before the gentleman from Ohio [Mr. CONVERSE] takes his seat will he allow me to ask him a question? I understood the gentleman to state that quite a number of Germans and others had presented themselves at the polls asking to vote and that they had been denied that privilege, and that Mr. McDonald who was well known, had sworn to that vote. Will the gentleman state how many persons there were, and where we can find their names, who appeared and asked to vote and were not allowed to do so?

Mr. CONVERSE. I can not state the names, for the list was not preserved. But there are seven witnesses, notwithstanding the report of the minority of the committee on that point, who testify that from twenty-five to sixty persons in one election precinct were thus not allowed to vote. There are three or four witnesses who testify that there were above a hundred who were thus turned away. Ex-Senator McDonald and other Democrats made one or two or three test cases, believing that it was not necessary that each man should file his affidavit and then return through the chute. It would have taken a score of clerks to prepare affidavits for all. They therefore made these test cases which were rejected, and then the others whose right to vote could have been proved by affidavit were counted to make up the hundred. I think that three witnesses placed the number above a hundred.

Mr. WHITE, of Kentucky. Do I understand the gentleman that these men swore that they appeared and asked to vote, or did they swear that they saw some other persons appear and ask to vote who were not allowed to do so, and that they knew that there were a hundred others?

Mr. CONVERSE. These seven witnesses were simply spectators, and testify to what they saw and heard.

Mr. WHITE, of Kentucky. Yes; then no man who actually appeared and asked to vote was refused a vote, but somebody else saw somebody else who was not allowed to vote and says that he knew there were a great many more.

Mr. CONVERSE. The gentleman does not understand any such thing.

Mr. WHITE, of Kentucky. That is what I understand.

Mr. BROWNE, of Indiana. Will the gentleman allow me to ask him a question?

Mr. CONVERSE. I will answer any question if it does not come out of my time.

Mr. BROWNE, of Indiana. The gentleman will have all the time allowed him that he desires.

The SPEAKER *pro tempore*. To whom does the gentleman from Ohio yield?

Mr. CONVERSE. I will yield the floor to the other side. I presume the gentleman from Ohio [Mr. HART] will take the floor.

Mr. BROWNE, of Indiana. I desire to ask the gentleman if he is prepared to give to this House the name of a single one of the hundred men or more whose votes he says were rejected, or is he prepared to say that a single one of those rejected voters was offered as a witness in this case?

Mr. CONVERSE. I will answer the gentleman; I have answered

the question. I say that they did not preserve the names of the voters, but I do say that seven witnesses testify, among the number ex-Senator McDonald, to the turning away of these voters in this manner as I have described.

Mr. WHITE, of Kentucky. Was Senator McDonald turned away? Was he refused the right to vote?

Mr. MILLIKEN. Did any voter testify that he was himself not allowed to vote?

Mr. CONVERSE. I do not think any one was called.

Mr. MILLIKEN. Ah!

Mr. CONVERSE. It was not necessary that any one of them should be called. I say to the gentleman this, that the superintendent and inspector of elections swore that no one was turned away, but seven witnesses contradicted him.

Mr. MILLIKEN. Let me ask——

Mr. CONVERSE. Let me finish. The superintendent and inspector of elections swore that no one was turned away, and the gentleman from Ohio [Mr. HART] quotes that in his minority report. Now, in the face of that I assert that there are at least seven witnesses, including Senator McDonald, who swore directly the reverse.

Mr. MILLIKEN. Let me ask the gentleman this question: If there were one hundred voters turned away why did you not bring up one of those one hundred to testify that he offered his vote and that it was not received?

Mr. CONVERSE. In the mouth of seven witnesses the truth ought to be established.

Mr. MILLIKEN. But the seven witnesses were spectators; they were not men who offered their votes and had them refused.

Mr. HEPBURN. I desire to ask my colleague on the committee [Mr. CONVERSE] one question.

Mr. CONVERSE. Does this come out of my time or the time of my colleague [Mr. HART]?

The SPEAKER *pro tempore*. The time of the gentleman from Ohio [Mr. CONVERSE] is running.

Mr. CONVERSE. I expressly yielded the floor and consented to answer these questions only on the condition that the time should not be taken out of my hour.

Mr. HEPBURN. Answer me one question, if you please. Can you tell me where I can find the testimony of ex-Senator McDonald, in which he says that any one person was turned away?

Mr. CONVERSE. He says that more than a dozen were turned away. I will find it and show it to the gentleman.

The SPEAKER *pro tempore*. To whom does the gentleman from Ohio yield?

Mr. CONVERSE. I reserve the residue of my time.

Contested-Election Case—Wallace vs. McKinley.

SPEECH

OF

HON. WILLIAM H. McKINLEY, JR.,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 27, 1884.

The House having under consideration the contested-election case of Wallace vs. McKinley—

Mr. McKINLEY said:

Mr. SPEAKER: I had intended to discuss this controversy in detail and with some elaboration; but two days have been already occupied in a most careful and painstaking discussion of all the propositions involved in this contest; and owing to the lateness of the hour and my desire that this case may be concluded to-night I shall content myself with occupying not to exceed five or ten minutes. It would be useless for me within that time to undertake to review the testimony in the record or the law which should govern all of the questions involved. I only ask from this House, the majority of which is opposed to me politically, to administer in this case the law and the precedents which they have always administered in the past and with those precedents determine whether the contestant or the contestee has a majority of the votes in the eighteenth Ohio district. Following the precedents long ago established by the Democrats in former Congresses and in other cases, and conceding to the contestant all he claims and much more than is allowed him by a committee of his party friends, and my majority and election to the Forty-eighth Congress is as certain and sure as that of any gentleman occupying a seat in this House.

I rise more particularly to say, and indeed it is about all I desire to say, that I claim nothing from technicalities. I would not if I could retain my seat one hour upon a mere mistake or technicality or inadvertence of election officers. And I say to this House that if it be necessary to find that I am entitled to my seat to throw out the 10 votes in Carroll County which upon the face of the returns appeared to be an error in the count against the contestant—if to give me my seat you must invoke those 10 votes, and deduct them from the contestant, then I do not want my seat in this House. Although there is no legal proof that this is not an error and although my friends have argued that part of the case in the light of the law, I desire here to say to the majority and to the minority if it becomes necessary to deduct those 10 votes from the contestant to give me the seat, then I do not want it and would not have it.

I desire to say another thing, Mr. Speaker, and that is, if my right to a seat in this House depends upon the rejection of the 7 votes which appear upon the face of the returns as cast for "John H. Wallace," "W. W. Wallace," or "W. H. Wallace," no matter what the law in its strictness might hold, then I do not want my seat on the floor of this House. For although there is no testimony whatever to show that these names, differing from the name of the contestant as they do, the names of different persons designating different individuals, are entitled to designate the contestant, yet in my judgment the citizens of the eighteenth district who polled those 7 votes intended that they should be cast and counted for Jonathan H. Wallace, the contestant in this controversy, and I want them, notwithstanding the absence of any proof to that effect, added to his vote, and the will of the voter, as I believe it, thus subserved.

Nor, Mr. Speaker, do I make any point as to the odd spelling of the names found in the ballot-box in Fairfield Township to the number of 11—the Wolac, the Walce, the Waal. If this House shall decide, if the judgment and consciences of members on this floor shall determine, that that recount is of value and shall have weight in this controversy, then I make no point that the voters misspelled or failed to spell properly the name of the contestant.

So I say, Mr. Speaker, that in all this controversy—I say to my friends on this side, I say to my friends on the other side, I say to my political opponents on the other side, that I invoke no technicality or legal quibble to retain my seat in this House. But I insist that, conceding every one of these votes, conceding the entire 23 votes which appear upon the face of the return, conceding that there was no error in Carroll County, and even conceding the 11 votes in Fairfield Township, and every other claim of contestant, I still have an unquestioned majority of the votes cast in the eighteenth district of Ohio on the 10th of October, 1882, and am justly entitled to retain my seat.

Now let me for a single moment revert to the Fairfield Township recount, for it is a matter in which you are all interested. You will establish a precedent to-day that may be for good or that may be for ill—a precedent which may come back to harass you in the future. Why, sir, what is a recount? A recount is counting over again the very same ballots that were cast by the voters and found in the box the night of the official count. That is what a recount is; that is what a recount means. It is counting again the identical ballots; because if you have not the identical ballots, identical as to names and identical as to numbers, then there can be no virtue in a recount. Now, how was it with Fairfield Township? Why, sir, everybody admits—the contestant in his brief, the gentleman from New York [Mr. ADAMS], and I believe the gentleman from Georgia [Mr. TURNER], the chairman of the Committee on Elections, in their arguments, all admit that there were 5 less votes in the box on the night of the recount than there were on the night of the official count. Does not that destroy the virtue of the recount?

There are 5 ballots gone nobody knows where. Those 5 ballots stand unexplained. Nobody undertakes to account for them. The very confession that the contents of that box on the day of the recount differed from the contents of the box on the night of the official count—that very confession makes a recount absolutely valueless and without effect. I beg gentlemen to remember that fact, which is sufficient to wholly destroy the pretended recount if there were no other discrepancies in the contents of that ballot-box. But in addition to that there were 4 more ballots for the Greenback candidate for Congress found in the box on the night of the recount than were in it on the official count. There was 1 less ballot for me found at the recount than was given to me by the official count. For whom were these 5 votes cast that were missing? Were they for the contestant? Were they for the contestee? One of them evidently was for me, because the recount finds 1 less ballot in that box than the judges of the election gave me on the night of the election. Then in addition to that there was 1 vote that all the witnesses, judges, and clerks identify as a ballot with the name of the contestant and the name of the contestee both on the ballot in the box on the night of the official count, and that ballot was not found in the box on the night of the recount. So that the whole virtue and weight and integrity of the recount was destroyed.

But the distinguished chairman of the committee seems to rely not so much upon the recount in giving these 11 ballots to the contestant as he relies upon the testimony in the case. He says that a number of witnesses testified there were ballots in that box not counted for the contestant. Carpenter puts it from 7 to 13. Now, let me ask the judges on this floor, the men who are to act upon this case, shall it be 7 or shall it be 13? For the witness says there were from 7 to 13. Which number will you adopt? Mr. Holloway says there were from

3 to 4. Shall it be 3 or shall it be 4? You are to be the judges, and how will you determine it. Crooks swears there were 6 ballots in that box not counted for Wallace. And so, all the way through, the witnesses disagree as to the number, only one of them putting it as high as 13, and one as low as 3. No two of the witnesses agree; and you gentlemen are to determine from that kind of testimony how many ballots are to be added to the contestant and how many taken from the contestee. I submit to you that it would be unsafe, that it would be unwise, in any election case to permit such testimony to overthrow the solemn findings of the official count. I care not whose case it is, to undertake either upon a recount such as I have described or upon the testimony of a character such as I have disclosed to determine, as it might in this case, whether the contestant or contestee is entitled to a seat on this floor, would be establishing a dangerous precedent even as a party necessity.

Now, Mr. Speaker, that is all I desire to say. In every one of the recounts which we invoke the exact number of ballots was found in the box equal to the number of names on the poll sheets. There is no discrepancy whatever, no suspicious or contradictory circumstances manifest, none raised by the proof. And yet if you will give me the votes on the recounts made in accordance with law, made from boxes kept in strict accordance with the statute; if you will give me the recounts that have not a taint of suspicion upon them, and then take from the contestant the unquestioned illegal votes that were cast for him, giving to him every vote that he claims, I will then have a certain and fixed majority as a Representative in the Forty-eighth Congress.

I will not stop to review what my colleague from the Cincinnati district [Mr. FOLLETT] has dragged into this case; I will not rake up the fouling dust of the campaign. But I was surprised that the gentleman, after nearly an hour's discussion of this important case, upon which he was to pass as a judge, could give no better reason for unseating me except that at some time and somewhere, upon some public rostrum, I had declared that I had voted to seat Republicans, and that my record for nearly eight years in this House showed that I had voted to seat Republicans and to unseat Democrats. I will not stop to pay any attention to that sort of argument; it is beneath the dignity and consideration of a tribunal like this. The record I have made in this House upon that and all other questions is a part of our public records, and I am not ashamed of nor would I blot out any portion of it. [Great applause on the Republican side.]

Now, Mr. Speaker, that ends all I have to say, for I want the vote to be taken and this case to be decided. I thank this House, the members on both sides of it, for the attention and courtesy with which they have listened to me. [Great applause on Republican side.]

The Indebtedness of the Pacific Railroads to the Government.

SPEECH

OF

HON. GEORGE W. CASSIDY,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 18, 1884.

The House having under consideration the bill (H. R. 6771) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864—

Mr. CASSIDY said:

Mr. SPEAKER: No doubt the House has realized already from the discussion had that this is a very intricate and interesting subject, and one involving a bewildering amount of statistics and presenting many phases when properly viewed in all of its bearings. Fortunately we are not here to sit in judgment on the past history of these Pacific railroad corporations. They may have been guilty of every crime in the Decalogue, as some gentlemen seem to insist they have been, yet that cuts no figure in the consideration of the pending legislation. We are here to deal with practical questions regarding their present status and relation to the Government, and their ability to meet and discharge the vast debt due the United States. How best to get the money due the Government is the sole question.

The distinguished gentleman from Texas [Mr. THROCKMORTON] for an hour on yesterday rolled off figures by the million connected with these corporations and the immense sums due by them to the Government. I beg to assure him that all of those figures are just so many arguments why we should proceed judiciously, cautiously, and practically to secure the payment of this debt. The greater the amount the greater the necessity for prudent rather than violent means in looking to its collection.

The gentleman from Kentucky [Mr. THOMPSON] also occupied the floor for more than one hour, and yet he absolutely failed to advance a single reason why the operation of the sinking fund should be longer continued. His entire argument was directed to a criticism of the Post bill, so called. Indeed, he admits in his own report to this House that the Thurman sinking-fund act has proven a most lamentable failure, an opinion in which all must concur who investigate the subject fully and impartially; and still he maintains that by adding 10 per cent. to an admitted failure—raising the requirements of the sinking fund from 25 per cent. of the net earnings to 35 per cent of the same—he can make a law entirely perfect and altogether lovely. Such a proposition to my mind is too preposterous for serious thought or elucidation.

It is not my purpose to defend in detail any bill. I care nothing for details. I stand for an idea, for a principle. It is my province to present to the House the two systems proposed by the committee and to commend to the favorable consideration of members that which in my judgment will best conserve the interests of the Government.

I have said and everybody admits that the Thurman sinking fund is a failure. It has been in operation since 1878, nearly eight years, and yet scarcely a step has been accomplished under it toward the payment of this debt. The Union Pacific has practically ignored its provisions, and were it to stand for one hundred years the vast sum due the Government could not be collected under it. If it had been found effective and successful there would be no occasion now to attempt to amend it or to substitute some other system for it. The very fact that it is a failure calls for action at the hands of this Congress. Wherein it has failed, and the cause of the failure, I shall hope to point out further along; but I may be permitted to say at this moment that it has failed because based on a wrong principle.

Let me ask the gentleman from Kentucky [Mr. THOMPSON] what he hopes to accomplish by the proposed enlargement of the sinking fund. Under the most favorable auspices, with the earnings of the roads running as high as they do now—and every one knows that they have been steadily decreasing for three years past—will there not be due at the maturity of the debt in 1898 nearly $100,000,000? What are we to do when that period shall have arrived, and with a prior mortgage on the roads equal in amount to that held by the Government and maturing at the same time? In all seriousness I ask if this sinking fund will do to lean upon in the future when these great sums shall have become due and payable? Will we not then be brought face to face with a very serious problem involving one or two alternatives, namely, the abandonment of the debt altogether, or the payment of nearly $100,000,000 prior in lien to the Government and the taking of the roads?

If this House desires that the Government shall embark in the business of owning and operating railroads, I insist that that phase of the question shall be duly considered as we proceed. And it should be considered also with reference to the cost of the undertaking. If we are going into the railroad business at all, I beg to assure gentlemen that a new transcontinental road can be built for one-half the money it will require to clear away the indebtedness on the present system. Particularly is this true of the Union Pacific.

In this connection and without any infringement of the rules of the House, but as a matter of legislative record, I may be permitted to say that the Senate Judiciary Committee has reported a bill which abdicates the old sinking-fund system and adopts practically the same idea if not the same terms as are contained in the Post bill in dealing with this question. This, I take it, was done after due investigation, and may be regarded as an estoppel on the sinking-fund plan no matter what we may do here.

As I said in the outset, I am not contending for details in this matter. I shall present only the idea, and if the House should agree with me in its judgment it will be for the House to perfect such a bill as will meet this conclusion. I have no pride of opinion about any of these measures. I am here earnestly and honestly desiring the full payment of the last dollar of this colossal debt in the shortest possible time and with due regard for the rights of all concerned. I say that the continuance of the Thurman sinking fund—and I can not be mistaken in this view—means the ultimate ownership by the Government of these roads at double their worth, or the total loss of the entire sum due from these corporations to the Government within the lifetime of the subsidy bonds. It is absolutely impracticable to proceed under that act with any hope of securing the debt. This House may not be prepared now to accept my views of this question, but I am more than sanguine when I predict that it will not be two years before it is accepted and demanded as the only rational solution of the matter at issue. There can be no escape from it.

Now, what are the facts in this case? I have here a great many figures and tables bearing upon the different aspects of the question, but I shall endeavor to get along with brief reference to a very few of them. The question is one of too much importance to be passed over hastily, and yet I shall try not to weary the House with too many statistics.

In 1862 the Government by act of Congress loaned its credit to certain railroad companies, chief of which were the Union Pacific and Central Pacific, in the sum of $64,000,000. These bonds were to run thirty years at an annual interest of 6 per cent., making a total debt at the maturity of the bonds in 1897–'98 of $64,000,000 of principal and about $116,000,000 of interest, or a grand total at maturity of $180,000,000

in round numbers. That represents the indebtedness of the entire system in 1898.

In 1864 a second act of Congress gave the companies the right to mortgage their roads and franchises for an amount equal to that held by the Government, the claim of the Government thereby becoming a second lien or mortgage. So in considering this question we must always keep in view the fact that the Government holds but a second mortgage, and that there is a lien of equal amount bearing equal interest in advance of our claim. This is why we are confronted with so many serious complications. Any summary proceeding in asserting the claim of the Government may precipitate a foreclosure by the parties holding the first-mortgage bonds, and thus compel the Government to step in and pay off these prior liens or waive its debt entirely. Thus far the companies have regularly paid the interest on the first-mortgage bonds, and I am clearly of the opinion that it is better to leave them in a condition to continue to do so than to precipitate a crisis.

Going back now to 1878, it was at that time that Senator Thurman (a gentleman for whose great ability and integrity and patriotism, by the way, I entertain the most exalted admiration) devised, and after a great struggle enacted into law, what is popularly known as the Thurman sinking-fund act. That was an act which attempted to obtain and place in the Treasury of the United States in the nature of a sinking fund for the protection of the interests of the Government, long in advance of the maturity of the debt, 25 per cent. of the net earnings of these roads. The author of the act is more deserving of commendation for his great legal ability in formulating a law that would reach out and take hold of a debt before it was due than for the practical application of provisions of material benefit to the Government. It may be possible, however, that with the lights then attainable the Thurman sinking fund was the wisest thing that could be done. With our present lights it is puerile and absurd, and I say this with full knowledge of the great reverence, not to say awe, which this measure has inspired in the minds of many people in this country.

The validity of the Thurman sinking fund was tested in the Supreme Court of the United States, that tribunal holding that the Government had no legal right to apply the funds of these corporations to the payment of any portion of the debt, principal or accrued or accruing interest, prior to the maturity of the whole debt, principal and interest, in 1898; but that the Government might set apart a portion of the earnings of the roads for the better protection of the mortgagees, the said sum so diverted to be held subject to the rights of the lien-holders respectively in their proper order, not making the Government preferred, and that no part of the money thus withheld should be regarded as a payment on any portion of the debt of the Government, but that the same should be surrendered, every dollar of it, should it be required to discharge the obligations of the companies prior in time to the lien of the Government. As understood by the lay mind, this was substantially the decision of the court, the opinion being sustained by five of the judges to four dissenting. I digress to say that I have been through them all, and if I am any judge of legal questions the dissenting opinions are by far the abler.

Late additions to the supreme bench render it almost certain that the original opinion would be overthrown were the opportunity presented. This is another very strong reason why we should select some other mode for the settlement of this debt. The small sum now held in the Thurman sinking fund is subject to the claims of the holders of the first-mortgage bonds under the decision of a majority of the court, and were that opinion reversed, as it is likely to be if we make another case to go to them, the entire amount would be swept away and we should be precisely where we started—with not one dime applicable to the payment of the debt, principal or interest, in the sinking fund.

It was the theory of the sinking fund, and the law so directed, that the money paid into it from time to time by the companies should be invested in 5 and 6 per cent. bonds of the United States, the money being regarded as worth about that rate to the companies from which we were taking it in advance of its becoming due, and thus by an investment in these interest-bearing bonds for the sole benefit of the companies, and not for the Government, we would work no loss or injury to the companies by reason of the sinking fund which we had set up. Here again occurred another mistake which could not have been foreseen. The whole theory upon which the validity of the Thurman act was upheld by the Supreme Court was that we inflicted no injury on the companies by requiring them to anticipate the payment of a debt not falling due until 1898, either principal or interest. As regards the practical results of the sinking-fund investments, the companies certainly have just ground for complaint. The 5 and 6 per cent. Government bonds soon rose to such a rate of premium in the markets of the world that the operation of the sinking fund was practically defeated.

I have here among my papers, and it is official, from the Treasury Department of the Government, a statement showing how the sinking fund has operated as regards the companies. This statement relates more particularly to investments made for the Central Pacific, though the same state of facts applies with equal force to the other companies. To get at this matter very briefly: the Central Pacific has paid in premiums for the investment of its share of the sinking fund $178,000 and has received back in interest to date but $166,000, making a clear loss to the company under this beneficent sinking-fund act of $12,000; nor has the Government been correspondingly or in any degree benefited by these operations. I say, therefore, that a law which is clearly shown to have worked so unsatisfactorily ought not to be longer relied upon in the settlement of this account. This great Government can not afford to abridge the obligations of a contract, whether the party whose rights are invaded be a railroad corporation or a private individual.

But my opposition is not based alone on the doctrine that the sinking fund has not worked equitably, but upon the broad ground that under that system it is impossible to collect the money due the Government. The law, because of fundamental defects, is incapable of successful administration. Changing conditions will render it more and more difficult of administration. Based as it is on a percentage of the net earnings, anything which affects the volume of business transacted by the roads must of necessity affect the amount of money going into the sinking fund. Business diverted to rival or parallel roads not subsidized by the Government can not fail to lessen our revenue from the subsidized lines. From this cause alone, that portion of the debt due from the Union Pacific Railroad is to-day in extreme peril. This fact I can not too strongly impress upon the attention of the House.

Why, Mr. Speaker, there has been an enormous falling off in the earnings of the Union Pacific road, and the decline is still going on. For the first five months of the present year, compared with the same period in 1883, there has been a decrease in net earnings of nearly two millions of dollars. That company seems to be trembling on the very verge of bankruptcy. There was a time when it might have met its obligations to the Government; to-day it is so loaded down with incumbrances of one kind and another that it seems impossible that it should ever shake them off. Within the last week Government experts have been to Boston to examine the books of this company. I have before me their report. It is too voluminous to be read and digested in detail. But I can assure the House that it makes some very important disclosures. I have had but little time to study it, it having been furnished to me within the last hour, but I am prepared to present its more salient features. Give me your attention while I show you something of the condition of this company:

The falling off in surplus earnings of the entire system for the five months ending May 31, 1884, as compared with 1883, was $1,983,000.

The revenue and expenditures of the entire system for the same period show a deficit of $729,000.

To enable the company to pay the July quarterly dividend of 1¾ per cent. the company will have to borrow or draw from any surplus on hand about $1,400,000.

The total debt of the company March 31, 1884, including capital stock outstanding, was $223,975,889.34.

Think of so vast a sum—five times greater than the national debt at the beginning of the war! Included in this amount is a floating debt of $11,409,099.32.

The assets show a surplus over the liabilities (including land sales) of $15,224,684.61, or, including land sales, of $4,311,639.55.

The loss to the company in operating "branch lines" for the first three months of 1884 was $347,826; for the corresponding three months of last year the loss was only $3,000.

There we have it: a concern rotten from top to bottom, with a debt as large ($223,975,889) as many of the governments of the earth. This company owes the Government to-day $65,000,000. It owes other creditors, whose liens are prior to that of the Government, about sixty millions more in round numbers. Our security rests on something like 1,400 miles of railroads thus encumbered. The line from Omaha to Ogden can be duplicated to-day, every inch of it, for $40,000,000. We could build a new road and save $20,000,000. But if we should pay off the prior liens and take the road for our debt, it would represent a cost to the Government of more than $120,000,000. Are we prepared to invest this money in a property that is not worth to-day $50,000,000?

The trouble grows out of the fact that the road has been parallel its entire length. It has been stranded by rival lines competing for its business. The completion of the Northern Pacific cut off most of its Montana and Oregon business. The Chicago, Burlington and Quincy competes for the Colorado and Denver business. The Atchison and Santa Fé and Southern Pacific get a share of the traffic, while the Denver and Rio Grande absorbs a large part of the Utah business and draws heavily on the overland commerce by its through connection at Ogden. In other words, there are now five railroads to do the business formerly handled by one. I do not say that this company may not again become prosperous with the settlement and development of the country along its line, but time will be required to extricate it from its present embarrassments.

I have said that under the percentage system we can never recover this great debt. It will become manifest to any one who will investigate this question that the Government is placed at a great disadvantage under the percentage system. This must follow inevitably from the fact that the other side keep all the books. We are compelled at every annual settlement to accept as the net earnings whatever sums these corporations may choose to return. And just here is the question which gives rise to all the trouble and litigation. Disputed claims

amounting to $8,000,000 are to-day being litigated between the Government and the Union Pacific Company. "Net earnings" is too indefinite a term; the officers of the Government and the companies can never agree as to what constitute net earnings. Should the interest on the first-mortgage bonds, new construction, and new equipment be deducted in arriving at the net earnings?

These are the questions that lead to endless disputes and litigation, and through it all the sinking fund is cheated out of the greater portion of the money which should go into it. These corporations have construed the law to suit themselves, and thus far the Government has been powerless to assert and enforce its claim to the money annually called for by the act of 1878. It is not so much that they dispute the binding effect of that act as it is that they set up claims under it regarding their net earnings which can not be accepted as correct without practically defeating the requirements of the sinking fund itself. No change in the percentage of the net earnings demanded by the Government will remedy or can remedy this defect in the law. The vice is fundamental and inherent. All railroads in dealing with each other treat on a basis of the gross earnings, which should have formed the basis of settlement in the Thurman act.

But a better plan still is to require the payment semi-annually of a fixed sum. That is what the Post bill does, and in this regard if no other it is a vast improvement on the old system, which it is sought here to continue for no higher purpose that I can discern than that it has proven a conspicuous failure.

Why, Mr. Speaker, let me further illustrate how the percentage plan works when practically applied to these corporations. The exact number of miles is not necessary to convey the idea clearly to the House. In round numbers, then, the Government aided the Union Pacific with bonds to build about 1,400 miles of road. It aided the Central Pacific to the extent of something over eight hundred miles. Our security and our interest in the net earnings are confined to these aided sections, and no more. This has been determined by the Supreme Court of the United States. To-day the Union Pacific is operating over 4,000 miles of road, or 2,500 on which the Government has no claim and to any portion of the net earnings of which it can set up no claim under the decision of the highest tribunal in the land.

Nay, more, under the decision of the same court we must even pay cash for the transportation of our mails, troops, and supplies over the non-aided portions. But the whole of the Union Pacific system of 4,000 miles is conducted under one management and one set of books, and the earnings of the entire system go into a common fund of the company. Here, then, comes the interesting process when the Government's quota of 25 per cent. under the Thurman act, as that law now stands, is to be ascertained. It usually turns out that the Government's 1,400 miles has not earned as much in proportion as the rest of the system. And who can draw the line on these earnings? Who can say whether or not full and fair returns are made? And where is the check placed for the protection of the Government in regard to this very important matter? Is it saying too much to assume that the Government's 1,400 miles is made to bear more than its just share of the cost of maintaining and operating the whole system? The utter failure of the Thurman sinking fund furnishes the answer to all of these questions. The whole scope and plan of the law is founded in error and false principles, and any amendment thereto which has for its object the continuance of the percentage feature must, beyond peradventure, prove alike abortive and disastrous to the interest of the Government. I would reverse this whole plan; I would require the payment of $1,000,000 every six months, or two millions a year, without regard to net earnings or where the money came from. You might increase the sum and call for more annually, if you thought proper and believed that the companies could afford it, and still be left in position to take care of the lien in advance of the Government's.

As I have already remarked, I care nothing about the details of the bill, though I have my opinion as to what they should be, but I do insist that the old and futile percentage system should be at once and forever discarded. My plan would of course necessitate an extension of the debt. It must be extended under any plan. The Thurman act as it stands to-day would not discharge the debt in a century, The proposed increase of 10 per cent. will leave due and unpaid at the maturity of the bonds in 1898 the principal of $64,000,000 and more than $30,000,000 of interest. To pay the interest alone, leaving nothing but the $64,000,000 of principal due at maturity, will require 85 per cent. of the net earnings of the Central Pacific and more than 50 per cent. of the net earnings of the Union Pacific and Kansas Pacific. With these large percentages we would still be compelled to grant an extension for the $64,000,000 of principal in 1898. But if we call for the large percentages which I have shown to be necessary to meet the interest account, what then is to become of the first-mortgage bonds and the interest thereon, equal in both principal and interest to our own claim? Would the 15 per cent. of net earnings left in possession of the Central Pacific and the 45 per cent. left to the Union Pacific and Kansas Pacific enable these companies to protect the interest of the Government, as against the first mortgage, prior in time to the mortgage of the Government? These are the serious questions to be met and solved by this House at this time. I have no hesitancy in declaring that if the percentage system is to be continued at all it should be largely increased with respect to all of these roads. But that, in my judgment, is not the way to get the debt—rather, it is the way not to get it.

And this brings me to say that the principle contained in the Post bill is unquestionably the correct principle. It ignores the percentage plan *in toto* and requires the payment of a specific sum semi-annually, equaling about two millions per year. At this rate the whole debt and interest will have been paid in forty-six years from 1898. You can shorten the time by increasing the amount of the semi-annual payments if you like. It is not an extension of the whole debt forty-six years, as some gentlemen would like to convey to the House, because at the end of the forty-six years the last dollar of the debt will have been fully met and paid if the law be complied with. The average extension would be but twenty-three years. Under the other plan there can be no reasonable guarantee that the last of the debt will be paid in sixty years or one hundred years. With the facility with which railroads sometimes pool their earnings I can readily see how it would be possible for net earnings to disappear altogether from the subsidized lines. An understanding or contract between the rival lines would easily bring about this result.

But the best feature of the Post bill is that which extends the statutory lien of the Government over 5,600 miles of road not now held as security by the Government, predicated as it is on the consent of the companies in consideration of the extension granted for the payment of the last installment of the debt. This, to my mind, makes the debt absolutely safe and insures the prompt payment of every dollar of it, because the bill provides that a default in the payment of any one of the semi-annual bonds makes that moment the whole debt due and payable. It will be noticed by members that it also provides that such of the companies as refuse to accept this plan of settlement are continued under the operation of the Thurman sinking-fund act at the same increase of percentage as is fixed in the other bill. Thus it will be seen that on the percentage plan the Post bill is quite as good and quite as perfect as the other. It is immeasurably better and safer and simpler in those particulars, requiring the payment of a specific sum annually and adding to our security more than double the number of miles of road now held as security by the Government.

But, Mr. Speaker, I have a still greater and broader objection to a continuance of the percentage system, especially if the percentages are to be materially increased, as they should be if we are to continue on that line at all. It affects directly a matter of paramount importance to the people of the Pacific coast. The great demand of our people is lower rates of transportation. If this debt is paid at all it must be paid by the people of the Pacific coast, by the patrons of the roads. You gentlemen of the East will not contribute a dollar toward its payment. The debt is now the property of all the people of the United States, and I say frankly that I would rather all the people should watch and wait for their money than that my people should be further oppressed to the end that the debt may be promptly paid at maturity. Charity begins at home, and it is my province as it is my pleasure to look out for my people and my section as against the rest of the world. The more you take from the railroads the more in turn the railroads will take from the people. The higher you fix these percentages the deeper these roads will dive into the pockets of the people who sustain them with their patronage.

The main question involved here is whether the people of the Pacific coast shall liquidate this vast debt in fourteen years or forty-six years; whether you shall make lower rates possible or continue indefinitely the present high rates. I warn the delegation from California that this is a question affecting the material progress of their State. A vote to continue the system of a percentage of the net earnings is a vote, directly and emphatically, against any lowering of transportation charges. See how the system is bound to work in practice. The percentage plan as proposed here means in plain terms that 35 per cent. of all the money paid by our people to the railroads for freights and fares must go into the Treasury of the United States in liquidation of the enormous debt due from the railroads to the Government. The larger you make the percentage the greater the inducement held out to the railroads to maintain high rates in order that the income from that portion left them may not fall below the present standard. That is the inevitable tendency of a continuance of the sinking fund based on a percentage of the net earnings. This might not be so bad if we could regulate their charges by law. But how are you going to do that? The Eastern member of Congress is more interested in the collection of this debt than he is in the welfare of the people of the Pacific coast.

Suppose you undertook here to cut down railroad charges, say, for purposes of illustration, 50 per cent., what would be the effect on this sinking fund and what Eastern member would vote for your bill? Would not a vote to reduce railroad charges 50 per cent. also be a vote to reduce the amount going into the sinking fund by just one-half? Who then would support your bill under these circumstances, and how can you hope for relief for your people when this percentage plan is once fastened permanently on the country. I say again to the members from California, and to the whole people of the Pacific coast, that lower charges for transportation of all kinds is a question of vastly more importance to them than anything affecting the payment at ma-

turity of this debt due to all of the people of this country. I desire that the Government shall get its money, but I am not desirous that my people shall be unduly and unwarrantably taxed to pay it; and I assert again with emphasis that any scheme for the payment of this debt based on a percentage of the net earnings means the continuance perpetually of high rates and the present onerous burdens borne by the people of the Pacific coast—a thing that shall never be done, by the Eternal, with my consent or concurrence. Would that all men possessed sufficient moral courage to do the right thing on every question affecting the public weal.

A day has been assigned the Committee on Commerce to consider the bill regulating interstate commerce, and I have steadily during this Congress and the last voted to take up that subject, but it must be manifest to all that we can not legislate intelligently on the question of rates as applied to the Pacific railroads until we shall have determined the manner of the settlement of this great debt. It is to remove every possible obstacle standing between the people of the Pacific coast and lower rates that I advocate the immediate abolition of the percentage plan and the substitution for it of the payment of a specific sum annually without any regard whatever to earnings or whence the money comes, within a just and proper recognition of the rights of all of the parties concerned, including not alone the Government, but with due regard to the demands of all other creditors of these corporations. But the first step looking to lower rates is the final adjustment of this debt on conservative and rational principles.

Mr. ANDERSON. Do I understand your argument to be that we ought not to increase the percentages because we might ultimately lose the debt? May I ask whether your committee has made any report on my bill appointing a receiver to take these roads in hand for default in payment of interest?

Mr. CASSIDY. That is a collateral issue.

Mr. ANDERSON. It would secure the Government.

Mr. CASSIDY. It does not apply to the case in hand at all, and has no connection with it. That is a Kansas idea, which cuts no figure in this argument. But I may say for the information of my friend from Kansas that the Attorney-General has ample power under the law as it exists to-day to protect every right of the Government in the event of the companies defaulting in the payment of the interest on the first-mortgage bonds. Up to this time none of the companies have defaulted on account of this first interest, and to assume that there is danger that they will become so reduced as to compel them to do so is one of the very strongest arguments that could be advanced against the increase of percentages attempted here. The gentleman's question is an argument against the bill instead of one in favor of it.

I have been urging all along that the Thurman sinking fund has fallen far short of its purpose; nobody is found who will attempt to maintain that it has been a success. On the contrary, under its operation we have scarcely accumulated a dollar in the Treasury from any company that did not voluntarily comply with its provisions. In this connection it gives me great pleasure to say that the Central Pacific Railroad Company has complied strictly with the letter of the law; that it has paid every dollar required by the Thurman act, and is not to-day in arrears a single dollar on account of the sinking fund. In addition to this, it has established a sinking fund of its own into which it has paid about $10,000,000 to meet and discharge the first-mortgage bonds, which are prior in lien to those of the Government.

Of course gentlemen will readily understand that any provision looking to the payment of the first-mortgage bonds is the same in effect as paying the Government, because in that way our mortgage becomes first and the security of the Government will be beyond any reasonable question. So far, then, as this corporation is concerned, in the matter of the debt it comes to Congress with clean hands. There is no evidence anywhere that it seeks to wreck the property and then unload it on the Government. The Central Pacific Railroad Company has a constructive residence in my State and is one of the largest tax-payers of that Commonwealth. It is simply just, therefore, that it should receive at my hands fair consideration during the progress of this debate, and I repeat that it is deserving of honorable mention for having complied promptly and strictly with every demand made upon it by the Government of the United States.

Mr. BUDD. May I ask the gentleman a question?

Mr. CASSIDY. Yes, sir; if it is pertinent.

Mr. BUDD. You say the Union Pacific has been losing money.

Mr. CASSIDY. I did not say anything approaching that, and no part of my argument has been based on any such theory.

Mr. BUDD. I so understood you.

Mr. CASSIDY. Well, you did not understand me correctly. What I did say was, that by reason of the construction of parallel roads its business had greatly diminished during the last two years.

Mr. BUDD. I will ask if they are not paying 14 per cent. per annum upon their capital stock?

Mr. CASSIDY. I have no doubt that they have been paying larger dividends than they should have paid, particularly as they are so greatly in arrears to the Government. I strongly suspect also that they have been selling their lands and dividing the proceeds among their stockholders; but they have not been paying 14 per cent., but 7 per cent.

Mr. BUDD. No, 14—7 every six months.

Mr. CASSIDY. The gentleman is simply mistaken about that, as every one knows who has investigated the affairs of this company.

Mr. THOMPSON. The gentleman from Nevada is right; 7 per cent. is the correct figure.

Mr. CASSIDY. The Union Pacific Railroad Company has been paying 7 per cent. per annum for many years. A portion of this has been paid out of the earnings of the road and a portion, perhaps, out of the sale of the company's lands. I do not believe that they have at all times in good faith earned the dividends which they have paid, and I do not believe that they should pay any dividends until they have paid the debt which they owe the Government. Certainly they are in no condition at this time to pay dividends, whatever they may have done in the past. The report of the Government experts, which I have before me and to which I referred a little while ago, shows that they are $1,400,000 short of their usual 1¾ per cent. quarterly dividend for July. For the information of the House, I shall ask to publish this entire report of the experts as an appendix to my remarks.

And now, Mr. Speaker, let us for a moment vindicate the truths of history. I undertake to say, sir, that the building of this great transcontinental railway was one of the grandest achievements of the nineteenth century. All honor, then, to the master-mind that conceived it; all hail to the matchless energy that prosecuted it to a successful issue. By its construction six States and Territories of this Union have been made possible; a highway for the rich commerce of the Orient has been provided; the vast wealth of the mines of the West has been laid at your feet; the Indian question has been settled, and an indissoluble union between indestructible States has been established, thus binding the remotest sections of our country together in affectionate regard one for the other and insuring peace and concord through all the coming ages. All talk of a "Pacific republic," if it ever had any serious existence, disappeared at once and forever with the inauguration of this great enterprise. To-day five hundred million dollars' worth of cattle feed on the nutritious grasses of the Rocky Mountains because of the facilities afforded by this road for reaching the markets of the country, thus supplying cheap beef to all of the people; for grass-fed beef means cheap beef.

Mr. BELFORD. I desire to ask the gentleman if the public lands were not entirely worthless before the construction of this road.

Mr. CASSIDY. I was just coming to that. Certainly they were utterly valueless without the road. Some of them are not worth much yet; but if the road had not been constructed, no part of them could have been sold for any price whatever. They were destitute of value because there was no demand for them. But there were other advantages secured which I was going on to state.

Why, the experience derived from the examples of engineering skill alone was worth double the cost of the road. It must not be forgotten that prior to the construction of this road the belief was prevalent everywhere in this country that the great mountain ranges presented insurmountable barriers to successful railroad building. Yet we have seen the Rocky Mountains scaled at an altitude of 8,000 feet above the level of the sea, and the great Sierra pierced whose snow-capped crest rises more than 13,000 feet above tide water.

Thus it is that railroad building has been promoted throughout all the mountainous sections of this country. And just here let me give credit to the Republican party for the passage of the Pacific Railroad act. Barring the grant of land which it carried, it is one of its brightest achievements during the whole of its twenty-four years of power. Gentlemen will recall that this bill was passed just fourteen days after Maximilian had set up his empire in Mexico. The building of the road under the circumstances, I state most unhesitatingly, was both wise and patriotic. Gentlemen must not assume either that this was altogether a bad bargain for the Government. The bonds loaned to the companies only netted them about 65 cents on the dollar, owing to the depreciated state of the Government's credit at the time. But the Government has a right to expect full payment, dollar for dollar, of the face of the bonds, with interest, including the many other blessings and advantages growing out of the investment. Prior to the construction of this great highway, let it not be forgotten, the annual expenditures for carrying the mails and transporting supplies for the military posts and the Indians on the plains aggregated $10,000,000. In 1857, when Johnston's army moved against Brigham Young, they ran as high as $18,000,000. Since the building of the road the yearly appropriations for the same service have never exceeded $2,000,000; a clear saving to the Government of $8,000,000 per annum, or more than $125,000,000 for the sixteen years since the road went into operation.

I followed, Mr. Speaker, the trackless desert across the continent many years before this enterprise was undertaken and I know something of the hardships and privations which the early pioneer was forced to endure in the far West. I know also with what zeal and earnestness we prayed for the early construction of this great national highway. There were no anti-railroad men in California in those days. Had a thousand millions of Government bonds been necessary for this great work, not a man in California would have opposed the outlay; and could such an alternative be presented to-day, I dare say that the people of that State would justify the expenditure of a like amount rather than dispense with their road.

Mr. Speaker, a moment ago, in complimenting the Republican party for the passage of the Pacific Railroad act, I made an exception in regard to the land subsidy. I believe that to have been a mistaken policy. It is my judgment that not one acre of the public domain should ever have been given to any railway or other corporation. I would have assented to $100,000,000 more in bonds if necessary to carry out this great project, but not one acre of the people's land should have been pledged for the success of the undertaking. The public lands should have been held as a sacred trust for the homeless and landless, and if I had my way about it to-day I would take back these lands at a fair price and apply the value of them on this great debt due the Government from these companies. I would allow the companies a fair consideration for them and then deal them out, as might be required, to actual settlers. That is the practical way to rid ourselves of a large amount of this debt and at the same time bring the Government back to its early policy on the land question, namely, that they should be held for the actual settler.

While I am talking about my Republican friends (and I have a right to criticise them now, because I complimented them a moment ago) I must say that I was not a little amused the other day to find them in their national convention at Chicago resolving in favor of the forfeiture of these land grants which they had themselves made, while on the same day and perhaps at about the same hour the Republican members on the other side of this House were filibustering to prevent the passage of a bill restoring one of these unearned grants to the public domain. I say I was amused at this display of consistency between the representatives of that party at Chicago and on this floor respectively.

Mr. WHITE, of Kentucky. Will the gentleman allow me to correct him? If I remember rightly the gentleman from Louisiana [Mr. ELLIS] of that side of the House led in that.

Mr. CASSIDY. Mr. ELLIS's matter was not the case to which I alluded. I had reference to the Oregon railroad grant.

Mr. FUNSTON. I ask the gentleman if it is not true that the Democratic party, before the Republican party had an existence, gave away 26,000,000 acres of the public domain to the railroads?

Mr. CASSIDY. To what railroads? Name one of them.

Mr. FUNSTON. To the States for the railroads. Did they not give the land to the States with the express understanding that it should be given to the railroads? And might it not be that the Republican party were trying to get back what the Democrats gave away?

Mr. CASSIDY. I am ready, sir, to join issue with you on this land question generally. Your party has squandered on railroad corporations an area of territory equal in extent to all of the New England States, New York, Pennsylvania, and Ohio combined, while every single acre that has ever been added to the national possessions, with the single exception of the Alaska purchase, since the Government began was acquired under Democratic administrations; and I most unhesitatingly and emphatically declare further, that the Democratic party, as such, never gave a single broad acre of the public domain to any private corporation under the sun. [Applause on the Democratic side.]

Mr. DUNHAM. May I ask the gentleman a question? Who gave the Illinois Central grant?

Mr. CASSIDY. It was given to the State, and the State in turn—no doubt, under a Whig administration—gave it to the railroad company.

Mr. KEIFER. Under the leadership of Stephen A. Douglas——

Mr. CASSIDY. One at a time, gentlemen.

Mr. KEIFER. Under the leadership of Stephen A. Douglas the first land grants were made to the railroads, and the Illinois Central was the beneficiary. While in form the grant was to the State of Illinois it was expressed that it was for the benefit of the Illinois Central.

Mr. CASSIDY. Produce the law. I repeat that it was given to the State, and the State in turn gave it to the railroad. The Democratic party in all of its history has never given an acre to any railroad corporation in the world, and still we acquired every acre over which the American flag floats to-day with the simple exception of Alaska.

Mr. FUNSTON rose.

Mr. CASSIDY. The gentleman will pardon me. I must decline to yield further. I have some other matters to submit to the House and I must go on.

Mr. COOK. Alaska is not land. It is only an iceberg.

Mr. DUNHAM. If the Democratic party acquired all of the public domain, perhaps they had a right to give it away.

Mr. CASSIDY. But they never gave an inch of it away. I would like to talk this matter over with my friend from Illinois [Mr. DUNHAM] but I have not the time just now, and he must excuse me when I insist on proceeding with the discussion of the measure under consideration. I have but an hour, and too much of my time has already been taken up with these side issues.

And now, Mr. Speaker, let us return to the main question. I have shown that the majority bill settles nothing; that it leaves the whole question of the debt in as bad condition as we find it to-day; that net earnings, by reason of circumstances which I have pointed out, are gradually but surely falling off and may soon disappear altogether, and that under the most favorable auspices the entire principal of $64,000,000 and more than $30,000,000 of interest will be unprovided for at the maturity of the bonds in 1898. No friend of that measure will attempt to deny that fact to this House.

Mr. THROCKMORTON. May I ask my friend from Nevada what the Post bill will do at the maturity of these bonds?

Mr. CASSIDY. It will bring into the Treasury substantially as much as yours, and besides it more than doubles our security for the payment of the whole debt.

Mr. THROCKMORTON. Oh, yes.

Mr. CASSIDY. I am no stickler for the strict letter of the Post bill. My chief contention is that it embodies the correct principle. My friend from Texas [Mr. THROCKMORTON] will hardly deny that the sums called for by the Post bill can be so enlarged as to bring to the Treasury of the Government more money annually than any other scheme yet proposed, and besides it is a final and definite settlement of the whole question. The majority bill amounts to nothing and settles nothing. From the very nature of the case it is a mere makeshift, temporary and transient in its character, and essentially devoid of every element of broad and statesmanlike purpose. The occasion is urgent that some system shall be devised whereby this debt shall be cared for and placed in course of sure and ultimate payment, but it is not as important that the Government insist on its money immediately if it could get it, which of course it can not, as it is that the security be made ample and certain. Pass any well-devised scheme that will secure the payment of the debt beyond doubt in any reasonable length of time, not leaving it open to the doubts and delays and failures of the past, which must be continued and repeated under the majority bill, and I shall be entirely satisfied. I have already stated that these roads are paralleled from one end to the other and that the business which formerly went over the Central and Union Pacific roads now goes in part over the Southern Pacific, which was not aided with Government bonds and from which, of course, we can get nothing applicable to the payment of this debt.

Mr. THROCKMORTON. Was not the Southern Pacific Railroad built out of the earnings of the Central Pacific?

Mr. CASSIDY. Suppose it was? What has that to do with this question? As a matter of fact I presume that some of the earnings of the Central Pacific went into the construction of the Southern Pacific; I can not answer positively as to that, because I do not know, but it is true that the Southern Pacific has a very considerable bonded debt of its own.

Mr. THROCKMORTON. It is true that it was built out of the earnings of the Central Pacific.

Mr. CASSIDY. I know that that has been alleged over and over again, but whether truly or falsely I have no means of knowing, nor do I care for the purposes of this argument.

Mr. THROCKMORTON. Everybody knows it to be true.

Mr. CASSIDY. Well, suppose it be true? What has that to do with this case? If my friend will permit me, the question is simply this: If we are to rely on a percentage of the net earnings, as under your bill, certainly we can not expect to get anything from the Southern Pacific, or from the Northern Pacific, or from the Denver and Rio Grande, or from the Chicago, Burlington and Quincy, because the Government did not grant bonds in aid of the construction of any of these roads. We must look entirely to the earnings of the Central and Union Pacific systems, for these are the only roads in which the Government is interested. It is for this purpose that I have directed attention to the fact that these Government roads are paralleled by other and non-aided roads. I do not mean to say (because that is a branch of the general question which I am not now arguing) that they are competing lines in the sense that competition affords lower rates to the people, but I do say that they are competing lines for business; they divide the business and as a necessary result lessen the volume of traffic that goes over the subsidized roads; and when you predicate a bill on a percentage of the net earnings of the roads aided by the Government, the parallel roads, by dividing and thereby reducing the business, become an important factor in estimating the amount that will go into the Treasury for the satisfaction of the debt.

Mr. GLASCOCK. Then, if I understand the position of the gentleman from Nevada [Mr. CASSIDY], in order to secure to the Government that which is already due you must stop competition between these roads so that the subsidized lines will have all the traffic.

Mr. CASSIDY. I had hoped that I had made myself clear on that point, but it seems that the gentleman from California [Mr. GLASCOCK] does not comprehend my position at all. I have said nothing whatever about stopping competition. I have been urging the fact that the overland business is now divided—with one road as regards the Central Pacific and with five roads as affecting the Union Pacific; and that by reason of this division of business the Government's chances of procuring its money under the operation of any bill based upon a percentage of the net earnings had been materially reduced. That is what I said and all that I said in respect to this point in the case. What I want is competition—real competition—the kind that will lessen freight and passenger charges. As I have already pointed out, lower rates are rendered impossible under the percentage plan favored by the majority bill. Every one who votes for that bill must do so with the full knowledge that its whole tendency is in the direction of the maintenance of exorbitant rates. Lower rates and the collection of the debt will both be defeated under the operation of that fallacious measure.

And now, Mr. Speaker, permit to say that I have endeavored patiently and honestly to reach a fair and just conclusion on this subject.

I have gone over the whole matter of the earnings of these roads and their liabilities to the Government and other creditors. It must be confessed that the question is one of many embarrassments and complications on all sides. The great trouble is that this House can never, with the brief time allotted for discussion, be brought to a complete understanding of the many important questions put in issue. On a bill of the magnitude of this, involving as it does more than one hundred millions of money, at least a week should be devoted to its consideration. But this was not to be hoped for at the present session with the crowded condition of our calendars. The Committee on Pacific Railroads gave nearly three months of patient and diligent consideration to this subject. We have divided in opinion nearly equally as to the best mode of procedure in the future. Every member of the committee has been animated by a zealous desire to do that which would best protect the interest of the Government and promote the collection of this debt. We have differed as to policy only, and as a result we come to the House with two bills, both of which are honest bills. That reported by the gentleman from Kentucky [Mr. THOMPSON] representing the majority is a literal copy of the present law with the percentage of net earnings increased from 25 per cent. to 35 per cent.

I take it that it must be apparent to every member on this floor that an increase of 10 per cent. on an admitted failure can not in the very nature of things work any material improvement. For myself, I have deliberately reached the conclusion that this debt must now or in the near future be adjusted on the plan suggested in the Post bill or some kindred plan, or failing in that the Government will stand in imminent danger of losing the entire sum, principal and interest. The Post bill may not be perfect; it may need amendment; perhaps some of its provisions should be discarded altogether; that is immaterial, but I know that the idea is right and that it covers substantially the plan that must ultimately prevail. The chief feature of this bill and the one which should commend it to the favorable attention of all men of ordinary business sagacity is the provision which gives us 5,600 additional miles of railroad as security for the debt.

Mr. THOMPSON. Will the gentleman allow me to interrupt him right at that point?

Mr. CASSIDY. Certainly; with great pleasure.

Mr. THOMPSON. I know the gentleman does not wish any misunderstanding of this matter. Of the 5,600 miles of additional security which the gentleman says will be obtained under the bill which he advocates I understand that there are only 760 miles which actually belong to these corporations, the balance being leased by them.

Mr. CASSIDY. The gentleman is entirely mistaken about that. The Union Pacific system embraces a total of 4,303 miles, of which only 1,436 miles are subsidized. The Central Pacific covers 3,041 miles, of which but 863 miles are subsidized.

Mr. THOMPSON. The gentleman does not meet the question which I ask. He will not tell the House that by an act of Congress we can extend the lien of the Government over 5,000 miles of leased road.

Mr. CASSIDY. Of course I would make no such statement as that, but I do tell the House that with the consent of the companies, as provided in the Post bill, we can extend our lien over everything they own, including whatever interest they may possess in such of the lines as are leased. I have no difficulty in making that declaration to the House in the most unequivocal terms. I have here a table setting out just what roads are owned as well as those that are leased. It may be read for the information of the gentleman. He will find that I am correct in every declaration that I have made.

EXHIBIT No. 1.

Statement showing mileage of roads operated January 1, 1884, by the several companies to which the United States have loaned bonds in aid of construction.

RAILROADS OPERATED BY THE CENTRAL PACIFIC RAILROAD COMPANY.

Name of road.	From—	To—	Miles.	Subsidized or otherwise.	Owned, leased, or controlled.
Union Pacific Railway	Ogden Station, Utah	Utah Southern Railroad Crossing	.11	Bonds and lands	Neither.
Do	Utah Southern Railroad Crossing	Terminus of Union Pacific Railway	5.00	....do	Leased.
Central Pacific Railroad	Terminus of Union Pacific Railway	Sacramento, Cal	757.50	....do	Owned.
Do	....do	....do	.95	Not subsidized	Do.
Sacramento and Placerville Railroad	Sacramento, Cal	Brighton, Cal	5.64	....do	Leased.
Central Pacific Railroad	Brighton, Cal	Niles, Cal	103.83	Bonds and lands	Owned.
Do	Niles, Cal	West Oakland, Cal	24.31	Not subsidized	Do.
Do	West Oakland, Cal	Oakland Wharf, Cal	77.54	....do	Do.
Do	Oakland Wharf, Cal	San Francisco, Cal	2.20	Ferry	Do.
Northern Railway and San Pablo and Tulare Railroad	Tracy (via Martinez), Cal	West Oakland, Cal	3.69	Not subsidized	Leased.
California Pacific Railroad	Sacramento (via Suisun), Cal	Port Costa, Cal	57.52	....do	Do.
Central Pacific Railroad	Roseville Junction, Cal	Redding, Cal	151.60	Lands only	Owned.
Do	Lathrop, Cal	Goshen Junction, Cal	146.08	Not subsidized	Do.
Do	Oakland Wharf, Cal	Brooklyn, Cal	5.67	....do	Do.
Do	West Oakland, Cal	Masticks, Cal	3.82	....do	Do.
Do	Alameda Wharf, Cal	Melrose, Cal	5.19	....do	Do.
Do	East Oakland, Cal	Fernside, Cal	2.01	....do	Do.
Do	Niles, Cal	San José, Cal	17.54	Bonds and lands	Do.
Northern Railway	West Oakland, Cal	Delaware Street, Cal	4.53	Not subsidized	Leased.
California Pacific Railroad	Vallejo Junction, Cal	Vallejo, Cal	2.00	Ferry	Do.
Do	Davisville, Cal	Knight's Landing, Cal	18.57	Not subsidized	Do.
Northern Railway	Woodland Junction, Cal	Tehama, Cal	100.74	....do	Do.
California Pacific Railroad	Vallejo, Cal	Suisun, Cal	20.10	....do	Do.
Do	Napa Junction, Cal	Calistoga, Cal	34.48	....do	Do.
Stockton and Copperopolis Railroad	Stockton, Cal	Milton, Cal	30.00	....do	Do.
Do	Peters, Cal	Oakdale, Cal	19.00	....do	Do.
Amador branch	Galt, Cal	Ione, Cal	27.20	....do	Do.
Berkeley branch	Shellmound, Cal	Berryman's, Cal	3.84	....do	Do.
Southern Pacific Railroad	Huron, Cal	Colorado River, Cal	528.56	Lands only	Do.
Western Development Company	West bank of Colorado River, Cal	Yuma, Ariz	.13	Not subsidized	Do.
Southern Pacific Railroads of Arizona and New Mexico	Yuma, Ariz	West bank of Rio Grande River, New Mexico.	551.39	....do	Do.
Southern Pacific Railroad	Los Angeles, Cal	San Pedro, Cal	24.24	....do	Do.
Los Angeles and Independence Railroad	....do	Santa Monica, Cal	16.83	....do	Do.
Los Angeles and San Diego Railroad	Florence, Cal	San Anna, Cal	27.60	....do	Do.
Pacific Improvement Company	West bank of Rio Grande River, New Mexico.	East bank of Rio Grande River, Texas.	.23	....do	Do.
Galveston, Harrisburg and San Antonia Railway.	East bank of Rio Grande River, Texas.	El Paso, Tex	3.61	....do	Do.
Southern Pacific Railroad	Mojave Junction, Cal	"The Needles"	240.13	Lands only	Do.
Total			3,063.48		

RAILROADS OPERATED BY THE MISSOURI PACIFIC RAILWAY COMPANY.

Central Branch Union Pacific Railroad	Atchison, Kans	Waterville, Kans	100	Bonds and lands	Operated for owners.
Atchison, Colorado and Pacific Railroad	Waterville, Kans	Lenora, Kans	193	Not subsidized	Leased.
Do	Greenleaf, Kans	Washington, Kans	7	....do	Do.
Do	Yuma, Kans	Warwick, Kans	31	....do	Do.
Atchison, Jewell County and Western Railroad.	Jamestown, Kans	Burr Oak, Kans	33	....do	Do.
Atchison, Colorado and Pacific Railroad	Downs, Kans	Bull's City, Kans	24	....do	Do.
Total			388		

EXHIBIT No. 1.

Statement showing mileage of roads operated January 1, 1884, &c.—Continued.

RAILROADS OPERATED BY THE UNION PACIFIC RAILWAY COMPANY.

Name of road.	From—	To—	Miles.	Subsidized or otherwise.	Owned, leased, or controlled.
Union Pacific Railway	Council Bluffs, Iowa (Broadway depot).	Connection with main line.	1.39	Not subsidized.	Owned.
Do	Council Bluffs, Iowa (Transfer depot).	Junction Switch, Omaha, Nebr.	3.73	do	Do.
Do	Junction Switch, Omaha, Nebr.	Connection with C., St. P., M. and O. Railway.	2.46	do	Do.
Do	do	Ogden, Utah	1,029.38	Bonds and lands	Do.
Do	Cheyenne, Wyo.	Fort Russell, Wyo.	2.04	Not subsidized.	Do.
Do	Niles Junction, Wyo.	Coal mines	4.20	do	Do.
Do	Almy Junction, Wyo.	do	5.50	do	Do.
Do	Kansas City, Mo. (Union depot)	A point on the Kansas Pacific	393.94	Bonds and lands	Do.
Do	393.94 miles west of eastern State line.	Denver, Colo. (Union depot)	245.26	Lands only	Do.
Do	Leavenworth and Lawrence Junction, Kans.	South Leavenworth, Kans.	30.87	Not subsidized.	Do.
Do	South Leavenworth, Kans.	Leavenworth, Kans. (Union depot)	1.03	do	Do.
Do	Armstrong, Kans.	Wyandotte, Kans.	2.00	do	Do.
Do	Detroit, Kans.	Enterprise, Kans.	2.00	do	Do.
Do	Cheyenne, Wyo.	Denver, Colo.	106.00	Lands only	Do.
Total			1,829.80		
Omaha and Republican Valley Railroad	Valley, Nebr.	Stromsburg, Nebr.	90.03	Not subsidized.	Controlled.
Do	Valparaiso, Nebr.	Nebraska and Kansas State line.	84.46	do	Do.
Do	Grand Island, Nebr.	North Loup, Nebr.	48.88	do	Do.
Do	Junction Switch (Scotia spur).	Scotia, Nebr.	1.38	do	Do.
Omaha, Niobrara and Black Hills Railroad	Columbus, Nebr.	Norfolk, Nebr.	50.28	Not subsidized.	Controlled.
Do	Lost Creek, Nebr.	Albion, Nebr.	33.98	do	Do.
Do	Genoa, Nebr.	Fullerton, Nebr.	13.64	do	Do.
Colorado Central Railroad	Denver, Colo.	Golden, Colo.	15.57	do	Do.
Do	Golden, Colo.	Colorado Junction, Wyo.	114.99	do	Do.
Do	do	Georgetown, Colo.	34.23	do	Do.
Do	Forks Creek, Colo.	Central City, Colo.	11.12	do	Do.
Do	Denver Junction, Colo.	La Salle, Colo.	151.16	do	Do.
Marysville and Blue Valley Railroad	Marysville, Kans.	Kansas and Nebraska State line.	12.70	do	Do.
Echo and Park City Railroad	Echo, Utah.	Park City, Utah.	28.33	do	Do.
Do	Grass Creek Junction, Utah.	Coal mines	3.94	do	Do.
Utah and Northern Railway	Ogden, Utah.	Garrison, Mont.	452.54	do	Do.
Do	Silver Bow Junction, Mont.	Butte, Mont.	9.42	do	Do.
Oregon Short Line Railway	Granger, Wyo.	Weiser, Idaho.	519.00	do	Do.
Do	Shoshone, Idaho.	Hailey, Idaho.	56.96	do	Do.
Greeley, Salt Lake and Pacific Railway	Greeley, Colo.	Stout, Colo.	39.46	do	Do.
Do	Boulder, Colo.	Pennsylvania Gulch, Colo.	14.43	do	Do.
Lawrence and Emporia Railroad	Lawrence, Kans.	Carbon Hill, Kans.	31.00	do	Do.
Junction City and Fort Kearney Railway	Junction City, Kans.	Concordia, Kans.	70.45	do	Do.
Salina and Southwestern Railway	Salina, Kans.	McPherson, Kans.	35.43	do	Do.
Golden, Boulder and Caribou Railroad	Boulder, Colo.	Marshall, Colo.	6.10	do	Do.
Denver and Boulder Valley Railroad	Brighton, Colo.	Boulder, Colo.	27.00	do	Do.
Kansas Central Railroad	Leavenworth, Kans.	C., R. I. and P. Junction, Kans.	1.19	do	Do.
Do	C., R. I. and P. Junction, Kans.	Miltonvale, Kans.	166.14	do	Do.
Salt Lake and Western Railroad	Lehi Junction, Utah.	Silver City, Utah.	53.60	do	Do.
Denver, South Park and Pacific Railroad	Denver, Colo.	Buena Vista, Colo.	135.50	do	Do.
Do	Buena Vista, Colo.	Leadville, Colo.	35.50	do	Leased.
Do	do	Nathrop, Colo.	7.50	do	Do.
Do	Nathrop, Colo.	Gunnison, Colo.	65.00	do	Controlled.
Do	Gunnison, Colo.	Mt. Carbon Mines, Colo.	17.00	do	Do.
Do	Garos, Colo.	London Junction, Colo.	15.40	do	Do.
Do	Como, Colo.	Keystone, Colo.	35.10	do	Do.
Do	Bear Creek Junction, Colo.	Morrison, Colo.	9.70	do	Do.
Total			4,327.91		

RAILROADS OPERATED BY THE SIOUX CITY AND PACIFIC RAILROAD COMPANY.

Sioux City and Pacific Railroad	Sioux City, Iowa.	California Junction, Iowa.	69.75	Bonds and lands	Owned.
Do	California Junction, Iowa.	Fremont, Nebr.	32.02	do	Do.
Do	do	Missouri Valley, Iowa.	5.84	Not subsidized.	Do.
Fremont, Elkhorn and Missouri Valley Railroad.	Fremont, Nebr.	Valentine, Nebr.	269.06	do	Leased.
Do	Norfolk Junction, Nebr.	Creighton, Nebr.	42.06	do	Do.
Total			418.73		

WM. H. ARMSTRONG, *Commissioner.*

DEPARTMENT OF THE INTERIOR, OFFICE COMMISSIONER OF RAILROADS, *Washington, D. C., April 9, 1884.*

Mr. THOMPSON. I had all of that information before.

Mr. CASSIDY. I have no doubt of it, but I wanted the House to have it also.

Mr. THOMPSON. Let me repeat my question. Does the gentleman insist that we can extend the Government lien over 5,000 miles of road that these companies have leased?

Mr. CASSIDY. I have already answered that question. The gentleman misstates the facts in the case. He assumes that these 5,000 miles of non-subsidized road are all leased and none of them owned. This is the point about which we differ. Fortunately the official record, as shown by that table, is with me. He will hardly deny that the Union Pacific absolutely owns of non-aided road 235 miles of the Kansas Pacific, 106 miles of the Denver and Cheyenne, 452 miles of the Utah Northern, and 575 miles of the Oregon Short Line, making a total of 1,368 miles. It also owns some other connecting lines of less importance and is largely interested, possessing in most instances a controlling interest, in all of the lines which it leases and operates. The mileage of this company stands about as follows: Entire system, 4,303 miles; subsidized by the Government, 1,436 miles; owned by the company without subsidy, 1,368 miles; leased and owned in part, 1,501 miles. The Central Pacific owns of non-aided road about 2,100 miles, much of which is vastly more valuable than the 863 miles in which the Government is interested; so that when I said that our security would be more than doubled under the Post bill I was strictly within the facts, as I seek to be in all matters affecting the public interest.

Mr. THOMPSON. These companies own but 750 miles of road over which the Government has no lien, and the other 5,000 miles of which the gentleman speaks consist of leased roads operated under a contract with the other companies to pay them all of the net profits made out of operating them.

Mr. CASSIDY. I do not know the source of the gentleman's information. He certainly does not get it from the report of the Railroad Commissioner or from any other official document to which the committee has had access. I have presented here the official record

covering this matter and by that I am willing to stand, merely adding that I shall be perfectly content to risk this entire contest on the correctness of the figures which I have given.

But, Mr. Speaker, suppose it were true that these companies owned no part of the non-subsidized roads; still our position would be greatly improved by the adoption of something like the Post bill, because the earnings of these leased lines would contribute to the ability of the companies to meet their obligations with the Goverement, and for the further reason that we would save to the Government, if nothing more, the cost of transporting the mails and other supplies over 5,600 miles of non-aided road, amounting to hundreds of thousands of dollars annually, constituting an important cash item toward the liquidation of the claim of the United States and which is not now available under the decision of the Supreme Court. It is not necessary, however, to concede that these non-subsidized roads are not the property of the companies, because the record discloses the very reverse of this proposition. In conclusion, therefore, I may assert in perfect confidence that with the statutory lien of the Government, made to apply as under the minority bill to all of the property, aided and non-aided, of these corporations, the security will be found ample and the ultimate extinction of the debt guaranteed beyond any question of reasonable doubt.

DEPARTMENT OF THE INTERIOR, *Washington, June* 25, 1884.

SIR: In compliance with the request contained in your letter of the 14th instant, I have the honor to transmit herewith copy of letter addressed to me on the 17th instant by the Commissioner of Railroads, and the accompanying papers, relating to the financial relations of the Union Pacific Railway Company to the United States.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. GEORGE W. CASSIDY,
Chairman Committee on Pacific Railroads House of Representatives.

APPENDIX.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, June 17, 1884.

SIR: I have the honor to transmit herewith certain statements relative to the financial condition of the Union Pacific Railway Company as recently ascertained by the book-keepers of this office from the general books of the company at Boston, Mass. Every facility was accorded them by the officers of the road for a full and complete examination of the books and accounts of the company.

Statement No. 1 shows the earnings and expenses of the entire system, including the lines owned, leased, and operated, from January 1 to May 31, 1884.

Statement No. 2 shows the revenue and expenditures of the entire system for the same period.

Statement No. 3 shows the financial condition of the company March 31, 1884, from which it will be seen that the gross floating debt amounts to the sum of $11,400,099.32, made up of the following items:

Bills payable	$5,836,434 22
Accounts payable	1,442,107 91
Pay-rolls and vouchers	2,462,821 77
Dividends unpaid	1,143,742 52
Coupons unpaid	398,992 90
Called bonds	116,000 00
	11,400,099 32

The company has certain available assets which should properly be deducted from this amount, consisting of the following items:

Cash on hand	$840,377 06
Sinking funds in hands of trustees	116,000 00
Bills and accounts receivable	3,038,262 22
Company's stocks and bonds owned by company	2,074,064 05
	6,068,703 33

leaving the sum of $5,331,395.99 as the net floating debt of the company on that date. Were the item of "fuel, material, and stores on hand, $2,622,777.37," deducted, as is often the practice of accountants in estimating net floating debt, this sum would be reduced to $2,708,618.62; but this office does not regard it as an available offset to the floating debt when the road is in active operation, and has therefore excluded it.

A large proportion of this floating debt is a gradual accumulation from expenditures made out of surplus current earnings of the company in the construction of the branch lines, the stocks and bonds of which, in whole or in part, are held by the company to the amount of $37,003,869.51, and are available as a set-off against the floating debt as shown in the above statement, or for any other debts of the company. A large proportion of these stocks and bonds are "quick" assets, and could be readily converted into cash.

Many of these branch lines are wholly the property of the company. The Julesburg branch extends from Denver Junction to La Salle, a distance of 151.16 miles, and was wholly constructed out of the surplus earnings of the company, and is not represented by stock, nor encumbered with obligations of any sort. It is, in fact, an addition of that much fully constructed road to the mileage of the main line.

Statement No. 4 shows the earnings, expenses, bonded debt, and interest of "branch lines" operated by and in the interest of the company, for the year ending December 31, 1883.

Statement No. 5 shows the revenue and expenditures of the road proper, 1,820 miles, for the three months ending March 31, 1884.

Statement No. 6 shows the earnings and expenses, and accrued interest on funded debt, of the "branch lines" operated by and in the interest of the company for the three months ending March 31, 1884, compared with the corresponding period of 1883.

Statement No. 7 is a comparative statement of the earnings and expenses of the entire system, including lines owned, leased, and operated, for the four months ending April 30, 1882, 1883, and 1884. You will observe that the comparison has been made between the years 1884 and 1882, and 1884 and 1883 separately. During the first half of the year 1883, the receipts were unduly increased by payments in settlement of large unadjusted accounts of previous years, while the receipts of the last half of the year were largely reduced by the active competition of the Denver and Rio Grande and the Northern Pacific Companies, both then completed. The year 1882 was the last year before the construction of these lines affected the course of traffic, and it was also the year of the largest receipts in the history of the company.

Statement No. 8 shows investments in detail in the bonds and stocks of other companies; advances to other companies payable in bonds and stocks; and miscellaneous investments, amounting in the aggregate to $44,068,952.86, as shown in statement No. 3.

Statement No. 9 shows company's stock and bonds owned by the company, amounting to $2,074,064.05.

As the chairman of the Senate Judiciary Committee has verbally requested me to furnish him this information, I respectfully suggest that a copy of these documents be forwarded to him.

Very respectfully,

W. H. ARMSTRONG, *Commissioner.*

Hon. H. M. TELLER,
Secretary of the Interior.

UNION PACIFIC RAILWAY COMPANY.

BOSTON, MASS., *May* 31, 1884.

Statement showing the earnings and expenses of the "entire system" from January 31 to May 31, 1884.

	Expenses.	Earnings.
Gross earnings for the three months ending March 31, 1884, as officially reported to and verified by the book-keepers		$5,059,588 70
Operating expenses and taxes, same period	$3,710,936 19	
Gross earnings for April, as per estimates by weeks of the auditor at Omaha		2,116,215 34
Gross earnings for the first, second, and third weeks of May, as per estimates by auditor at Omaha		1,535,221 27
Gross earnings for the fourth week of May, estimated by the Government book-keepers on basis of first three weeks of May		511,740 42
Operating expenses for April and May, estimated by the Government book-keepers, on basis of expenses for first quarter, from telegram from Omaha that the expenses for April, 1884, would be $100,000 less than the same month in 1883, and the opinion of the railroad officials that the May expenses this year would decrease about the same amount. Take two-thirds of this year's first quarter as being the probable expenses of April and May	2,473,957 46	
Total earnings five months to May 31, 1884		9,222,765 73
Total expenses five months to May 31, 1884	6,184,893 65	
Surplus five months to May 31, 1884		3,037,872 08

Compared with 1883 (leaving out the Saint Joseph and Western, which was not operated by the Union Pacific in 1884, for 1883) shows:

	Five months to May 31, 1884.	Five months to May 31, 1883.	Increase or decrease.
Earnings	$9,222,765 73	$10,696,125 50	* $1,473,359 77
Expenses	6,184,893 65	5,674,997 97	† 509,895 68
Net	3,037,872 08	5,021,127 53	* 1,983,255 45

* Decrease. † Increase.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, June 17, 1884.

Official returns from the company, this day received, show that the actual gross earnings of the entire Union Pacific "system" for the month of April, 1884, amounted to $2,128,964.51, being an increase over the estimated amount of $12,749.17.

Statement showing the revenue and expenditures of the Union Pacific Railway Company for the five months ending May 31, 1884.

Gross earnings of the "entire system" as per statement No. 1, which will cover the company's interest in "branch lines"		$9,222,765 73
Operating expenses of the "entire system" as per statement No. 1	$6,184,893 65	
Discount and interest	77,237 59	
Interest on first-mortgage bonds	1,057,000 00	
Interest on other funded debt	875,000 00	
United States requirement, 5 per cent. and 25 per cent.	301,874 76	
Company's sinking-fund requirement	162,000 00	
New construction	32,612 43	
New equipment	146,364 86	
Expenses of land department, Union division	50,000 00	
Dividend on capital stock, 1½ per cent., April 1, 1884	1,065,197 00	
Total		9,952,180 29
Deficit for the five months to May 31, 1884		729,414 56

MEMORANDUM.—July 1, 1884, dividend, if declared, will amount to $1,065,197. The company estimates that the surplus earnings for June will be $900,000. One-fifth of the above expenditures for five months, except operating expenses and dividends, say $2,700,000, will be the probable additional expenditure for June, say $540,000, leaving $360,000 available for dividends.

To declare a 1½ per cent. (July 1) dividend the company would have to borrow, or draw from any former surplus, the sum of, say, $1,400,000.

BOSTON, MASS., *June* 3, 1884.

Statement showing the financial condition of the Union Pacific Railway Company March 31, 1884, *as ascertained from its general books and accounts in Boston.*

LIABILITIES.		
Funded debt		$84,791,332 50
Interest on funded debt accrued, not due		1,283,076 66
United States subsidy bonds		33,539,512 00
Interest on United States subsidy bonds accrued, not due		32,093,368 86
Bills payable	$5,836,434 22	
Accounts payable	1,442,107 91	
Pay-rolls and vouchers	2,462,821 77	
Dividends unpaid	1,143,742 52	
Coupons due and unpaid	398,992 90	
Called bonds	116,000 00	
Gross floating debt		11,400,099 32
Total debt		163,107,389 34
Capital stock		60,868,500 00
Total stock and debt		223,975,889 34

ASSETS.		
Cost of road and equipments		$157,504,513 34
Fuel, material, and stores on hand		2,622,777 37
Cash on hand	$840,377 06	
Company's stocks and bonds owned by company	2,074,064 05	
Sinking funds in hands of trustees, cash	116,000 00	
Bills and accounts receivable	3,038,262 22	
		6,068,703 33
Bonds and stocks of other companies, cost		37,003,889 51
Miscellaneous investments		241,310 02
Interest repaid the United States by transportation		7,134,250 50
Due from the United States for transportation		8,616,723 47
Land contracts and land, cash		10,913,045 06
Advances payable in bonds and stocks		6,823,773 33
Sinking funds, cash, in hands of trustees		1,507 02
Sinking funds in United States Treasury		2,270,100 00
Total		239,200,573 95
Surplus, including land sales		15,224,684 61
Surplus, excluding land sales		4,311,639 55

UNION PACIFIC RAILWAY COMPANY.

Statement showing the earnings and expenses, bonded debt, and interest of branch lines operated by and in the interest of the Union Pacific Railway Company for the year ending December 31, 1883.

Name of road.	Earnings.	Expenses (including taxes).	Surplus.	Bonds outstanding.	Annual rate of interest.	Annual interest.	Bonds owned by Union Pacific Railway Company.	Annual interest.	Bonds owned by others.	Annual interest.
Omaha and Republican Valley	$450,424 21	$284,814 47	$165,609 74	$1,853,000	7	$129,710	$1,851,000 00	$129,570 00	$2,000 00	$140 00
Omaha, Niobrara and Black Hills	195,690 06	89,030 86	106,659 20	977,000	7	68,390	977,000 00	68,390 00	.....	.....
Saint Joseph and Western*	1,044,853 99	770,769 67	274,084 32	*6,575,000	7	460,250	2,817,730 40	197,241 13	3,757,269 60	†263,008 87
Marysville and Blue Valley	38,872 35	45,391 57	‡6,519 22	128,000	7	8,960	128,000 00	8,960 00	.....	.....
Julesburg Branch	731,646 72	421,111 28	307,535 44	4,788,000	7	335,160	4,697,000 00	328,790 00	91,000 00	6,370 00
Colorado Central	811,909 75	565,546 64	246,363 11							
Denver, South Park and Pacific	1,555,020 85	1,508,272 56	48,748 29	1,800,000	7	.....	.....	.....	1,800,000 00	126,000 00
				1,489,000	6	215,340	1,489,000 00	89,340 00	.....	.....
Greeley, Salt Lake and Pacific	62,800 23	81,897 64	‡19,097 41	808,000	7	56,560	808,000 00	56,560 00	.....	.....
Echo and Park City	98,735 74	62,389 97	36,345 77	480,000	6	28,800	480,000 00	28,800 00	.....	.....
Utah and Northern	1,969,206 58	1,190,525 98	778,680 60	5,543,000	7	388,010	6,968,000 00	347,760 00	575,000 00	40,250 00
Oregon Short Line †	917,894 22	562,006 66	355,887 56	10,774,000	6	462,000	.....	.....	10,774,000 00	462,000 00
Salt Lake and Western	94,017 21	44,579 30	49,437 91	1,080,000	6	64,800	1,080,000 00	64,800 00	.....	.....
Lawrence and Emporia	74,446 13	60,869 10	13,577 03	465,000	6	27,900	465,000 00	27,900 00	.....	.....
Junction City and Fort Kearny	171,506 31	121,735 54	49,770 77	1,050,000	7	73,500	970,000 00	67,900 00	80,000 00	5,600 00
Solomon	103,215 66	66,211 09	37,004 57	575,000	6	34,500	575,000 00	34,500 00	.....	.....
Salina and Southwestern	69,299 27	43,411 44	25,887 83	540,000	6	32,400	540,000 00	32,400 00	.....	.....
Denver and Boulder Valley	83,720 64	75,088 94	8,631 70	550,000	7	38,500	548,000 00	38,360 00	2,000 00	140 00
Golden, Boulder and Caribou	23,867 90	14,288 54	9,579 36	60,000	8	4,800	60,000 00	4,800 00	.....	.....
Kansas Central	259,324 86	304,689 71	‡45,364 85	1,348,000	6	80,880	1,162,000 00	69,720 00	186,000 00	11,160 00
Total	8,758,452 68	6,315,630 96	2,442,821 72	40,883,000	.....	2,510,900	23,615,730 40	1,595,791 13	17,267,269 60	915,108 87

* Saint Joseph and Western bonds: Company owns—Saint Joseph and Pacifics, $1,303,369; Kansas and Nebraska firsts, $1,114,661.40; Kansas and Nebraska seconds, $24,700; Hastings and Grand Island, $375,000. Total owned by Union Pacific Railway Company, $2,817,730.40.

† No interest has ever been paid on these bonds.

‡ Deficit.

† Oregon Short Line stock: Of the $10,774,000 capital stock (equaling in amount the bonded debt) the Union Pacific Railway Company owns $6,058,000.

Oregon Short Line bonds (issued at the rate of $20,000 per mile): Average miles operated during the year 385; making average bonds outstanding for the year $7,700,000, which at 6 per cent. would make interest $462,000.50.

BOSTON, *May* 31, 1884.

UNION PACIFIC RAILWAY COMPANY.

Statement showing earnings and expenses and accrued interest on funded debt of the "branch lines" operated by and in the interest of the Union Pacific Railway Company for the three months ending March 31, 1884, *compared with the same period in* 1883.

	Three months ending March 31, 1884.	Three months ending March 31, 1883.	Increase or decrease.
Gross earnings	$1,663,000 63	$1,553,322 42	*109,678 21
Operating expenses	1,498,164 47	1,089,751 16	*408,413 31
Surplus	164,836 16	463,571 26	†298,735 10
Interest on bonds:‡			
For 1884, one-quarter of $2,050,650	512,662 50	.....	*46,110 00
For 1883, one-quarter of $1,866,210	.....	466,552 50	
Interest in excess of surplus earnings	347,826 34	2,981 24	*344,845 10

* Increase.

† Decrease.

‡ In 1883 the "Oregon Short Line" had an average issue of bonds of $7,700,000, or $20,000 per mile for 385 miles. In 1884 the entire amount of $10,774,000 was issued and interest calculated accordingly.

The Saint Joseph and Western has not been operated by the Union Pacific Railway Company since January, 1884; consequently the earnings and expenses for the first three months of both years, with bonded interest for the same period, have been omitted from the above table.

BOSTON, *June* 3, 1884.

UNION PACIFIC RAILWAY COMPANY.

Comparative statement of the earnings and expenses of the "entire system" for the four months ending April 30, 1882, 1883, *and* 1884.

Period.	Earnings.	Expenses.	Surplus.
1882	$8,521,138 76	$4,968,217 61	$3,552,921 15
1883	8,345,112 79	4,201,507 00	4,143,605 79
1884	7,188,553 21	4,887,960 98	2,300,592 23
Comparison between 1884 *and* 1882.			
1884	$7,188,553 21	$4,887,960 98	$2,300,592 23
1882	8,521,138 76	4,968,217 61	3,552,921 15
Increase	.....	.....	.....
Decrease	1,332,585 55	80,256 63	1,252,328 92
Comparison between 1884 *and* 1883.			
1884	$7,188,553 21	$4,887,960 98	$2,300,592 23
1883	8,345,112 79	4,201,507 00	4,143,605 79
Increase	.....	686,453 98	.....
Decrease	1,156,559 58	.....	1,843,013 56

JUNE 17, 1884.

Statement of the revenue and expenditures of the Union Pacific Railway Company, 1,820 miles, for the three months ending March 31, 1884.

Gross earnings		$3,396,588 07
Income from investments:		
Dividend on stock	$35,893 50	
Interest on bonds	42,700 00	
	78,593 50	
Total receipts		$3,475,181 57
Operating expenses and taxes	2,229,487 54	
Discount and interest	46,942 55	
Interest on first-mortgage bonds	637,475 52	
Interest on other funded debt	727,951 07	
United States 5 percents and 25 percents	147,243 21	
Dividends on stock	1,065,197 00	
New construction	27,612 43	
New equipment	46,364 86	
Expenses of land department	30,706 34	
Company sinking-fund requirement	89,000 00	
Total		5,047,980 52
Deficit for the three months to March 31, 1884		1,572,798 95

BOSTON, *June* 3, 1884.

Memorandum from general balance-sheet of March 31, 1884.

	OREGON SHORT LINE.		DENVER, SOUTH PARK AND PACIFIC.	
	Dr.	*Cr.*	*Dr.*	*Cr.*
A	242,438 19	160,842 70	C 1,059,610 51	3,110 00
A	318,820 50		C 213,285 00	
C	1,703,013 13	21,000 00	C 503,561 74	
	2,264,271 82	181,842 70	1,776,457 25	3,110 00
Dr. balance	2,082,429 12		Dr. balance	1,773,347 25

Items checked "A" payable in cash.
Items checked "C" payable in securities, approximately.
All of the Denver, South Park and Pacific stock except $100,300 is held by the Union Pacific Railway Company.
Of the bonds ($3,289,000) $1,800,000 covering the eastern division of the Denver, South Park and Pacific are held by private parties.

UNION PACIFIC RAILWAY COMPANY.

STATEMENT No. 8—*Statement of stocks and bonds of other companies owned by the company March* 31, 1884 *(showing cost to company).*

Name of company.	Stocks.	Bonds.
Omaha, Niobrara and Black Hills	$90,621 98	$781,600 00
Omaha and Republican Valley	312,623 23	1,633,300 00
Marysville and Blue Valley	24,174 96	115,200 00
Echo and Park City	85,283 16	432,000 00
Utah and Northern	675,450 00	3,319,000 00
Colorado Central	3,689,100 17	3,880,096 25
Colorado Central of Wyoming	75,465 32	
Lawrence and Emporia	31,161 47	
Salina and Southwestern	41,930 77	
Saint Joseph Bridge Building Company	21,000 00	784,000 00
Central Branch Union Pacific	1,876,000 00	
Atchison, Colorado and Pacific	2,251 22	457,000 00
Kansas Central	472,703 15	1,073,400 09
Utah and Nevada	287,058 24	
Manhattan, Alma and Burlingame	44,790 58	305,100 00
Nevada Central	190,350 00	150,000 00
Denver, South Park and Pacific	3,994,570 00	1,489,000 00
Wasatch and Jordan Valley		8,915 82
Manhattan and Blue Valley	44,341 98	
Saint Joseph and Western	307,240 00	
Saint Joseph and Pacific, first mortgage		1,875,219 82
Kansas and Nebraska		1,085,514 29
Hastings and Grand Island		42,989 82
Utah Central	692,071 82	
Utah Southern Extension		757,394 20
Saint Louis, Council Bluffs and Omaha		19,500 00
Denver Western and Pacific	7,625 00	245,809 31
Loveland Pass Mining and Railroad Tunnel	1,260 00	72,000 00
Salt Lake and Western	117,200 00	864,000 00
Gray's Peak, Snake River and Leadville	500 00	
Colorado Western	500 00	
Leavenworth, Topeka and Southwestern	55,590 00	
Greeley, Salt Lake and Pacific	323,400 00	808,000 00
Oregon Short Line	605 80	
Salt Lake and Western Railroad, of Nevada	50,000 00	
Clyde City, Cloud County, Kansas		350 00
McPherson City, McPherson County, Kansas		1,400 00
National Mining and Industrial Association, of Colorado		10,000 00
Kansas Central Elevator Company	14,670 30	
Nevada Improvement Company	15,000 00	
Union Depot, Kansas City	1,000 00	
Saint Joseph Union Depot Company	1,000 00	
Kansas Carbon Company	26,272 25	
Topeka Iron Company	32,500 00	
Bakerville and Leadville Toll-road Company	8,000 00	
National Land Company	10,117 50	
Saint Louis and Mississippi Valley Transportation Company	160,000 00	
Union Elevator Company, Omaha	76,500 00	
Lenora Township, Norton County		9,000 00
Solomon Township, Norton County		6,000 00
Kansas and Eastern Railroad Construction Company	7,925 97	
Council Bluffs Street Railway Company	20,750 00	1,000 00
Union Coal Company	138,500 00	
North Loup Precinct, Valley County		3,600 00
	13,966,204 77	19,630,389 57

Statement No. 8—Continued.

Name of company.	Stocks.	Bonds.
Brought forward	$13,966,204 77	$19,630,389 57
Bonds and stocks held by the trustees under the consolidated mortgage:		
Junction City and Fort Kearney Railway Company	7,200 00	970,000 00
Golden, Boulder and Caribou Railway Company	5,000 00	60,000 00
Solomon Railroad	5,000 00	575,000 00
Denver and Boulder Valley Railway	4,250 00	548,000 00
Lawrence and Emporia Railway		465,000 00
Salina and Southwestern Railway Company		540,000 00
National Land Company	35,750 00	
	14,023,404 77	22,788,389 57

RECAPITULATION.

Stocks	$14,023,404 77	
Bonds	22,788,389 57	
		$36,811,794 34
Investments payable to the company in stocks and bonds:		
Denver, Western and Pacific Railway Company		228,350 87
Wyoming, Montana and Pacific Railroad Company		91,055 39
Omaha and Republican Valley Railroad		591,050 47
Greeley, Salt Lake and Pacific Railway		295,510 94
Georgetown, Breckinridge and Leadville Railroad		404,301 80
Salina and Northwestern Railroad		10,174 99
Manhattan and Blue Valley Railroad		125,048 74
Laramie, North Park and Pacific Railroad and Telegraph Company		63,743 17
Denver, South Park and Pacific Railroad		2,888,236 86
Omaha, Niobrara and Black Hills Railroad		190,867 63
Oregon Short Line Railroad		1,682,013 13
Montana Railway		251,715 28
North Park and Gold River Valley Railroad and Telegraph		15 25
Junction City and Fort Kearney Railroad		46,972 90
		43,680,851 76
Less credits:		
Salt Lake and Western Railway	$63,910 75	
Utah and Northern Railway	36,794 54	
		100,705 29
		43,580,146 47
Union Elevator Company, Council Bluffs		52,639 26
Bozeman Coal Company, stock		48,000 00
Denver and Middle Park Railroad		6,683 80
Occidental and Oriental Steamship Company		173,810 01
Colorado Lands		3,805 28
Soda Lands		51,771 58
Wyoming Coal Lands		69,035 29
Utah Coal Lands		1,525 75
Omaha Belt Railway		35,753 47
Montana Coal Lands		28,200 00
Union Coal Company, &c		17,581 95
		44,068,952 86

STATEMENT No. 9.—*Statement showing company's stocks and bonds owned by the company March* 31, 1884.

Omaha Bridge bonds, Union division	$5,161 35
Consolidated mortgage bonds, Kansas division	1,953,950 00
Coupon certificates	795 20
Union Pacific Railway Company, stock	50 00
Union Pacific Railroad Company, stock	113,607 50
Kansas Pacific Railway Company, stock	200 00
Denver Pacific Railway and Telegraph Company, stock	300 00
	2,074,064 05

Amendment to Pacific Railroad Acts.

SPEECH

OF

HON. JAMES W. THROCKMORTON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 16, 1884,

On the bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

Mr. THROCKMORTON said:

Mr. SPEAKER: There is a controversy with the Union Pacific and the California Central Pacific Railroad Companies arising out of the construction of certain sections of the acts of 1862 and 1864, subsidizing these roads and their branches with lands.

The people of the States and Territories through which these roads are operated have demanded through their Representatives that the lands of these companies, long since earned, shall be titled and subjected to the payment of taxes. The Supreme Court has decided that these lands are not subject to taxation until the Government has parted with its title and conveyed the same to the companies or parties at interest. And it is claimed by the companies that the Government can not convey its title until required by them to do so. In other words, it

is asserted by these companies that if they see fit to decline to ask for patents for one year or ten years, fifty or a hundred years, the Government can not force titles on them without violating a legislative contract made with them in the act of 1864. On the other hand, it is believed by the Committee on Pacific Railroads that as these lands have long since been earned by the companies, the Government can tender titles to all the lands that have been surveyed and selected, and compel a payment of the costs for surveying, selecting, and conveying, as required by the terms of the laws referred to.

It is a question of much moment, not only to the Government, but also one of very great interest to the people of the States and Territories where these lands are situated.

To bring this question to an issue as speedily as possible and to adjust and determine the extent of these grants is the purpose of the two bills presented by the majority and minority of the committee, both bills having the same object and differing only in respect to the means of attaining that object. In order, therefore, to a clear understanding of the interests involved, and of the measures proposed, it is necessary to keep in mind the railroads to be affected, the extent and present condition of the grants involved, the amount of money paid by the companies for lands already patented and selected, and the amount due to the Government when the whole shall have been surveyed and selected and titles conveyed; and it is particularly necessary to examine and analyze the laws under which these grants were made and out of which this controversy arises.

The roads to be affected are the Union Pacific and its three dependencies, the Kansas Pacific, the Denver Pacific, and the Central Branch of the Union Pacific; the California Central and Western Pacific, the Burlington and Missouri River Railroad, and the Sioux City road. As the two last-mentioned roads have received about all the lands they are entitled to and paid very nearly all that the Government claims, they will not be further noticed in my argument.

In ascertaining the amount of the several land grants the statement made by the General Land Office is relied on. This statement makes the grants somewhat larger than is stated by the companies and by the report of the Commissioner of Railroads.

The grants to the Union Pacific, Kansas Pacific, Denver Pacific, and the Central Branch of the Union Pacific, after deducting overlapping grants, are estimated at 21,406,000 acres. Out of this total grant there has been selected by the company 3,938,502 acres; of these selected lands patents have issued on 3,270,481 acres, and there has been paid on these selected lands by the companies the sum of $87,777.85, as required by the act of the 2d of July, 1864, leaving $520,134.16 due and to become due for the costs of surveying, &c., when the work by the Government on the entire grant, the remainder being 17,467,498 acres, is completed.

The grants to the California Central Pacific and Western Pacific, after deducting the area of the Great Salt Lake, which falls within the grant, is estimated at 10,824,515 acres. Of this amount 1,311,230 acres have been selected, and patents have issued upon selected lands to the extent of 1,227,109 acres. The statement from the Land Office shows that $65,456.41 have been paid by the company on these selected and patented lands, leaving an estimated balance of $461,041.61 to be paid for the cost of surveying, selecting, and conveying the remainder of the grant, 9,493,309 acres, when the work is completed, making the total grants to the Union Pacific and its dependencies and the California Central and Western Pacific 32,230,515 acres, out of which 5,269,708 acres have been selected, and of the selected lands 4,497,590 acres have been patented. Upon the patented and selected lands the companies have paid into the Treasury $153,233.26, leaving an estimated balance of $981,175.77 to be paid for the costs of surveying, selecting, and conveying the remainder of the grants, which is estimated to be 26,960,507 acres.

It will be observed that more lands have been selected by 772,118 acres than have been patented. This results, as the committee have been informed, from disputes about mineral lands, homestead entries, and prior claims. The Commissioner of the General Land Office informed the subcommittee that his office was practically up with the patenting except in respect to the disputed lands.

The further information to the committee is that about six-sevenths of the grants have been surveyed, and only about one-sixth have been selected and the costs paid for surveying, &c. These lands have been earned for a period of fifteen and eighteen years and titles requested on less than one-sixth, leaving 26,000,000 acres untaxed as a burden upon the States and Territories where they exist. Taking the $153,233.26 paid into the Treasury by the companies on the selected lands and adding it to the $981,195.77 that will be due upon the completion of the work, it will be found that there has been paid but little more than one-seventh of the estimated cost of the entire work.

Mr. Speaker, let us examine the acts of Congress under which the railroad companies acquired these grants of land, and see if their construction of them, that titles can not issue until the companies require patents, is the just and proper one. These grants were made under the act of 1862 and the amendatory act of July 2, 1864. The third section of the first law donated ten sections of land to each mile of constructed road, but it was silent upon the subject of the cost of surveying, selecting, and conveying the lands.

The fourth section of the act says:

And if it shall appear to him—

The President—

that forty consecutive miles of said railroad and telegraph line have been completed and equipped in all respects as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said company.

And the seventh section of the same act says:

And when any portion of said route shall be finally located the Secretary of the Interior shall cause the said lands hereinbefore granted to be surveyed and set off as fast as may be necessary for the purposes herein named.

The act of 1864, sections 6 and 20, modified the previous law, and allowed patents to issue upon completed sections of twenty instead of forty miles of road; and section 20 of that act, referring to one of the roads included in the act, after alluding to the President, says:

And if it shall appear to him that twenty miles of said road have been completed as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said lands to said company, on each side of said road as far as the same is completed, to the amount aforesaid; and such examination, report, and conveyance by patents shall continue from time to time in like manner until said road shall have been completed.

The act of 1864 greatly augmented the benefits conferred upon the companies. It extended the time for the completion of sections of the work as well as for the entire lines of road; it reduced the number of miles one-half upon sections of completed roads upon which lands should be conveyed and bonds issued; granted additional rights of way and doubled the amount of lands donated; increased the width of the reservation and allowed coal and mineral lands to be taken by the companies; repealed that part of section 17 of the first act which required retention by the Government of a portion of the bonds, and allowed bonds to be issued upon uncompleted sections of road; provided for the consolidation of companies and conferred other benefits; but the chief and most desired favor was the relinquishment by the Government of its first-mortgage lien upon the roads, a subordination of its prior lien to that of the companies' first-mortgage bonds.

Among all these enlargements of the interests of the railroad companies and modifications of the act of 1862 for their benefit only part of one section of that act was repealed in terms, and that was the clause of section 17 in regard to the retention of bonds by the Government on sections of the roads and until the entire work was completed. Section 21 of the amendatory act of 1864, out of which the controversy arises, says:

That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act there shall be paid into the Treasury of the United States the costs of surveying, selecting, and conveying the same, by the said company or party at interest, as the titles shall be required by said company.

It is under the construction of this last clause that the companies claim the right to refuse titles and decline paying costs until it suits their convenience to do so.

To expose the absurdity of this pretense it is only necessary to read the remainder of the section, which says:

Which amounts shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and from year to year until the whole shall be completed, as provided under the provisions of this act.

But if there should be any doubt in regard to the construction to be given to this section it is only necessary to refer back to the sixth section of this amendatory law, which modified the first law in so far as it required forty-mile sections of road to be completed before bonds could be issued or lands conveyed. That section says:

And the lands appertaining thereto may be set apart, located, entered, and patented as provided in this act and the act to which this is amendatory.

Now, it will be recollected that the fourth section of the act amended says that "patents shall issue conveying the right and title to said lands to said company." And the seventh section of the original law required the Secretary of the Interior, "when any portion of said route shall be finally located," to "cause said lands hereinbefore granted to be surveyed and set off as fast as may be necessary for the purposes herein named."

Now, sir, one of the "purposes herein named," that this work should be done "as fast as necessary," was to enable the Secretary of the Interior to prosecute the work of surveying, setting apart, and conveying the lands as rapidly as each section of road was completed, and on each section so completed the law declared the patents should issue.

But to still further strengthen the view that the patents were required to be issued as each twenty-mile section of road was completed attention is again called to the twentieth section of the amendatory act of 1864, which says:

And if it shall appear to him that twenty miles of said road have been completed, as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said lands to said company, &c., and such examination, report, and conveyance by patents shall continue from time to time in like manner until said road shall have been completed.

These several sections of the act of 1862 and the amendatory act of 1864, taken and construed together, render it to my mind positively cer-

tain that it was the clear import and intent of these acts, when the Government had surveyed and set apart the lands on the first completed section of road, to make it the duty of the authorities of the Government to tender titles and demand from the railroad companies the cost of the work, and upon failure of the companies to pay the same the work should have ceased; otherwise there would have been no fund "without any further appropriation" to stand to the credit of the proper account "to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year, until the whole shall be completed, as provided under the provisions of this act"—the act of 1864.

It is beyond dispute that under the law the cost of surveying, selecting, and conveying these lands was to be at the expense of the companies.

It is equally as certain that this work was to be prosecuted out of moneys, without further or other appropriation, paid by the companies, so that the work could be prosecuted from year to year until the whole was completed. Therefore it follows that the Government may tender titles and demand the costs of perfecting the same, and in the event of failure on the part of the companies to pay such dues to enforce collection.

The concession of larger grants and greater benefits conferred by the act of 1864 does not justify the conclusion that there was a legislative contract to relieve the companies from paying the dues required by the act for fifteen, thirty, fifty, or a hundred years after the lands were earned and titles tendered.

The last section of the act of 1864 declares that Congress may at any time alter, amend, or repeal the act. As a matter of course such amendment, alteration, or repeal would have to be made with due regard to the rights of the companies.

The bill reported by the majority of the committee looks to an amendment of the twenty-first section of the act of 1864, not to change it as far as it goes, but to add to it and make more certain and positive its meaning, and to require the companies to take titles to their lands when tendered, and pay the cost thereon, in order that the Government, at the expense of the corporations, may complete the work and adjust and speedily determine these grants, receive back the sums of money already expended beyond the requirements of the law, and with the further view to have these lands placed upon the market, so that their settlement and production may not be retarded, and that these vast estates may be added to the taxable values of the country.

Mr. Speaker, these companies, after charging the lands with the most enormous costs of sale, have realized in cash and notes secured, bearing interest, as the net proceeds of sales of about one-sixth of their grants, $20,000,000, and by their own showing the other five-sixths are worth $30,000,000.

Now, sir, shall these lands be longer held for speculative purposes? Are these favored corporations beggars, or shall they, because of their princely inheritance and the millions that ceaselessly flow into their coffers, be exempt longer from paying to the Government that which is its due, and from contributing their just proportion of taxes to the States and Territories where the property is situated?

Restoration of Naval Cadets.

SPEECH

OF

HON. JOHN R. THOMAS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 24, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 1408) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes"—

Mr. THOMAS said:

Mr. CHAIRMAN: The views of the minority of the committee in this case, as submitted in their report, were prepared by me with considerable care after a most thorough investigation of the subject; it is signed also by the chairman of the committee, who, in his remarks just submitted, has given some of the facts set forth in that report.

In order that this matter may be understood more fully, and that the members of the House shall not be carried away by maudlin sentiment without a proper understanding of what is before them, I ask that the views of the minority be now read. After that has been done I shall call attention to the provisions of this bill and attempt to show some of its vicious features, for I assure the House that a more vicious measure has not been proposed in Congress during the six sessions it has been my fortune to serve here.

The Clerk read as follows:

The undersigned, members of the Committee on Naval Affairs of the House of Representatives, have found great difficulty in keeping pace with the friends of the general proposition to restore to the naval service the cadet-midshipmen and cadet-engineers, as well as surplus graduates, who were mustered out under the provisions of the act of August 5, 1882.

Quite a number of bills, in various forms, have been introduced in the House and referred to the Committee on Naval Affairs, all of which have had as their object either the restoration of a part or all of the naval cadets who were or are affected by the act of August 5, 1882.

The first bill investigated by the committee was bill H. R. 7, which was thoroughly sweeping in its character and relieved all students who were at the Naval Academy or at sea prior to the passage of the act of August 5, 1882, from the effects of its provisions. That bill, with a slight modification, was finally ordered to be reported favorably by a majority of the committee, whereupon we prepared and were ready to present to the House a full and complete minority report, showing the vicious character of the legislation proposed.

Finding that the measure would probably not succeed in the House, in the face of the reasons given in the minority report, the action of the committee was reconsidered. Another and different bill, even worse and more vicious in its character, was adopted in its place; and, in order to cover up the objectionable character of the legislation, an entirely new proposition was added as an amendment thereto, to wit, reducing the number of appointments to the Naval Academy one-half, and upon the two separate, distinct substantive propositions a majority report has been adopted, in which we have not been able to join, and beg leave to say that the conclusions reached, as well as the reasons upon which they are claimed to be based, are wholly unsound, and do not in any degree, to our minds, justify the legislation proposed.

First. We object to the assumption, both in the bill and report, that the act of August 5, 1882, was retroactive in its effect, as applied to the cadets, either at the Naval Academy or at sea, who had not completed their prescribed course of study and training as required by law, the rules of the Navy Department, and the Naval Academy; and therefore section 1521 of the Revised Statutes, as follows:

"When cadet-midshipmen shall have passed successfully the graduating examination at the academy, they shall receive appointments as midshipmen and shall take rank according to their proficiency as shown by the order of their merit at date of graduation"—

does not apply to the beneficiaries of this proposed bill, as section 1520 of the Revised Statutes provides that "the academic course of naval cadets shall be six years;" and it is not claimed that any of these cadets had completed the prescribed six years' course.

Although it may have been the practice of the President or Secretary of the Navy prior to the act of August 5, 1882, to assign each graduate from the Naval Academy to some official position, either in the line or staff of the Navy, and although cadets entering the Naval Academy may have thought that, in case they passed successfully the prescribed course at the academy, they were provided for by the Government for life, still the Executive, under the Constitution and law, is justified in calling to official positions only such number of officers as are necessary to the complete discharge of the duties of each department.

It matters not what the opinion of the Board of Visitors to the Naval Academy or what the opinion of members of Congress who nominate naval cadets for appointment to the academy may be, the fact remains that the President is not warranted in appointing to any branch of the public service officers who are not needed; and that the services of the young men to be benefited by this bill are not needed is shown by the fact that the President approved the act of August 5, 1882.

The act of June 8, 1876, passed for the supposed relief of graduates of the Military Academy, was an entirely harmless and unobjectionable measure, as there were not then, nor have there ever been since, more graduates from the Military Academy than were necessary to fill existing vacancies in the Army. In fact, a large number of officers are annually appointed to the Army from civil life to fill vacancies remaining after all graduates have been provided for.

The statement in the majority report that cadet-engineers are retained while cadet-midshipmen were discharged is not in accordance with the facts. A part of the cadet-midshipmen and a part of the cadet-engineers were retained. Of the classes of 1881 and 1882 the twenty-three standing highest on the list for efficiency were retained; the sixty-three standing below twenty-three on the list were honorably discharged with one year's full pay, in compliance with the provisions of the act of August 5, 1882.

An examination of the Naval Register shows that, at the date of the passage of the law complained of, there were 1,817 naval officers on the active-list. Their annual pay amounted to, and they were receiving, $3,825,400, while the Government only had thirty-one naval vessels in commission, being fifty-nine officers for each ship, or one officer to every five men. This number was annually augmented by the addition of about forty young officers from the surplus graduates from the Naval Academy.

Recognizing then, as all must now, that the Navy was officially top-heavy, that the Government already had under commission, at a vast expense, many more officers than could find or be provided with legitimate duty in the line of their profession, Congress passed the act of August 5, 1882. The effect of that act was to cut down the officers of the staff of the Navy one hundred and forty and of the line one hundred and fifteen, thus leaving 1,562 officers, or enough for seventy ships, according to the Secretary's estimate. By this reduction there was an annual saving to the Government of $201,375.

The act of August 5, 1882, was the beginning of a wise reform. We believe that such a policy ought to be adhered to instead of recklessly and extravagantly adding sixty-two more officers to an already overgrown and plethoric naval list, when the Government has no use or duty for them to perform.

While we may sympathize with the young men who have failed to secure a place on the official pay-roll of the Navy, we can not allow that sympathy to lead us into supporting such a monstrous, prodigal, and unjustifiable measure as is proposed.

The claim made by the friends of this measure, as well as by the beneficiaries thereunder, that the education they have received at the Naval Academy unfits them for the civil pursuits of life, is unworthy of the young men who make it, or of serious consideration by any one.

After the Government has supported these young men for six years, and has given them a full educational course at one of the best academies in the world, and has added thereto a whole year's pay, then for them to complain that they are not able to compete in the struggle of life with the young men of the country who have been compelled to rely upon their own resources and obtain their education as best they could, is puerile, unmanly, and untrue.

Impressed by the truth and justice of our position, and that we have no right or lawful authority to recklessly squander the people's money in providing comfortable and lucrative official life positions for those whose services are not needed, we protest against the passage of that part of the bill.

This bill is particularly vicious, as it proposes to do an act of great injustice, if the idea upon which all this proposed legislation is based is correct, as it discriminates in favor of one only of the classes of 1881 and 1882, who were performing the last two years of their educational course at sea, to wit, the classes of 1881 and 1882.

As will be seen, this bill provides as follows:

"And those members of the class of 1881 who have been honorably discharged under the provisions of the aforesaid act may return to the service and take their places on the Naval Register in the same manner as if said part of such act had not been passed."

What reasons there are for making an exception in favor of the class of 1881 over that of 1882, or, in fact, of making an exception in favor of either one or both

of these classes as against the other students at the Naval Academy, none of whom had completed their course, is wholly inexplicable to us. If Congress determines to increase the official *personnel* of the Navy by adding all who will probably pass a successful examination out of those at the Naval Academy at the time of the adoption of the act of August 5, 1882, instead of having 1,562 officers, there will be 1,762, as the Secretary estimates that there will be 200 successful graduates out of the whole number then at the Academy and at sea who had not completed their course.

If only the classes of 1881 and 1882 are added, then you will add sixty-two to the list, and that, too, in face of the fact, as we have shown before, that we already have officers enough to fully command and manage seventy ships.

As to that portion of the bill which proposes to reduce the number of appointments to the Naval Academy one-half, we find ourselves equally opposed, for the reason that it costs almost as much to carry on the school for the education of half the number that it would for the full number now authorized by law.

At the beginning of the late war the Government, finding it necessary to put in commission a large number of ships, was compelled to draw from civil life some 1,600 officers who had had no military or naval experience. True, they had been seamen and were acquainted with the sea and the sailing of ships, but had had no experience in the military duty of a naval officer. Therefore, it became necessary to educate them after they were put into the service as officers.

The French and German Governments each, after the Franco-Prussian war, finding that they had not a sufficiently educated sea reserve upon which to draw, adopted the policy of educating a large number of young men, and at the end of their course discharging them, so that in case of emergency they might be drawn upon in increasing the official *personnel* of the navy. While all the graduates of our Naval Academy are not needed to officer our ships of war in time of peace, it appears to us that we might learn lessons of wisdom from the example of other governments and educate these young men to the full capacity of the school, and, at the end of their course, relegate them to civil life, thereby establishing a valuable reserve sea force to be drawn upon in case of war.

The plan of reducing the number of appointments to the Naval Academy was adopted for the manifest purpose of reducing the cost of reinstating the naval cadets who were mustered out under the act of August 5, 1882. The attempt is to offset the cost of those to be educated against the cost of those whom it is proposed by this bill to put back into the service.

We protest against this, and believe it not only to be an unfair presentation of the case, but an unwise policy to be adopted by Congress.

Therefore, we earnestly protest against the passage of the whole bill, and beg leave to submit the following letter of the Secretary of the Navy, showing the effect of restoring all of those who were mustered out under the act of August 5, 1882, to the Navy; and, as the proposition to restore 200 more officers to the Navy is vicious, so is this proposition to restore 62 only less vicious in degree.

Respectfully submitted,

JOHN R. THOMAS.
S. S. COX.

Mr. THOMAS. I now ask leave to have printed in the RECORD the letter of the Secretary of the Navy accompanying the minority report and made a part of it, as it is too long to be read at this time, and for the further reason that most of the members of the House have probably already seen that letter.

There was no objection, and leave was granted accordingly.

The letter of the Secretary of the Navy is as follows:

NAVY DEPARTMENT, *Washington, D. C., January 28, 1884.*

SIR: In response to your request, I have to state that the passage of House bill No. 7, introduced by Mr. OATES, for taking into the Navy all naval cadets who were undergraduates of the Naval Academy August 5, 1882, would cost the Government over $8,632,450.

The classes to which the law would apply are as follows:

Class of 1883	86
Class of 1884	49
Class of 1885	46
Class of 1886	48
Class of 1887	45
Cadets of 1888 who entered before August 5, 1882	13
Making a total of	287

Of the class of 1883 23 have been appointed to fill vacancies in the Navy. The appointees from the other classes will be fewer. A fair estimate is 15 a year, or 60 in all. Adding these and 4 from the 13 of 1888 and the 23, makes 87 to be admitted under existing laws, and leaves 200 as the supernumeraries to be by this bill put into the service and maintained for life by the Government.

The annual sea-pay of 200 ensigns of the junior grade is $200,000. The career of an officer from graduation to retirement, or between the ages of 22 and 62, is forty years. As the 200 officers pass through successive grades their number will decrease and their rates of pay will increase. Estimate the decrease at 2 per cent. of the original number annually for eighteen years, 2½ per cent. for the next nine years, and 3½ per cent. for the final thirteen years; ascertain the number of years passed in each grade by assuming a normal rate of promotion; take only shore-pay above the grade of junior ensigns, and the result will be as follows:

Grade.	Number of officers reaching each successive grade.	Average number of years in the grade.	Shore-pay of each grade per annum.	Aggregate amounts received by each grade.
Junior ensigns	200	5	$1,000	$1,000,000
Ensigns	180	4	1,000	720,000
Junior lieutenants	164	4	1,500	984,000
Lieutenants	148	5	2,000	1,480,000
Lieutenants	128	9	2,200	2,534,400
Lieutenant commanders	83	4	2,400	796,800
Commanders	57	5	3,000	855,000
Captains	25	2½	3,500	218,750
Commodores	9	1	4,000	36,000
Rear-admirals	3	½	5,000	7,500
Total amount to be paid the 200 officers before their withdrawal, retirement, or death (or an average of $215,811.25 per annum)				8,632,450

The above is a low estimate, taking, as it does, only shore-pay above the first grade, allowing a rapid decrease in number, and adding nothing for pay upon the retired-list. The total cost to the Government for pay of 200 officers proposed to be legislated into the Navy, where they are not needed, would undoubtedly be $10,000,000.

There is no fair justification for imposing this heavy burden upon the people of this country. At the time of the act of August 5, 1882, the number of naval officers was being increased about forty annually by surplus graduates from the Naval Academy. At the same time Congress saw already in the service 1,817 naval officers on the active-list, receiving annually $3,825,400, being 59 officers to each of the 31 ships in commission, or one officer to every five seamen. Reform was inevitable, and was commenced. It was by that act enacted that no more officers should be taken into the service from the academy except to fill vacancies in the lower grades of the line and staff, and in addition, that by the process of leaving unfilled half the vacancies in the upper grades, there should be a gradual reduction of 140 staff and 115 line officers, which would make the active-list consist of 1,562 officers, or enough for 70 ships.

As earnestly and as forcibly as I can, with due respect to Congress, I protest against the sudden reversal and overthrow of this wise reform movement, and the reckless and extravagant interjection into an overgrown naval list of two hundred unnecessary officers. The annual appropriation for pay of the Navy has been reduced from $7,133,980 to $6,932,605, or $201,375. It is now proposed to throw this saving away at one stroke. Certainly this will be economy and reform backward.

In the annual report of the Department of December 1, 1883, it is urged that the reduction to the 1,562 officers allowed by the act of August 5 ought to be made at once, and that this can wisely be done by placing upon a supernumerary list those who for various reasons are not fitted for nor likely to be ordered to the command of vessels or any other important duty, and are therefore an incubus upon the naval establishment. No movement in this or in any mode to clear away the dead wood of the Navy *personnel* has been made by those who propose, without doing this, to precipitate two hundred new officers into the service. To thus increase before purging the naval list will be worse than a blunder.

An examination of the memorial of the naval cadets who ask Congress to place them for life upon the pay-rolls of the Government, without even the suggestion that the country will need their services, fails to show any adequate ground for granting their request.

They assert an obligation on the part of the Government to make them naval officers because all prior graduates have been so appointed. But if the country needed those, and does not need them, surely no obligation exists, notwithstanding their expectations. Because they have received free of all expense the best possible course of education the further duty is not imposed upon the donor to continue to employ them and to support them for life, if their services are not needed.

They say their education will be almost useless in business or in civil professions. They are mistaken. Not one in ten of them could have obtained elsewhere, even at large expense, an education so liberal, practical, useful, or so well fitting them for any civil pursuit. They will have received a superior education at the Government expense, and with a donation of one year's pay in advance will return to civil life admirably fitted to enter and to succeed in the most lucrative employments of peace.

They say that to select those who may be needed to fill vacancies from the highest scholars according to their merits only is unjust to the lower and poorer scholars. This argument suggests the idea upon which some of them have been proceeding, that if they can barely escape dismissal for deficiencies in their studies they can still receive life commissions in the Government service. Are the people really under contract thus to burden themselves?

They say that several members of the Forty-seventh Congress have told them they did not understand the act of August 5 when they voted for it; and that the similar act in reference to West Point graduates only applied to cadets entering the academy subsequently. The act of August 5 is unmistakable in its terms. The Army has required, to fill vacancies, all the West Point graduates, and no question of taking into the service officers not needed has arisen.

They say that the recent board of visitors to the academy—"prominent public men"—recommended that they be taken into the naval service. This is true. Since it became apparent that the act of August 5 would send some two hundred surplus graduates out into the world, although with the best possible education, to earn their own living like millions of other American youths, the parents and friends of the three hundred cadets within the possible range of the act have besieged "prominent public men" with unrelenting persistency to save their boys from dislodgment. From every Congressional district comes a pressure which it is difficult to resist when only the money of the Government is to be sacrificed.

But I sincerely hope that the contemplation of our actual naval establishment—1,700 naval officers with not one modern ship or gun for them to command—will arouse the firmness necessary to resist the extravagant proposition to add two hundred more to these excessive numbers; to increase at once the annual Navy appropriation $200,000, and to take eventually ten millions from the public Treasury, only because two hundred young men and their relatives and friends doubt their ability, having received the best education the country can furnish, to succeed in civil life in competition with the less favored mass of American boys.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. JOHN R. THOMAS,
Member Committee on Naval Affairs, House of Representatives.

Mr. THOMAS. Mr. Chairman, the act of August 5, 1882 was directed against a top-heavy navy. At that time there were 1,817 officers in the Navy; we had thirty-one ships to be officered. That would give fifty-nine officers to each ship, or one officer for every five men in the Navy.

Mr. OATES. Mr. Chairman——

Mr. THOMAS. In a moment. Congress concluded that it was about time to check the tide of officers which was being foisted annually upon the Government. Now I will yield to the gentleman for a question.

Mr. OATES. I do not rise to ask a question, but to object to printing in the RECORD the letter of the Secretary of the Navy unless it is accompanied by a letter in reply to it from the cadets affected by this bill.

Mr. THOMAS. The gentleman is too late.

The CHAIRMAN. The objection is too late; the printing of the letter has already been ordered.

Mr. THOMAS. Believing that the action of Congress was wise in providing for a reduction of the officers taken annually upon the Naval Register, I have from the beginning opposed each and every of the bills having that object which have been introduced into this House, and I think there have been some twelve or fifteen of them. It was proposed by the act of 1882 to reduce the official *personnel* of the Navy

from 1,817 to 1,562. There was a cut made of the number of officers of the line and of each of the different branches of the staff, the Pay, the Engineer, and the Marine Corps.

The bill now under consideration proposes to put thirty-three officers on the naval register in addition to those we now have, although it is made to appear that it will put sixty-two additional officers on the register. This is one of the most anomalous bills I have ever seen in my life. In the first instance, it proposes "that that part of the act approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service in each year shall not apply to those classes who had completed the four-year course at the Naval Academy prior to the passage of said act."

It would appear that this bill was intended to relieve the cadets who had completed their course at the Naval Academy. I desire to say that not one of the thirty-three affected by this bill, or the sixty-two intended to be affected by it, had completed the course prescribed by law. The claim that the bill is retroactive is simply absurd when you look at the law requiring that the course shall be six years instead of four years, as is assumed in this report; and it is not contended that one of these young men had completed the six-year course or had become an officer in the Navy by reason of having spent four years at the Naval Academy.

More than that, it can not be shown that there was ever any contract on the part of the Government to retain these young men in the service. No contract, no semblance of a contract, on the part of the Government can be found. The education which these young men receive is simply a gratuity on the part of the Government, with the understanding that the Government shall employ their services if they are needed.

It is said here that a hardship has been imposed upon these young men; that they have devoted six years of their lives to this service. It is true that they have devoted six years of their lives to the acquisition of a most magnificent education free of all cost to them; and in addition to this they have had a whole year's pay given to them upon being mustered out. I remember that in the last Congress a bill was passed reducing the number of collectors of internal revenue. Did anybody raise his voice against that reduction on the ground of injustice to those officers? But it is said "they were not life officers." Neither are naval officers life officers. No officer of the Navy, from Admiral down to junior ensign, holds a commission that purports even on its face to make him an officer of the Government for life. The commission expressly declares that the position is held "during the pleasure of the President of the United States." So it was with the commissions of those internal-revenue officers; their commissions were "during the pleasure of the President." And they had not had the advantage of being educated by the Government as these young men have. In respect to their tenure of office, these two classes of officers stand upon exactly the same footing.

My colleague on the committee, the gentleman from Maryland [Mr. TALBOTT], urges as a reason for the restoration of these young men that they have been educated for the service and have expected to remain in it. Can we help what their expectation may have been? Shall we load the Government down with a number of useless officers—sixty-two in addition to the great excess we already have—when there is no earthly need for them, nothing that we can put them to doing? We have had to resort to every possible device in order to find employment for the naval officers now on the register. They have been detailed for duty here at the Smithsonian Institution; they have been detailed as inspectors of light-houses on the Western rivers; they have been detailed to every possible place where we could find a hole to throw one of them into in order that we might have some excuse or pretense for their employment.

I wish to say in passing that there never was a brighter or more accomplished set of men in the service of any government than the present official *personnel* of the United States Navy. If these officers have no duty to perform it is not their fault. It is because Congress has for years pursued a miserable, parsimonious, and short-sighted course of conduct in not building up a proper navy in which these officers could perform duty.

I am finding no fault with these men because they have no duty to perform. I only say that the Government of the United States has no earthly use for these sixty-two young officers who have been educated at its expense for six years and have received in addition a whole year's pay. They have gone out with this splendid education to compete with young men who have had to provide the means for their own education.

Mr. NICHOLLS. Will the gentleman yield for a question?

Mr. THOMAS. I will.

Mr. NICHOLLS. The gentleman speaks of the "parsimonious" policy of the Government in respect to appropriations for the Navy. Is it not true that since the Republican party came into power about $385,000,000 have been appropriated for the Navy and there is now no showing for it?

Mr. THOMAS. I think it is true that since the Republican party has had control of the Government there has been just about that much money spent in disposing of the Navy that was made necessary by a part of the Representatives in this Congress and a portion of this country trying to destroy the Government.

Mr. NICHOLLS. What was destroyed by those people?

Mr. THOMAS. Fortunately the Government was able to defend itself——

Mr. NICHOLLS. How much did the people referred to by the gentleman do towards destroying the Navy?

Mr. THOMAS. The gentleman understands as well as I do that the war involved the Government in the purchase of a number of vessels; that most of them were wooden vessels; that they were purchased in an emergency——

Mr. NICHOLLS. I spoke of money appropriated since the war.

Mr. THOMAS. Now, the expenditures the gentleman speaks of arose out of the preservation and disposition of those wooden vessels which were made necessary by the rebellion.

Mr. NICHOLLS rose.

Mr. THOMAS. I decline to be further interrupted.

It is urged as a reason why this bill should pass——

Mr. RAY, of New York. Let me ask the gentleman a question. It is not designed to interrupt or embarrass the gentleman from Illinois, but for the sake of information.

Mr. THOMAS. Ask your question.

Mr. RAY, of New York. As I understand it he takes the position the Government is under no sort of obligation to these young men who have been dismissed. They were dismissed under the law of Congress discharging them after their graduation. I should like to have the gentleman say whether or not in his judgment the Government did not by implication take them into its service and give them employment in the Navy when it took them in as cadets and gave them naval education?

Mr. THOMAS. There is nothing upon which such an opinion can be based. It only agreed to employ them in case it needed their service. The Government made no contract with them; and, as I have said, I care not what the custom may have been to provide for them, I care not what the report of the Board of Visitors may have been, or what the expectation of the naval cadets may have been, the fact remains we are only justified in employing a sufficient number to discharge the legitimate duty of that Department. We have 1,562, and this bill proposes to put on sixty-two more at the cost of $3,720,000. That is the exact proportion as estimated by the Secretary of the Navy.

Mr. GEORGE D. WISE. Will the gentleman from Illinois tell how he got those figures?

Mr. THOMAS. With pleasure. The first bill was the one introduced by the gentleman from Alabama [Mr. OATES]. I wish to say it was the fairest bill introduced here if any of this legislation is to become law at all. If we are to change our policy that bill ought to have been passed, for it provided that the act of the 5th of August, 1882, should not apply to any of the naval cadets or those who had not completed their course.

Mr. GEORGE D. WISE. Yes; that is right.

Mr. THOMAS. That depends on whether you care more to provide life positions for a lot of officers whose services are not needed than to protect the rights and interests of the Government.

I will yield to the gentleman from West Virginia for a question.

Mr. GOFF. I desire to ask the gentleman from Illinois a question in connection with the one propounded by the gentleman from New York [Mr. RAY], and to call attention to section 1521 of the Revised Statutes. The gentleman from New York propounded a question——

Mr. THOMAS. Make it short.

Mr. GOFF. I will make it short. You say there is no law by which it can be implied the Government of the United States contracted or promised these young men they should be kept in the Government service. Let me read section 1521 of the Revised Statutes of the United States.

SEC. 1521. When cadet-midshipmen shall have passed successfully the graduating examination at the academy, they shall receive appointments as midshipmen and shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

Mr. THOMAS. In reply to the question of the gentleman from Virginia [Mr. GEORGE D. WISE], I wish to say there was not one of these sixty-two beneficiaries under this bill who had concluded his course; not one of them, sir. There were two classes, the class of 1881 and the class of 1882. The course had been four years, but a subsequent statute had provided that the course should be six years. It is not pretended they had completed that six years' course. Their appointment depended upon their passing successfully and satisfactorily through that six years' course.

Mr. BUDD. Will the gentleman let me ask him a question?

Mr. THOMAS. Certainly.

Mr. BUDD. Did they not enter the academy under the existing law just read by the gentleman from West Virginia?

Mr. THOMAS. Yes.

Mr. BUDD. Is not that a contract under the law?

Mr. THOMAS. On the contrary it was simply a provision by the legislative branch of the Government to enable the executive department to provide for these men in case they complied with the statute.

Mr. BUDD. Were they not compelled to sign a contract that they would serve? It was a contract on their part; and, if so, how could there be a contract without two parties to it?

Mr. THOMAS. It was not a contract on their part, for each and every one of these cadets were minors and not capable of contracting.

Mr. BUDD. That will not do.

Mr. MILLS. Does the gentleman state that as a legal proposition?

Mr. BUDD. Do you not require them to sign articles of agreement?

Mr. THOMAS. The gentleman propounded a legal proposition to me, and I answer it by saying——

Several members addressed the Chair.

Mr. DUNHAM. May I ask the gentleman a question?

Mr. THOMAS. I would like to answer one at a time.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor, and business will be suspended until order is restored.

Mr. THOMAS. I decline to answer any questions until order is restored.

The CHAIRMAN. The Chair is endeavoring to preserve order upon the floor.

Mr. THOMAS. I will repeat: the legal proposition propounded to me was whether these cadets had not been compelled to sign a contract. In reply I answered, and I reiterate the assertion, that they were not capable of making a contract in that sense of the word, and hence there has been no contract on their part with the Government any more than there is a contract on the part of the Government to keep them under pay for life.

Mr. OATES. Will the gentleman permit me to ask him a question?

Mr. THOMAS. Certainly.

Mr. OATES. Does not the gentleman know that if a contract is made with a minor it does not lie with him in law to plead his minority if he has a right to make it?

Mr. THOMAS. I understand that, but that is not the question here.

Mr. OATES. You compelled them to sign a contract as a condition precedent to their admission. Now you plead their minority.

Mr. THOMAS. This is not a question of pleading but a question of fact, and I answered the gentleman on the question of fact, and I shall now go on, I hope, without interruption to a discussion of this bill.

Mr. DUNHAM. Will the gentleman permit me to ask him a question?

Mr. THOMAS. I prefer not to be interrupted.

Mr. DUNHAM. I would like to ask a question in this connection.

Mr. THOMAS. Mr. Chairman, whatever the intention of the committee having this in charge was, this bill——

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. I make the point of order that the gentleman from Illinois is entitled to the floor, and that order should be preserved while he is addressing the committee

The CHAIRMAN. The gentleman from Illinois is entitled to the floor and declines to be interrupted.

Mr. THOMAS. This bill proposes in the outset to relieve both classes, the class of 1881 and the class of 1882. It provides—

> That that part of the act approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service in each year shall not apply to those classes who had completed the four years' course at the Naval Academy prior to the passage of said act; and those members of the class of 1881 who have been honorably discharged under the provisions of the aforesaid act may return to the service and take their places on the Naval Register in the same manner as if said part of such act had not been passed.

Now, if it is right to pass this bill for the benefit of the class of 1881, I want to ask gentlemen, in all candor and honesty, if we should not pass the bill for the class of 1882? Why is this distinction made? Why this discrimination in favor of one class as against the other; and why has this discrimination been made in favor of men who are completing their last two years' course as against those who have not gone so far; for instance, who have three years to complete their course?

Mr. WHITE, of Kentucky. Will the gentleman allow me now a question?

Mr. THOMAS. I have submitted to a great many interruptions, and would much prefer to be allowed to go on uninterruptedly and without any further questions. However, I will yield for the question of the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I desire to ask the gentleman this question: if the class of 1881 is to be restored, whether that principle does not involve also this, that not only the class of 1882 must follow, but under the section of the law which was read here by the gentleman from West Virginia does it not also involve this dilemma, that we must also make provision for the class of 1883 and 1884?

Mr. THOMAS. Certainly we must make provisions for the classes of 1881, '82, '83, '84, and '85. These were the classes at the academy and at sea at the time of the enactment of the law. I do not desire to be further interrupted. I was inquired of a few moments ago as to how much cost this would be to the Government. The Secretary of the Navy made an estimate upon the bill introduced by the gentleman from Alabama [Mr. OATES], and upon his showing it would cost about $12,000,000 ultimately to pass that bill, or that the final cost, if the bill should be enacted into a law, would reach that sum. That estimate was based upon two hundred successful graduates from the academy. This bill proposes to admit sixty-two, and hence I arrived at the conclusion which I stated, for as sixty-two is to two hundred so will be the cost of sixty-two to the cost of two hundred, which, as I have stated, is estimated to be $12,000,000. If then the cost of the two hundred be $12,000,000, sixty-two will cost as much less than twelve millions as sixty-two is less than two hundred, which would make a total of about $3,722,000.

Mr. MCADOO. May I ask the gentleman a question?

Mr. THOMAS. I would prefer not to yield for a question.

Mr. MCADOO. A very short and pertinent question.

Mr. THOMAS. I have declined to be interrupted, but will yield to the gentleman only for a question.

Mr. MCADOO. Now in saying that the number to be admitted by this is sixty-six——

Mr. THOMAS. Sixty-two.

Mr. MCADOO. Well, sixty-two. Does the gentleman include the cadet-engineers?

Mr. THOMAS. I do.

Mr. MCADOO. Does not the gentleman know that the Court of Claims has decided that the cadet-engineers were never dismissed from the service and are to-day upon the rolls?

Mr. THOMAS. I know this: that the Court of Claims had no jurisdiction whatever of that subject, and they had no authority to decide the case; and also that the executive branch of the Government has declined to be governed by their decision; and I know that they have been attempting to take the case to the Supreme Court of the United States, the only court that has a right to control the action of the Departments, for a final decision.

Mr. MCADOO. Does not the gentleman know that it has gone to the Supreme Court and has not been overruled?

Mr. THOMAS. I decline to be further interrupted.

Now, sir, seeing that this bill was going to meet with a violent opposition, or that it ought to meet with a violent opposition, on account of the immense amount of money involved in it, it was attempted to be offset by cutting down half the appointments of the Naval Academy; and so the amendment comes in here proposed by the committee to reduce the number of appointments to the Naval Academy one-half. And the question is asked, why should not that be done? Why should we educate more officers than we need? Why, sir, it is for the purpose of establishing a reserve force on which to draw in case of war. And there is the further reason that it costs very little more to run the school full than to run it half full. It requires all the machinery and expense to keep up the school for one-half as for the full number, the only difference being the $600 per annum each for the extra number of cadets. And the advantages to be derived from educating these young men and sending them out into the country, sending them out as citizens with this splendid education, to be called upon to meet an exigency in case of war, will more than justify the expenditure of money to keep that school full. And I apprehend this Congress will be slow to reduce the number; I apprehend that members will be slow to cut their districts off from appointments to this school, this Government school, which is in itself only one means of aiding in the education of the young people of this country. It is one means adopted by the Government—founded on the necessities of war, it is true, but still the school was established as one of the means of helping to educate our people, and I think our people would be slow to weaken or abandon that system.

Mr. BALLENTINE. Does the gentleman mean to say to the House that this statement of Secretary Chandler as to the question of expense is a correct one?

Mr. THOMAS. I mean to say that it is a statement based upon the best obtainable facts, and is as nearly correct as any speculative statement can be.

Mr. BALLENTINE. I have here a statement which goes to show it is merely speculative on the part of the Secretary.

Mr. THOMAS. Any estimate based on the possibilities of human life is necessarily speculative. But taking the history of the past, taking the cost of the officers of the Navy of the different grades, it will be seen that the Secretary's estimate is not an excessive one, and that this bill will cost, as I have said, three and a half million dollars.

Members of Congress will stand here and higgle about putting one man on the retired-list, a man who has served twelve years as chaplain of the Navy, and on the same day they will stand here and propose to involve the Government in an expenditure of three and a half million dollars without any sort of justification or any sort of service to be performed in return therefor.

Mr. BUDD. I wish to ask the gentleman for how long a period those three and one-half millions run.

Mr. THOMAS. During the time these cadets are supposed to be in the service.

Mr. BUDD. Twenty years or more. Are you a prophet to know there is not to be some disturbance that will require their services?

Mr. THOMAS. We can only base our estimate upon the present condition of affairs.

Mr. BUDD. Then you should base your estimate on the amount to be expended annually.

Mr. TALBOTT. I will ask the gentleman from Illinois [Mr. THOMAS] is it not a fact that, whether these young men are put back

into the Navy or not, you have to keep a certain number of officers on the active-list, and until vacancies occur above them they will remain as ensigns on ensigns' pay?

Mr. THOMAS. That is the gentleman's opinion.

Mr. TALBOTT. One moment. Does not the Secretary of the Navy admit that is true unless Congress should go to work and increase the number of officers?

Mr. THOMAS. If the gentleman will look at the Secretary's letter he will see what he admits. But he need not get excited about it. There is the Secretary's letter, which speaks for itself. And no man yet has come on the floor and met that statement with any accurate or substantial answer or anything like an answer.

Mr. BALLENTINE. Yes, sir; we have met it, and are ready to meet it now.

Mr. THOMAS. Sympathy is a good thing and ought to control people's actions when they are opening their own purses and dispensing their own charity. But we come here as trustees of an express trust, having only authority to do lawful and proper things, and if we vote away the people's money in this way, without any good reason and without any sort of compensation for the expenditure, it is unjustifiable; it is highhanded; it is unwarrantable and indefensible. [Cries of "Vote!" "Vote!"] I guess we will not have a vote until my time expires. I yield ten minutes of my time to the gentleman from Colorado [Mr. BELFORD]. He will give you a little music on which to whet your teeth. [Laughter.]

Diplomacy and Decorations.

SPEECH

OF

HON. WILLIAM E. ROBINSON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 14, 1884,

On the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Our diplomacy a humbug—Founders of our institutions—Republican virtue—Mr. Buchanan—Our minister to Persia—Ridiculously ornamental—Half-concealed charms—British lords and French counts—Snobs and spotted peaches—James Russell Lowell—Twister of lion's tail—Heard only through his stomach—The Declaration of Independence—Lingered in English prisons—Outrages on our citizens—The Brooklyn Times—Brooklyn city—New Jersey and New York—New York Commercial—New York Truth—Brooklyn Land League—New York Daily News—New York Sun—The Truth again—The Sun again—Commercial again—Sun once more—New York Common Council—New York Herald speaks—Truth once more—Opinion of Attorney-General—Yeas and nays—What is an American citizen?—Lowell's impeachment—The Herald once more—New York World—English organs—The Evening Post—Change in Washington sentiment—Fools in Washington—Ditto in New York—Anglomania—Diplomatic follies—An unhappy American girl—Mr. Lowell *en costume*—No Fourth of July—My Lord Rector—What is English society?—Impudent threats—Old times—Decorated expectants—Congressional condemnation—Rush on decorations—Our Anglified flunkies—Ensign Reynolds—What is a knight?—Honor the brave—The Constitution threatened—Honors that degrade—Brave firemen—What is a dude?—Not dealing with the Irish—A fair swap—Who shall be President?—A hand-book wanted—A chance to get even—No royal presents—Timeo Danaos; no affair of Irish feeling—My course—Addenda—New York Herald once more—Tribune and Times—Ensign Reynolds's bill—Queen Elizabeth—Words in my defense—Public meetings indorse me—Sustaining letters—Judges Black and Holman—Non-intercourse with diplomats—Diplomatic spies—Congress on Ireland—Wendell Phillips and Horace Greeley—Things I do not like—Room for American ideas.

Mr. ROBINSON, of New York, said:

Mr. CHAIRMAN: Our diplomatic service is a humbug and a disgrace to our republican country. Our ambassadors abroad are of no use. Our ministers plenipotentiary, so far as any benefit to the country is concerned, are not worth a shilling a dozen. The pay of our ministers is a wasteful expenditure of millions which might better be devoted to some useful or patriotic purpose, and the entire system is a school for the most ridiculous snobbery and ought to be abolished. There is no use in trying to improve it or to prune from it the extravagance and cost and folly which naturally belong to it. The only proper amendment to this bill should be to strike out all those parts that pertain to ministers and legations and perfect the provisions pertaining to the consular service. There is a superstition that in order to prevent a dog from going mad we should cut off the extremity of his tail, where the worm is supposed to be which creates the madness. And some one has suggested that the surest way to accomplish that end is to cut off the dog's tail just behind the ears. [Laughter and applause.] The best way to cut down the pay of our ministers is to cut it off altogether and abolish the entire system. This was the opinion of the democratic-republican

FOUNDERS OF OUR INSTITUTIONS.

One of the ablest debates that ever took place in this House occurred in the Fifth Congress, in 1798, and that great statesman, Albert Gallatin, denounced the entire system as I now denounce it. In this he was ably seconded by Mr. Nicholas, of Virginia, who gave it as his opinion that "the United States would be benefited by having no ministers at all," and gave notice that at a later day he would make a motion to do away with all foreign diplomatic intercourse. Mr. Edward Livingston, of New York, expressed the same opinion, and quoted Mr. Pinckney, of South Carolina, who had been abroad as our minister, as having declared that our diplomatic connections had been injurious to this country and that they ought to be got rid of as soon as convenient. Mr. Livingston suggested the very danger in which we now find ourselves of having men appointed who think that a monarchical form of government and hereditary distinctions would give security and stability to government. The consequence would be that the Government would be undermined before the people were aware of the design, and he admonished Congress that this would bring on a convulsion, and he trusted there would be

REPUBLICAN VIRTUE

enough to frustrate and overturn the design. The debate was protracted from January to March, and the leading Republicans contended for a limitation of appropriations and argued that our entire diplomatic system should be abolished, while the Federalists contended for its continuance and more liberal appropriations; and when the final question was taken on the amendment of Mr. Nicholas, of Virginia, to cut down the appropriations, the Federalists were successful by only 4 majority—yeas 48, nays 52. Among the staunch old statesmen voting to cut down the appropriations were both the Claibornes, William Findlay, Albert Gallatin, Carter B. Harrison, Edward Livingston, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, John Nicholas, Samuel Smith, Thomas Sumter, Philip Van Cortlandt, and Joseph B. Varnum (three of them natives of Ireland). Mr. John Austin Stevens, in his life of Gallatin (American Statesmen), gives an account of this debate, and says of Gallatin's summing up:

> No such admirable exposition of the true American doctrine of non-interference with European politics had at that time been heard in Congress.

And wisely adds:

> Now that the ocean cable brings governments into direct relation with each other, there is a tendency to restrict the authority of ambassadors for whom there is no longer any use, and the entire system will no doubt soon disappear.

It was from this debate that the memorable difficulty between Matthew Lyon, of Vermont, and Roger Griswold, of Connecticut, occurred.

It is worthy of notice that this lengthy and able debate arose on a motion to reduce the amount proposed by the committee for the support of our diplomatic service, which was only $40,000. What rapid strides we are taking in extravagance and aristocratic ideas may be inferred from the fact that instead of forty thousand this bill proposes nine hundred and seventy-eight thousand dollars.

Ever since the commencement of our diplomatic service we have had great trouble in keeping our ministers from making snobs and fools of themselves. We have passed several laws and our Secretaries of State have issued circulars directing our ministers to behave and dress like American gentlemen. When

MR. BUCHANAN

went over to England as our minister, Queen Victoria would not allow him to appear in her presence with his pantaloons on, and the "breeches question" threatened to result in breaches of the peace if not in actual war. Mr. Buchanan's letters to his niece, Miss Harriet Lane, describing the progress of this great international diplomatic difficulty are quite amusing and relate to about the most difficult diplomatic business ever managed by our ministers to the British court. The affair was finally settled by Mr. Buchanan being allowed to keep on his trousers if he would only wear a sword to distinguish him as a gentleman from the servants in waiting. What a sorry figure he must have cut wearing a sword, the use of which he no more knew than of a whaler's harpoon!

In the Fortieth Congress, of which I was a member, we passed a law directing our ministers at foreign courts to appear on state occasions in the dress of American citizens. That law was introduced in each House by the chairman of the Committee on Foreign Affairs, both distinguished representatives of Massachusetts, Mr. Sumner in the Senate and Mr. Banks in the House. After ample debate it passed both Houses and became a law by the signature of the President. But we can not get these snobs who misrepresent us abroad to obey the law. It is but recently that I read an account of the conduct of

OUR MINISTER TO PERSIA,

Mr. Benjamin, who, on reaching Teheran and paying an official visit to the Shah, took off his shoes and crawled barefooted into the presence of that specimen of royalty. Was this obeying the law or appearing in the dress of an American citizen? The man who pulls off his shoes on approaching a royal court as if it were holy ground is not a fit man to represent America anywhere. It shows American republicanism humbling itself beyond all humilities. At the beginning of this Congress I introduced a resolution calling for information from the Secretary of State concerning this transaction. It went to our Committee on Foreign Affairs, and there it has slept ever since. It appears to that committee of no consequence whether our servants obey the law or not.

The New York Sun of August 8, 1883, has the following editorial paragraph:

When in all past time was ever an American minister received by any monarch with such pomp and pageantry as were prepared by the Shah of Persia at his capital in honor of Mr. S. G. W. Benjamin, according to the accounts sent to the State Department at Washington by Mr. Benjamin himself? The thing must have been stunning, not to say overwhelming. Behold the Oriental spectacle as displayed in another column under the light of Mr. Benjamin's genius! Abolish the whole diplomatic establishment!

Yes, indeed; abolish the whole system as soon as possible!

When Benjamin Franklin appeared as our representative at foreign courts in the same clothes which he wore at home he inspired respect which no amount of tinsel and lace could win for his successors; and in this connection I might say that when the distinguished gentleman from Pennsylvania [Mr. CURTIN] was our minister to Russia he appeared at court in a plain citizen's dress, and by his dignified presence and simple manhood proved himself worthy of his Irish ancestry and American citizenship, and won more respect than any of the courtly fops who surrounded or succeeded him.

RIDICULOUSLY ORNAMENTAL.

Our ministers abroad have ceased to be useful and become wholly ornamental, and as representatives of a republican people ridiculously ornamental. Can any member of this House tell me a single thing done by any of our ministers abroad since our last diplomatic appropriation bill of over a million and a quarter passed this House for the current year? They are either absent from their posts or pandering to the follies of titled foreigners or brainless American travelers. What use are they to the millions of mechanics and artisans and farmers who pay the taxes and perform the duties of American citizenship? I cut from the Washington Post, the Democratic organ published at the capital, of Sunday last, the following description of a party given by our minister to France. It is from its Paris correspondent, Mrs. Lucy H. Hooper:

PARIS, *April* 25.

Minister Morton and his charming wife have given many brilliant entertainments since their arrival in Paris, but none, I think, that has surpassed the reception which took place yesterday, and for which cards were issued ten days ago. The evening proved fine, and the long lines of gas-jets on the front of the hotel of the legation were undisturbed by a single gust of wind. The pavement of the entrance was covered with a crimson carpet, and masses of tropical plants and flowering shrubs transformed the wide *porte cochère* into a veritable garden. The staircase was also adorned with flowers in profusion, the candelabra that lighted it being surrounded with camellias and azaleas in full bloom. A fine orchestra, placed in one of the rooms of the first-floor suite, played operatic selections and favorite airs throughout the evening.

The display of dress and diamonds was especially noticeable, even for Paris, where elegance of toilet so largely prevails at all grand entertainments. Mrs. Morton herself was lovely to behold in a dress of pale blue satin, the corsage made with pannier draperies, and the skirt having a frontage of white crape dotted with small gold beads, while curved ruffles of point lace were placed at the sides of the skirt. She wore a superb parure of diamonds, the necklace being set in a broad arabesque pattern of great artistic beauty. Mme. Bonaparte-Wyse was arrayed in gold-yellow tulle, embroidered with large dots in silk of the same hue, made of gold-yellow satin, and looped with clusters of gold-bearded wheat. Mrs. C. H. Bonynge was in ruby velvet, trimmed with point lace and set off with a necklace cross and earrings of large and very perfect diamonds, her coiffure being ornamented with diamond stars. Mrs. J. W. Mackey's dress was in tea-rose faille; the skirt was embroidered all over with large scattered roses in tea-rose silk. She wore a collar necklace in pearls and diamonds, with bracelets to correspond. Her earrings were single white pearls, each the size of a small cherry, while in her hair was placed a diamond comb, surmounted with five large pear-shaped pearls.

Very gorgeous even for an Irishman's wife!—

Mrs. C. N. Beach, of New York, was in white brocade and satin, trimmed with antique Venetian guipure. Mrs. Ayer, of Lowell, Mass., had on a dress of old gold satin—

Of cherry pectoral hue!—

the corsage very gracefully draped with folds of fine point lace. She wore a magnificent necklace composed of rows of very large diamonds—

As large as good-sized pills—

alternating with strings of equally fine and perfect pearls. Miss Emma Nevada's dress was probably the prettiest "young girl toilette" in the room. It was composed of a corsage of crevette pink velvet, with a tulle skirt of the same hue. A tulle scarf crossed the corsage, which was also bordered with draperies of tulle, and the scarf and draperies were dotted with large pink pearl beads. The charming little prima donna was the object of a perfect ovation all through the evening, M. Jules Ferry himself coming up to salute her and spending some time in conversation with her. Mme. Hachisuka, the wife of the Japanese ambassador, had on garnet velvet, with a skirt front of satin, embroidered all over with tulips in their natural hues.

Beside all these and many other Americans mentioned, there were present many artistic celebrities, including Bouguereau, who was probably studying his next nude female figure from the

HALF-CONCEALED CHARMS

around him. There were also present a prince, a duke, a marquis and marquise, and several lords, counts, barons, and titled foreign representatives. Can any one doubt that foreigners would be struck with our plain, democratic ways after witnessing this spectacle? I know that Mr. Morton can afford to indulge his aristocratic tastes, for $40,000 is nothing to him; but every democratic republican must rejoice that this bill contributes to him $17,500 to assist him in keeping up these displays so characteristic of American representatives and so honorable to the liberality of the working people of America, who of their toil and sweat pay the taxes to make up these appropriations!

We might afford to laugh at these follies in so harmless a gentleman as Mr. Morton or so pleasing a woman as his wife, but even in their case the evil tendency of such displays were soon made manifest. At a subsequent reception given by Mr. and Mrs. Morton the English minister was the lion of the evening (Lord Lyon, at that), and at a still subsequent reception the Count of Paris was the chief guest. Now, without stopping to inquire whether we should pass these appropriations, taxing our working people for the entertainment of

BRITISH LORDS AND FRENCH COUNTS,

I may observe that France is now a republic and her elder sister should set her no bad examples, and least of all should our minister be paid out of our mechanics' pockets in direct or indirect movements to restore the monarchy of France. The Brooklyn Eagle has had telegraphed all the way from London, and published in its issue of May 28, 1884, a reproof given to our minister by an English paper, the London Truth, in these words:

It is dangerous to touch French conspirators. Mr. Morton likes his guests to leave his house agreeably impressed. He thought it best, therefore, to please his Orleanist guests by honoring the Count of Paris's pretentions to the throne. A lady asked Mr. Morton to introduce her to the Count of Paris. Mr. Morton informed the Count of this request, and he intimated that he should be pleased to allow her to be presented. Mr. Morton thereupon said to the lady: "The Count of Paris permits me to introduce you to him." The Orleanists present made use of this incident to circulate the report through France that America admitted the sovereignty of the Count of Paris. Mr. Morton erred in inviting an active, open pretender to his house, but he was led into it by American ladies, unworthy of America, who pose in Paris as leaders of society by virtue of their large fortunes and the fact that they are married to idle Frenchmen of dubious nobility. These ladies regard untitled Europeans as mean whites and fancy that a nation without nobility is a garden without flowers. Mr. and Mrs. Morton are liable, however, to meet in royalist drawing-rooms speckled peaches who would not be admitted to respectable houses in New York.

And Mrs. Lucy H. Hooper, in her letter dated Paris, June 2, and published in the Washington Post on Sunday, June 22, says:

The latest topic of the hour in American society is the attack made upon Mr. Morton by the government papers of France, and by the American Register, of Paris, as well, on account of his alleged dinner to the Count de Paris.

I most heartily agree with the correspondent of the London Truth in her strictures of those American ladies who, having married titled foreigners, at once become more European and anti-American than the natives themselves—"more royalist than the king and more Catholic than the Pope," as the French proverb hath it. If one of our society girls or heiresses chances to espouse a prince, a duke, a count, or even a baron, she at once loathes the untitled race from which she sprang, and affiliates entirely and altogether with the set into which she has married. I declare there must be something in the nature of our country people, a very mean fiber, to impel so many of them to become national Judases and deny their country.

What American, that living in Europe has still maintained as a high and holy thing the love of his or her country, but has been disgusted with the snobbery of certain other Americans who pride themselves on being ashamed of their native land and of their nationality? They scorn the society of chaste women and high-minded men, because, forsooth, those personages have been born in the United States and are undecorated with titles, while, as the Paris correspondent of the Truth remarks, they will welcome to their houses all the "spotted peaches" of the Parisian society basket. There is, for instance, an ex-mistress of the heir to a European throne who is one of the bright particular stars at the entertainments of these ex-Americans. But what are decency and morality when compared with the luster of a title? Verily this is a queer world, and not the least queer set of people in it are the Frenchified Americans, or rather the aristocratified ones, if I may be allowed to coin such a word.

Now, I ask any member of this House if he can tell of what use our embassy to France has been for the last twenty-five or fifty years, except to create, cultivate, and perpetuate these Judases,

SNOBS AND SPOTTED PEACHES,

which make up what we call American society, and for whose benefit from year to year the honest, virtuous, and reputable mechanics of the Republic tax themselves to make these appropriations?

But while others of our embassadors abroad have indulged in these harmless exhibitions of royalty, harmless except only in poisoning healthy hatred of royalty, it has been left to

JAMES RUSSELL LOWELL,

our so-called minister to London, to divest himself of all American manhood and to prove himself the merest toady and tool of monarchy and aristocracy.

Mr. Lowell, some thirty years ago, was a pretended lover of liberty, and was counted in that circle that included Wendell Phillips. In one of his "Stanzas of Freedom" he says:

Is true freedom but to break
Fetters for our own dear sake,
And with leathern heart forget
That we owe mankind a debt?
No! true freedom is to share
All the chains our brothers wear,
And with heart and hand to be
Earnest to make others free.
They are slaves who fear to speak
For the fallen and the weak;
They are slaves who dare not be
In the right with two or three.

When the war with Mexico broke out Mr. Lowell took strong ground against it, and ridiculed it in his "Biglow Papers" in Yankee phrase. He did not believe in war anyway. He did not believe that killing people was Christianly:

Ez fer war, I call it murder—
There you hev it plain an' flat;
I don't want to go no furder
Than my Testyment fer that.
Ef you take a sword an' dror it
An' go stick a feller thru,
Guv'ment ain't to answer for it;
God 'll send the bill to you.

He did not like the Southerner, and he thought the Mexican war was waged for slavery.

'Twouldn't suit them Southern fellers,
They're a dreffle graspin' set;
We must allers blow the bellers
W'en they want their irons het.

He was then for the dissolution of the Union:

Ef I'd my way I had ruther
We should go to work an' part—
They take one way, we take t'other.
Guess it wouldn't break my heart.

When the war with the South broke out, however, he seems to have changed his mind on war being murder, and he went beyond his "Testyment" for support to his opinions:

'Twunt du to think thet killin' aint perlite—
You've got to be in airnest ef you fight.
Why, two-thuds o' the Rebbles 'ould cut dirt
Ef they once thought thet Guv'ment meant to hurt.
We want some o' Gideon's sword, I jedge,
For proclamations hain't no gret of edge.
There's nothin' for a cancer but the knife.

He occasionally reminds England of her bad government in Ireland, but usually refers to the Irish as "Paddies." This is not to be wondered at, for his ancestor, after whom he is named, James Russell, belonged to the Tories, who were hunted out of Boston on St. Patrick's Day, 1776, by the patriotic Irishmen who fought under George Washington.

It is somewhat curious to observe the fact that James Russell Lowell was, before he got corrupted by the English aristocracy, the most determined

TWISTER OF THE LION'S TAIL.

Take his "Biglow Papers," and at the end of every line you can hear the brute moan. He accused England of bearing down upon the United States with "heavy hand," of giving us the "most unpleasant kind of 'sarse;'" that she was so confounded self-conceited that she thought there was no light in nature when she winked; that she carried the Ten Commandments in her purse; that she was always willing to let Ireland secede, that she might put down the rebellion in blood; that when the virtues died she claimed to be their heir; that she set up a claim to have a mortgage on the sea, and that we must teach her better by our waving flag—

Yard locked in yard; hot gun-lip kissing gun.

If that is not twisting the British lion's tail then I am not skilled in that business. God help me! I wonder, if I should be appointed minister to England, whether I could ever become such a renegade as Mr. Lowell? "The Lord be between us and harm!"

Mr. Lowell when he got to England and had two or three good dinners with his knees under English mahogany, soon ceased twisting the lion's tail and sent for an invoice of Mother Winslow's Soothing Syrup, which he administers to the brute in regular doses of Tribune teaspoonfuls before and after meals, particularly after. In 1881 England had arrested a large number of American citizens, some of whom had distinguished themselves on the battlefields of our Union. Some of them were naturalized citizens and others native-born. It made no difference to him so long as good English dinners continued; he

HEARD ONLY THROUGH HIS STOMACH.

No effort was made by him to vindicate their rights or to ask common justice for them. The law for his guidance could not be misunderstood. A measure which I introduced into the Fortieth Congress immediately after the assembling of that body received a fuller and abler discussion and consideration than had ever before been devoted to such matters in Congress. Among the leading speakers in the Senate were Conkling, Conness, Fessenden, Frelinghuysen, Hendricks, Morton, and Sumner; in the House, Messrs. Banks, Boutwell, Brooks, Butler, DAWES, Judd, KELLEY, LOGAN, Maynard, Orth, E. B. Washburne, and Woodward; all men of national reputation spoke upon it. It passed both Houses, with only four votes in the House against it and five in the Senate, and so upon the 27th of July, 1868, by the signature of the President became the law. Here it is:

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and

Whereas, in the recognition of this principle, this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and

Whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and

Whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officers of this Government which denies, restricts, impairs, or questions the right of expatriation is hereby declared inconsistent with the fundamental principles of this Government.

SEC. 2. *And be it further enacted*, That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this Government, the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances.

SEC. 3. *And be it further enacted*, That whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in violation of the rights of American citizenship the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

The wayfaring man though a fool could not err in understanding that law. It was my law, first stated by me amid abuse and misrepresentation such as I am now enduring for my opposition to the anglomania then creeping in among us, and now rampant over us. The Tribune was not then abusing me. The person who is now sitting in the chair which Horace Greeley (God bless his memory!) had so ably filled had not then entered on his present occupation of waiting at the steamship wharves to catch some disreputable lord to feast him at the Lotus Club, but the New York Times was about as virulent in its imbecile yelping then as it is now. Time, however, passed on, and two years ago I had the satisfaction of hearing the leading men of both parties in the Forty-seventh Congress contending for the honor of my bill. Mr. Orth, of Indiana, at a public meeting in New York declared that this bill of mine was "as sacred to American citizens as any line in the

DECLARATION OF INDEPENDENCE."

And my honored colleague [Mr. HEWITT] said it was "a declaration of right scarcely less important to the freedom of the world than the Declaration of Independence," and he generously added:

After carefully examining the steps by which it was secured I am prepared to say that he [W. E. ROBINSON] is fully justified in claiming the legislation of 1868 as his work.

And the eloquent Senator from Indiana [Mr. VOORHEES] said in the Senate:

I honor every word and line of this act. I rejoice in its scope and meaning. When the American authorities execute it the American name will be mentioned with reverence and awe where it is now spoken with derision and contempt.

I have referred particularly to this to show how little terror there is for me at the howling of the curs now barking at me as they did then. But a few years hence some other Hewitt will do me justice for my fight with the insolent anglomania that assails me now.

I see in recent publications that the Republican press is stealing my thunder, and giving credit to Mr. Blaine for carrying this measure through Congress and for the release of Eugene Costello from British prisons. These are my honors, which Mr. Blaine himself will not try to take from me; and for the decision of the question where the honor belongs I submit to the opinion of Mr. Costello himself in his case, and to my colleague, Mr. HEWITT, in the case of the law of 1868.

The New York Tribune of to-day claims as honors for Mr. Blaine works which it denounced in its most viperous manner when I was protesting against the unjust imprisonment of American citizens, and while the British minister was forwarding this very Tribune to Lord Granville, in which it denounced this law as "irrational" for which it is now claiming credit for Mr. Blaine. I may have to say more some day soon on this whole matter. Here is an extract from a letter to Lord Granville from the British minister:

WASHINGTON, *April* 8, 1882.

MY LORD: I have the honor to transmit to your lordship herewith articles from the New York Tribune on the proceedings taken with regard to the Irish-American suspects. The tone of these articles is on the whole satisfactory.

Of course the Tribune was satisfactory to the British aristocracy. It takes some versatility of cheek to whistle now on the opposite side of the mouth. I wonder what dodo laid the egg in the nest of the old eagle which once spread its wings over the Tribune eyrie from which the bastard bird that now defiles the nest was hatched?

Well, here was this great American law, supposed to be known even to Mr. Lowell, however blinded by his new-born anglomania, that any declaration of any one against the right of expatriation is inconsistent with the fundamental principles of this Government; that all naturalized citizens in foreign states shall receive the same protection from this Government as native-born citizens, and that when any citizens of the United States are unjustly deprived of their liberty an instant demand shall be made for their release or the reasons for their arrest. Mr. Lowell openly, persistently, and stubbornly ignored or disobeyed this law. He made distinctions between naturalized and native citizens and brazenly brought them to the notice of his own and the English Government. Our poor citizens, disgusted with their treatment, ceased to make application for protection from the American Government, and we shall never know how many of our citizens pined in prison in chains which our paid minister had assisted in binding on them. I have the names of twenty at least, including Henry George and M. P. Boyton, who without having committed any crime or being even accused of such, and without any trial,

LINGERED IN ENGLISH PRISONS

for terms of fourteen or fifteen months, and then with shattered fortunes and ruined health were flung out to die by the British authorities without an honest word of protest or defense from our well-paid minister. Had we been without any minister to England not half as many of our citizens would have been imprisoned and none would have remained in prison so long.

Immediately after the organization of the Forty-seventh Congress, of

which I happened luckily to be a member, I tried to get the floor to offer the following resolutions:

Whereas it is known and admitted that certain citizens of the United States are unjustly deprived of their liberty by the Government of Great Britain; and

Whereas the President has demanded of that foreign government the reason of such imprisonment and their immediate release; and

Whereas such release has been unreasonably delayed: Therefore,

Resolved, That the President is hereby urgently and earnestly requested forthwith to use such means and take such proceedings as are designated in the law of July 27, 1868, in such case made and provided.

Resolved, That in the opinion of the House James Russell Lowell, our minister to England, having mistaken or neglected his duty as our representative in the case of these unjustly imprisoned American citizens, should be recalled.

Many of the gentlemen around me will remember how the anglomaniacs howled against me then as they are now howling, and how I was constantly ruled out of order. As I look around me now I see that many of the noisiest of my vilifiers were at the last election left at home.

After long delay I finally got the floor on the 26th of January, 1882, and delivered a speech, recounting the

OUTRAGES ON OUR CITIZENS

and denouncing the conduct of Mr. Lowell. That speech was published in a pamphlet of thirty-two pages and was circulated by the thousand. The country was aroused and demanded the release of our prisoners and the recall of Mr. Lowell.

The English dudes, whom God for some wise purpose has permitted so largely to control the press of this country, then, as now, misrepresented, belied, and tried to ignore me. The seed I had sown, however, took quick root and sprang up into vigorous growth, and I was amply sustained in my demand for protection to our citizens and for the recall of Mr. Lowell.

THE BROOKLYN TIMES.

While the English organs were denouncing my demand for protection to American citizens, the Brooklyn Daily Times of January 27, 1882, the Republican paper of my city, said:

Congressman ROBINSON doubtless represents the sentiments of a majority of his constituents in the second district in his zealous efforts to secure the intervention of his Government in behalf of American citizens confined in Irish prisons.

That is true. Every true-born American and every true Irishman and every true Englishman naturalized and having foresworn allegiance to the queen, living in my district, approved of my course. Brooklyn is a glorious city, and is composed of patriotic people from all countries and from all States in the Union. At the taking of the last census in 1880 its population stood as follows:

Statement showing the number of inhabitants in each ward of Brooklyn, N. Y., at the United States Census of 1880, *who were born in the United States, in Ireland, and in all other foreign countries.*

	Total population.	Born in—		
		The United States.	Ireland.	All other foreign countries.
First ward	18,729	12,781	3,472	2,476
Second ward	9,254	5,158	2,526	1,570
Third ward	18,271	12,377	2,218	3,676
Fourth ward	12,819	8,905	1,747	2,167
Fifth ward	18,517	11,968	4,570	1,979
Sixth ward	35,437	21,325	8,644	5,468
Seventh ward	31,663	23,584	4,573	3,506
Eighth ward	17,388	11,317	2,912	3,159
Ninth ward	15,044	9,965	3,461	1,618
Tenth ward	27,140	17,697	5,712	3,731
Eleventh ward	21,680	15,529	3,503	2,648
Twelfth ward	22,201	13,229	5,924	3,048
Thirteenth ward	21,029	15,821	1,618	3,590
Fourteenth ward	25,559	16,377	5,128	4,054
Fifteenth ward	23,654	17,570	1,645	4,439
Sixteenth ward	42,712	26,690	824	15,798
Seventeenth ward	30,088	21,052	4,230	4,806
Eighteenth ward	23,926	16,266	1,691	5,969
Nineteenth ward	27,661	19,681	2,098	5,882
Twentieth ward	24,188	18,337	2,943	2,908
Twenty-first ward	31,956	22,382	2,913	6,661
Twenty-second ward	25,473	18,703	2,717	4,053
Twenty-third ward	14,396	11,728	1,085	1,583
Twenty-fourth ward	8,823	6,497	1,386	940
Twenty-fifth ward	19,055	14,630	1,274	3,151
The city total	566,063	388,969	78,814	98,880

In a speech which I delivered in this House March 2, 1869, I referred to the people of Brooklyn as follows:

My district, for intelligence, wealth, industry, education, schools, and churches, for merchants, ministers, the medical and legal professions, is perhaps the best district in the United States—equal, at all events, to any in all characteristics mentioned. The population of that district is perhaps less than one-fifth of New England birth or origin, less than one-fifth of English and their descendants. The remaining three-fifths or more are German and Irish by birth and descent. By the last State census of 1865, which is generally believed to be lower than the facts would warrant, in Kings County, of which my district embraces about one-half, there were 197,243 persons natives of the United States, and 112,869 persons natives of foreign countries, with about 1,000 born at sea or at places unknown; in all 311,090. Of these 59,444 were born in Ireland, 28,310 in Germany, 15,555 in England, 2,797 in Scotland, 1,461 in Canada, 1,195 in France, 241 in Holland. Of the voters in Kings County there were 29,950 native born and 28,274 naturalized—in all 58,224 voters—while there were 53,435 aliens unjustly kept so by the law requiring five years' probation.

Let me say also that 1,482 Irish, 1,000 Germans, 364 English, 312 Scotch, 782 aliens, and 1,216 of unknown birth, mostly perhaps aliens and generally Irish, enlisted in the armies of the Union. Consequently in 1865 there were 12,367 widows to 3,135 widowers in my county, showing that many had fallen in battle in defense of the flag of the Union. Whom do I represent as member of Congress chosen by this mixed population? I am proud of the New England minority in my district, but I am not ashamed of the Irish majority. Those thousands of widows whose husbands fell on many a Union battlefield deserve to be remembered by Brooklyn's representative on this floor. Surely the 59,444 natives of Ireland in my city who pay taxes, work and fight for the country, ought not to be ignored, or obscured, or eclipsed by the much smaller number of New England's sons. All the other States in the Union do not furnish to Brooklyn half as many of her population as she receives from Ireland alone. If I have, therefore, attended reasonably well to the general interests of my constituents I should not be blamed for saying a word for Ireland, from which more than one-half of my constituency springs and which is loved to-day as no nation except the United States ever was loved by all her sons except a very despicable and recreant few.

But not only did I, in my defense of American prisoners confined without cause in British dungeons and in my demand for the recall of Mr. Lowell, represent the sentiments of the people of my district, but I met with the support and approval of all true Americans throughout the United States. I have before me hundreds of extracts from the proceedings of legislative and public bodies and from numerous leading newspapers, all indorsing my views and sustaining me in my present opposition to retaining Mr. Lowell at London. Even those who at first misrepresented and abused me were compelled to fall in with the sentiments which I so faithfully tried to stimulate.

NEW JERSEY AND NEW YORK.

On the 20th of February, 1882, the house of representatives of the State of New Jersey unanimously adopted resolutions indorsing my conduct in respect to Mr. Lowell and our prisoners, and the Legislative Assembly of the State of New York on the 6th day of March, 1882, unanimously adopted a similar resolution, both bodies mentioning my name.

The New York Tribune, however, led the gang of my traducers.

NEW YORK COMMERCIAL.

The New York Commercial, of January 27, 1882, edited by the late Hugh Hastings, says:

The Tribune sneers at Hon. WILLIAM E. ROBINSON as a representative of the Irish. The editor of the Tribune forgets that "Richelieu" ROBINSON was a graduate of Yale forty years ago and was a member of the Tribune staff when the present editor (Whitelaw Reid) was warbling "Clams! fine clams!" for sale in a one-horse, dilapidated wagon through the streets of Xenia, which accounts for his passion for music.

NEW YORK TRUTH.

The New York Truth of February 16, 1882, in a leading editorial headed "Are we cowards?" speaks as follows:

When a member of Congress has the temerity to ask our Government to demand of Great Britain her reasons for imprisoning American citizens without charging them with crime, and denying them the right of trial and defense, other Congressmen call him a demagogue, and an English paper [The New York Times] published here by a quondam dealer in foul literature, laughs at him.

The question raised by Mr. ROBINSON in Congress is not one of the right of England to define crime and punish it. England may make it criminal to wear a sprig of green in the button-hole if she chooses, and any American citizen so offending would be entitled to no greater consideration than a British subject if the crime were charged and proved against him by due process of law. But if an American citizen sojourning on British territory is arrested without cause and denied the right to a trial, he is entitled to the interference of this Government if American citizenship is worth anything.

Shall we permit our legation to remain in London, and our consuls to continue our relations with England, while our citizens are arrested without charges preferred, and imprisoned without indictment or trial?

We trust that Mr. ROBINSON and Mr. COX will not allow themselves to be driven from their position by the billingsgate of a notorious corruptionist on the floor of the House, nor the inane "humor" of Gladstone's New York organ.

BROOKLYN LAND LEAGUE.

At a meeting of the executive committee of the King's County Land League, held February 25, 1882, Judge Rooney in the chair, a series of resolutions were adopted denouncing Mr. Lowell for neglecting to perform his duty to American citizens and approving the conduct of their Representative, W. E. ROBINSON, in upholding the dignity and vindicating the rights of American citizenship.

NEW YORK DAILY NEWS.

The New York Daily News, a paper of immense circulation and influence, declared—

That Mr. Lowell has misrepresented American sentiment, ignored the claims of American citizenship, and failed to recognize, or, recognizing, to fulfill the obligations of the mission to which he was appointed, has been made patent to the popular understanding. No accumulation of evidence could make it more emphatic. The most singular feature of the situation is that Mr. Lowell, knowing, as he must, the sentiments of his countrymen in the premises, has as yet failed to tender his resignation.

THE NEW YORK SUN.

A very able leading editorial in the New York Sun of March 14, 1882, headed "British outrages on American citizens," opened with these stalwart sentiments:

The time has come for the plainest speech in regard to the outrageous treatment of American citizens by the British Government. There must be an end of mealy-mouthed and tortuous diplomacy. The rights of citizenship must be asserted to their fullest extent and defended to the last extremity. Otherwise the United States will be disgraced in the eyes of the world. The minister was content to see this American citizen and others lodged in cells upon trumped-up charges, most of them known to be on the testimony of professional inform-

ers, without uttering a single manly word in their defense. Mr. Lowell let his fellow-citizens remain in jail.

THE TRUTH AGAIN.

The New York Truth of March 15, 1882, asked:

How much longer is American citizenship to be insulted by the snobbery of an American minister?

THE SUN AGAIN.

The New York Sun of March 17, 1882, says:

In one of the official dispatches just communicated by the State Department to the Committee on Foreign Affairs, Mr. James Russell Lowell exhibits himself in an extraordinary attitude.

He appears as the apologist for a British outrage on the rights of American citizenship.

Two American citizens, McSweeney and Hart, have been arrested and imprisoned by the British Government. They are charged with no crime. They are denied a trial. In time of peace these American citizens are subjected to the hardships of martial law.

Mr. Lowell inquires of Lord Granville on what charge Hart is held. Lord Granville replies that he will not tell, but begs Mr. Lowell to believe that Hart is guilty of something or other.

Thereupon Mr. Lowell telegraphs to Washington that he "does not believe that either of the two is more innocent than the majority of the persons who have been arrested."

Innocent of what?

It is not Mr. Lowell's part to express any opinion as to the innocence or guilt of the imprisoned American citizens. His duty is to find out on what charge they are held, and why they are not brought to trial.

The lot of these American citizens, with the protection of whose rights Mr. Lowell is charged, was hard enough before he became a volunteer accuser against them.

COMMERCIAL AGAIN.

The editor of the New York Commercial, Hugh Hastings, esq., speaks as follows in that paper of March 25, 1882:

Congressman ROBINSON, of New York, paid his respects to Mr. Lowell again yesterday. He was informed that the State Department was now in active correspondence with the British foreign office regarding the imprisoned Americans. In the House of Commons yesterday Sir Charles Dilke, in reply to Mr. Leamy, member for Waterford, said that the government was considering the representations of the Government of the United States regarding the trial or the release of the Americans imprisoned in Ireland under the coercion act. It is evident from this that Secretary Frelinghuysen is actively pushing this business and is making amends for the remissness, indifference, and neglect of Mr. Lowell. But, no matter how energetically the Government prosecutes this work, Lowell's behavior can not be condoned. He has disgraced the office he holds, and should be promptly recalled.

PRESIDENT PRO TEMPORE.

The President *pro tempore* of the Senate of the United States, Hon. David Davis, in a letter dated March 28, 1882, says:

England may suspend habeas corpus in time of profound peace, and, under that suspension, she may assume to violate the letter and the spirit of existing treaties. But when she touches the person and restrains the liberty of an innocent American citizen she does it at her peril, and should be made to feel the consequences of that arbitrary and indefensible act.

The time has come when the fullest rights of American citizenship must be asserted. The present experience and other examples equally trying to public patience render this assertion now an imperative obligation, without which the United States would deservedly lose position before the world.

SUN ONCE MORE.

In the New York Sun of March 28, 1882, a very able leading editorial was published, from which I take these sentences:

When Mr. Brooks, consul of the United States at Cork, besought the aid of Mr. Lowell in behalf of John McEnery, in jail at Limerick, eight months ago, he was told in the spirit of the Secretary of State, and under his instructions, "It is manifestly entirely futile to claim that naturalized citizens of the United States should be excepted from its operation" [that is, the coercion act].

Mr. Lowell not only declined to interpose for McEnery, who wrote from Limerick prison January 16, 1882, "I challenge any person in Ireland to prove any crime against me more than being an American citizen," but he branded him with a degrading inferiority for being "a naturalized citizen." This American minister at London, for the instruction of the British Government, drew a broad line of distinction between native and naturalized citizens, right in the face of the law of 1868.

No demand, in the proper sense of that term, has been made. Mr. Lowell inquired, with great deference, for what cause one of the prisoners was held, and Lord Granville told him to go and read the warrant of arrest, as he had no further information to give. After that rebuke Mr. Lowell did not feel himself equal to repeating the inquiry, even if the prisoners should rot in their cells. He left them to their fate.

The path of duty is plain. It admits of no quibbling or evasion, if there be courage to discharge it. We have had more than enough of trifling. These citizens have been in jail nearly a year. The people demand their release, and they must be released. Woe to the public man or the party that stands in the way of this act of justice!

NEW YORK COMMON COUNCIL.

On the 28th of March, 1882, the common council of the city of New York, on motion of Alderman Martin, adopted the following resolutions with only one dissenting voice:

MINISTER LOWELL ARRAIGNED.

Whereas the pusillanimous conduct of Minister James Russell Lowell, at the Court of Saint James, in treating with Earl Granville regarding the arrest without warrants and imprisonment without trial of American citizens, is so utterly inexcusable and so directly in violation of the national sentiment respecting the rights and immunities belonging to American citizenship that it calls a blush of shame and indignation to the cheeks of every lover of this Republic; and

Whereas the gallant conduct of the representatives of the United States in the harbor of Smyrna, on the ever-memorable occasion of the protection afforded Martin Koszta by the American consul and Commander Ingraham, of the United States sloop-of-war Saint Louis, is yet fresh in the recollections of many of our people, and the outburst of popular approval then bestowed upon the brave Ingraham clearly proved that his prompt and decisive action struck a responsive chord in the hearts of the American people; and

Whereas the action of Lowell in dealing with England and Ingraham in dealing with Austria, in parallel cases, is in such marked and painful contrast that a sensation of indignation and mortification now pervades the people of this country, and the common council but voices the wishes and feelings of the people of this city when it asks in their behalf that the President of the United States shall recall Minister Lowell and appoint in his place a citizen of this Republic who will properly represent the American people at the English court—a sycophant is neither a safe nor creditable representative of a free people to keep at any of the monarchical courts of Europe or elsewhere:

Be it therefore resolved, That Chester A. Arthur, President of the United States, be, and he is hereby, in the most earnest yet respectful manner, requested to recall Minister Lowell from the British court and replace him by an American citizen who will see to it that the English Government will not dare to outrage American nationality.

NEW YORK HERALD SPEAKS.

My speech was delivered in this House on the 26th of January, 1882, and the pamphlet edition had a large circulation. The papers which abused it in their telegraphic reports soon began to show symptoms of reason and common sense. The New York Herald of April 1, 1882, contained a long leading editorial headed "Imprisoned Americans in Ireland." It was the first time in that paper that the subject which I had introduced to Congress had a fair statement in its columns. I copy a few sentences:

Either Minister Lowell has neglected his duty or the British Government is, for political purposes of its own, trifling with the United States on a subject on which it ought to understand that trifling is a denial of justice which one country can not be expected to tolerate from another.

So long ago as the 4th of March Secretary Frelinghuysen directed Mr. Lowell by cable to ask that American citizens imprisoned under the coercion act in Ireland be brought to a speedy trial or else released. Mr. Lowell reported that he had obeyed the instructions, and this is the last that has been heard of the matter since the 14th of March, when these facts were communicated to Congress by the State Department. The American public has waited with more or less patience to learn that the very reasonable demand of the United States has been complied with, but not a word has been heard and we are now in April.

We hope therefore that the House of Representatives, when it meets to-day, will ask the State Department what is the actual condition of the matter, so that we may know whether American citizens continue to lie in English prisons, in spite of the demand and protest of our Government, because the American minister in London has neglected a duty toward them or becuse the British Government has refused the act of justice and common civility which was asked from it. If the fault lies with Mr. Lowell he ought to be recalled and some one sent in his place who is intensely enough American in feeling and sufficiently a lover of justice to do his full duty toward helpless fellow-citizens unjustly detained in foreign prisons. If, on the other hand, the British ministry, for partisan or other reasons, has refused or neglected our just demand, the sooner we know that and sensible Englishmen also know it the better.

We on this side of the water were certainly surprised when a liberal government, so called, adopted the coercion act, which extraordinary measure suspended the writ of habeas corpus in Ireland and authorized the arrest and imprisonment without trial of whomsoever the government chose to suspect of wrongdoing. But it is the business of the United States to see to it that its own citizens are not subjected to wrong or outrage in foreign lands. In no case has a government the right to hold foreigners in prison and deny speedy trial to them, no matter what it may choose to do to its own subjects. They must have a speedy trial; they must not be made to lie in prison for months without trial. That is intolerable and can not and will not be endured.

Our Government has requested a simple act of justice from the British Government. Its request ought to have been granted at once. Indeed, we ought never to have been obliged to make it. But this request has been allowed to lie unanswered since the 4th of March last, so far as the public knows, and that is, we take leave to say, a very gross incivility toward the United States, making every allowance for the possibility that the American minister in London may have been too efficiently taught by Mr. Blaine to put too low an estimate upon the rights of American citizens in Ireland. But we hope that the British Government will not suffer itself to be misled by that possibility. The United States will not longer tolerate the imprisonment in Ireland of American citizens without trial. We have borne patiently and civilly quite as long as is proper with what is a gross outrage, and we have requested reparation and justice in moderate tones until Americans begin to see that a louder and more peremptory voice may be necessary. That will be heard very soon if simple justice is not at once granted to the imprisoned Americans.

TRUTH ONCE MORE.

The New York Truth of April 2, 1882, says:

Nothing could be better evidence of the fact that the press does not lead public opinion, but is led by it, than the conduct of the newspapers regarding the arbitrary imprisonment of American citizens in Ireland. Congressman ROBINSON, of Brooklyn, only a few weeks ago, in the House, made a splendid speech in behalf of these men, breathing throughout the spirit of American liberty, and was sneered at for his pains. The only daily newspapers in New York to sustain him were Truth and the Commercial. But after a little while the Sun fell in line, then came the World, then the Times grew moderate in its opposition, and yesterday the Herald turned a somersault.

OPINION OF ATTORNEY-GENERAL.

The reiterated claim of England that she could under the suspension act detain American citizens without charge of crime or color of trial was frequently indorsed or admitted by our minister and not boldly denied by the Executive or State Department. In order to have this simple question settled, I introduced a resolution into this House in the following words:

Resolved, That the Attorney-General of the United States is hereby directed to communicate to this House his opinion in writing on the following question:

If JOSEPH WARREN KEIFER, Speaker of this House, or Alonzo B. Cornell, governor of the State of New York, or Charles Carroll, a laborer in the department of public works in the city of New York, being a citizen of the United States, visit any part of the British Empire, and should there be arrested without having committed any crime, and without any definite charge of crime being alleged against him, could the English Government, by suspending the habeas corpus, or otherwise, lawfully detain him indefinitely on suspicion without trial or without any right in our Government to demand his release? Also his opinion on the application of the law of July 27, 1868, to such cases, and the President's duty under it.

That was referred to the Committee on Foreign Affairs, and on the 14th of February, 1882, was reported back by Mr. Orth with a recommendation of the committee to lay it on the table. This I considered the most important resolution and the best step we could make in the controversy. I demanded a division, and on the count could only get 45 votes against tabling it. The yeas and nays were ordered, and 102

votes were recorded against it. Had the Democrats all voted with us the act of tabling would have been defeated. But so many of them voted with the Republicans, refusing to ask even for the legal opinion of our own Attorney-General, that the verdict of the House seemed to be that they did not care even to ask for information, and so our citizens lingered out the weary time in prison.

THE YEAS AND NAYS.

The yeas and nays were as follows: yeas 117, nays 102, not voting 73.

YEAS—117.

Aiken,	Farwell, Sewell S.	Miles,	Smith, A. Herr
Aldrich,	Fisher,	Moore,	Smith, Dietrich C.
Anderson,	Fulkerson,	Morey,	Spaulding,
Armfield,	Garrison,	Norcross,	Speer,
Atkins,	Grout,	O'Neill,	Stone,
Bayne,	Guenther,	Orth,	Strait,
Beltzhoover,	Hall,	Pacheco,	Thompson, Wm. G.
Bowman,	Hammond, John	Payson,	Tucker,
Briggs,	Hawk,	Peelle,	Tyler,
Browne,	Hazelton,	Pierce,	Updegraff, J. T.
Burrows, Julius C.	Heilman,	Phister,	Updegraff, Thomas
Butterworth,	Hepburn,	Pound,	Urner,
Candler,	Hiscock,	Prescott,	Valentine,
Cannon,	Hoblitzell,	Ranney,	Van Aernam,
Carlisle,	Horr,	Ray,	Wadsworth,
Carpenter,	Houk,	Reagan,	Wait,
Cassidy,	Hubbs,	Reed,	Walker,
Caswell,	Humphrey,	Rich,	Ward,
Chalmers,	Jacobs,	Richardson, D. P.	Washburn,
Cook,	Jadwin,	Robertson,	Watson,
Cox, Wm. R.	Jones, James K.	Robeson,	Webber,
Crapo,	Joyce,	Robinson, Geo. D.	West,
Crowley,	Kasson,	Robinson, James S.	White,
Dawes,	Kelley,	Ryan,	Williams, Chas. G.
Deering,	Kenna,	Scoville,	Willits,
De Motte,	Lewis,	Shackelford,	Wilson,
Dowd,	Lindsey,	Shallenberger,	Wood, Walter A.
Dunnell,	Manning,	Sherwin,	
Errett,	Marsh,	Shultz,	
Evins,	Mason,	Skinner,	

NAYS—102.

Beach,	Davis, L. H.	Ladd,	Scales,
Berry,	Dibrell,	Latham,	Scranton,
Black,	Dugro,	Leedom,	Shelley,
Blackburn,	Ellis,	Lord,	Simonton,
Blanchard,	Finley,	Martin,	Singleton, Jas. W.
Bland,	Flower,	Matson,	Sparks,
Bliss,	Ford,	McKinley,	Springer,
Blount,	Forney,	McLane,	Stephens,
Bragg,	Geddes,	McMillin,	Stockslager,
Brewer,	George,	Miller,	Thompson, P. B.
Brumm,	Gunter,	Mills,	Tillman,
Buchanan,	Hardenbergh,	Morrison,	Townsend, Amos
Burrows, Jos. H.	Hardy,	Mosgrove,	Turner, Henry G.
Caldwell,	Harmer,	Moulton,	Turner, Oscar
Chapman,	Harris, Henry S.	Muldrow,	Upson,
Clardy,	Haseltine,	Murch,	Vance,
Clark,	Hatch,	Mutchler,	Warner,
Clements,	Herbert,	Oates,	Wellborn,
Cobb,	Hewitt, A. S.	Phelps,	Wheeler,
Colerick,	Hewitt, G. W.	Randall,	Whitthorne,
Cox, S. S.	Holman,	Rice, John B.	Williams, Thomas
Covington,	Hooker,	Rice, Theron M.	Wise, George D.
Cravens,	House,	Richardson, Jno.	Wise, Morgan R.
Culberson,	Hutchins,	Ritchie,	Young.
Darrell,	Jones, George W.	Robinson, Wm. E.	
Davis, G. R.	King,	Rosecrans,	

NOT VOTING—73.

Allen,	Davidson,	Hubbell,	Pettibone,
Atherton,	Deuster,	Jones, Phineas	Rice, William W.
Barbour,	Dezendorf,	Jorgensen,	Ross,
Barr,	Dibble,	Ketcham,	Russell,
Belford,	Dingley,	Klotz,	Singleton, Otho R.
Belmont,	Dunn,	Knott,	Smith, J. Hyatt
Bingham,	Dwight,	Lacey,	Spooner,
Buck,	Ermentrout,	Le Fevre,	Steele,
Buckner,	Farwell, Chas. B.	McClure,	Talbott,
Cabell,	Frost,	McCoid,	Taylor,
Calkins,	Gibson,	McCook,	Thomas,
Camp,	Godshalk,	McKenzie,	Townshend, R. W.
Campbell,	Hammond, N. J.	Money,	Van Horn,
Chace,	Harris, Benj. W.	Morse,	Van Voorhis,
Converse,	Haskell,	Neal,	Willis,
Cornell,	Henderson,	Nolan,	Wood, Benjamin.
Cullen,	Herndon,	Page,	
Curtin,	Hill,	Parker,	
Cutts,	Hoge,	Paul,	

So the report of the Committee on Foreign Affairs was agreed to.

The Democrats voting with the Republicans were 25; the Republicans voting with the Democrats 18. Had the 25 Democrats voted with the great majority of their party the vote would have been—yeas 92, nays 127. Why these Democrats voted against their party I never could understand. The British minister here and the English Government interpreted it to mean that Congress did not really care whether Irish-American citizens were insulted or not. And the British minister thought it of importance enough to communicate my resolution and the vote "tabling" the same, which he informs his lordship was the same as killing it, in a special dispatch the very day the English victory was achieved in this House.

In the mean time our citizens still continued in prison, and Mr. Lowell when he did anything did it so reluctantly that it had better not been done at all. Remonstrances against his conduct and in favor of mine poured into Congress, most of them mentioning my name, and many of them ordered printed in the RECORD. On the 5th of April the President sent the facts to the House. On the 8th of April Mr. West, the British minister, inclosed to Lord Granville copies of the New York Tribune of April 5 and April 6, in which the British idea was defended that England could imprison American citizens without cause under the suspension act, and referring to the act of July 27, 1868, as an "irrational act." It has always been the hobby of the British minister to represent the acts of Congress as done to curry favor with the Irish vote and did not mean what their acts seemed to mean.

On the 25th of April, 1882, I delivered another speech, which was also published in a thirty-two-page pamphlet and largely circulated, in which I called for speedy relief to our citizens in prison and a speedy recall of our minister. Toward its close I gave the following description of two kinds of American citizens:

WHAT IS AN AMERICAN CITIZEN?

It is time, sir, that we should come to an understanding with the rest of the world as to what an American citizen is. England tells us, and our minister echoes their ideas, that they will molest no American unless he is suspected (of Americanism!). The brainless throng of folly and fashion that go abroad from this country to spend the money which their fathers got by industry and energy, or from fraudulent contracts, and who feel themselves in the third heaven of happiness if they can bask in the splendor of effete monarchy or touch the hem of the garment of some disreputable lord, try to pass themselves off as the true type of Americanism. How heartily these proud nobles despise these toadies every person of sense knows, but they will never be molested, for these lords and dukes know that there is not enough of American manhood in a shipload of them to manifest itself. They will try to forget American republicanism by fawning and kneeling around the tyrants and oppressors. But they no more represent or typify American manhood than the capon of Bucks County in Pennsylvania represents the game blue hen's chicken of Delaware. There is not a drop of genuine American blood in their degenerate veins.

But a genuine American, who believes in Bunker Hill and the Declaration of Independence, who goes back to visit the paternal home of his ancestors in Ireland, who loves liberty and hates oppression, who sees English insolence and despotism in Ireland and is not afraid to express himself in respectful and legal Yankee language against the tyrant and for the oppressed—he will always be suspected and in danger of imprisonment. An honest, hearty, manly American is as terrible to throned or titled tyrants as dynamite. A true American traveling in Europe is a peripatetic protest against monarchy and monopoly. He will impregnate the air wherever he goes by the healthy perfume of republicanism, and you can no more divest him of that dangerous contagion than you could rob the rose of its perfume, even if you carried it into the infernal regions, where its fragrance would be exhaled from every shriveling leaf. Imagine, if you can, any genuine Yankee visiting Ireland and seeing the heartless landlord evicting the helpless tenant and his wife and children from the little cabin in which his fathers for centuries lived and died, without muttering in poorly-suppressed anger his abhorrence of the oppressor and his sympathy for the victim; and he of course would be a suspect.

Now, that is the kind of Yankee for whom we seek protection. The other kind do not need it and are not worth it. And this protection we must have. There are thousands of Englishmen in every large American city who refuse to be naturalized, who have their St. George's societies, and praise up monarchy and run down republicanism, and we do not throw them into prison as suspects. If we did England would promptly and potentially demand their release. Now, England must give as well as take. If her subjects can mingle in society here and express their preference for monarchy our citizens must be allowed to travel there and express in respectful language their preferences for republicanism, unless you intend to give in to England's insolent intentions, as tersely expressed by James Russell Lowell:

It's you're the sinner allers, she's the saint.
Wat's good's all English, all that isn't ain't.

And it must be understood that no American citizen shall ever be forced to accept the degrading terms of leaving the country never to return. If any American citizen violates any law let him have a fair and speedy trial. If guilty and convicted let him be punished according to law; but we say to England now, and she must listen and hear, that we will not allow her to arrest any American citizen on suspicion, and then, when she can not prove any crime against him, annex degrading conditions to his release, unless she consents that we can do the same with her subjects.

LOWELL'S IMPEACHMENT.

The publication of this speech again drew public attention to the conduct of our minister, and the demand for his recall was renewed. Had a resolution been in order before the House to pass a vote of censure on Mr. Lowell it would have been almost unanimously adopted; but the only way to get such a resolution in, under the rules, was to move his impeachment. I drew up an impeachment resolution, and consulted some prominent statesmen upon the subject, but I was advised that in a very few days Mr. Lowell would be recalled, and so my resolution yet lies in my desk. The public clamor for his recall, however, continued.

THE HERALD ONCE MORE.

The New York Herald, of May 22, 1882, in its leading editorial, says:

We declared our opinion a few days ago that it is expedient for President Arthur to put another minister at London in the place of Mr. Lowell. When, however justly or unjustly, the American minister at London does not possess the confidence of several millions of his countrymen, it is time for him to withdraw and for another minister to be put into his place. We do not censure the acute sensibility of these millions of Americans to what is occurring in Ireland and affecting their intercourse and business with friends and kindred across the sea. They are the radicals and destructives who would obstinately maintain at London a diplomatic representative who has already awakened a domestic distrust that may ripen into domestic disorder in possible contingencies.

The next day, May 23, 1882, in another leading editorial, it says of Mr. Lowell:

He does not represent this country adequately and just as it should be represented in England at this critical time. His mind does not seem to seize the relation of the American people to this crisis in Irish affairs, and he thus misses a proper comprehension of what is and must be the central and important point of interest in all negotiations likely to be carried on through him. Mr. Lowell has served his time. He should give way to another now.

The Washington correspondent of the New York Herald, under date

of May 25, 1882, gives the opinions of members of Congress on Mr. Lowell's recall. The writer says that the general sentiment in both Houses of Congress is in favor of his recall. Senator FARLEY, of California, declared that his neglect of American prisoners demanded his recall, and his successor should represent the stalwart sense of the people that the rights of an American citizen are paramount. Senator CONGER of Michigan, Senator COKE of Texas, Senator LOGAN of Illinois, Senator CAMERON of Wisconsin, Speaker CARLISLE, and Representative WILLIS of Kentucky, with many others mentioned, favored his recall and the appointment of a successor more imbued with stalwart Americanism and less under English influences, thus fully sustaining the demand which I first made for his recall.

THE NEW YORK WORLD.

A very able letter from Washington in the New York World, under date of May 25, 1882, advocates Mr. Lowell's recall, against whom it makes this charge:

He has transgressed its (the United States) laws and its treaties, disobeyed its instructions, and sacrificed its dignity.

In support of this charge the writer refers to Mr. Lowell's disgraceful conspiracy with British hirelings to terrorize American citizens to accept their release from British prisons on condition of departing from the country never to return, in despite of our treaties with England securing to our citizens the right to remain and reside securely in that country. A leading editorial of May 26 indorses the correspondent's views.

ENGLISH ORGANS.

Even the organs of English opinion in England and Canada gave up the idea that Lowell could maintain his position. In the New York Herald of June 2, 1882, an article was copied from the Toronto Telegram, in which it said:

It is apparent that the agitation that has been going on in the United States for some months past for the removal of Mr. Lowell from the high post of United States representative at the Court of St. James is about to be successful.

THE EVENING POST.

The editor of the Evening Post, of May 26, discusses the question of Mr. Lowell's successor, but fears that—

There are few men East or West who can resist the blandishments of a great, wicked city like London—

And expresses a doubt whether my colleague from New York [Mr. COX] could resist British blarney:

He is intelligent and perhaps susceptible to flattery, and is literary; and when the British critics got around him and puffed his books he would forget his hatred for the Crown and the aristocracy.

All this time the press continued their bitter attacks upon me, even when falling into the support of my original ideas.

CHANGE IN WASHINGTON SENTIMENT.

Any one who was acquainted with Washington, as I was, forty years ago, and comes to visit it now will be forcibly struck with the change. Then Ireland was the theme of universal praise and England was held in contempt, if not in abhorrence. Persons driving out with liveried servants were despised, and the boys hooted at them in the street. Now Ireland is in the shade and England is worshiped and her worst faults imitated. Not only the President and his Cabinet, but Senators and members of Congress, officers of the Army and Navy, and clerks in the various Departments have their liveried servants and put on the airs of dukes and princes, and the Democrats seem to have the loudest liveries. The nameless throng of upstarts who have been enabled by fraud or doubtful means to raise money enough to buy a carriage have their livery and degrade American labor by dressing up their employés as monkeys in a show. What remedy have we for this except to have the proof of the fact and never allow any one guilty of this outrage on American manhood to be elected to any office in the gift of an insulted people? There ought to be a law passed prohibiting such degrading practices. It is fixing the mark of slavery on the working people.

When after many years' absence I returned to Washington and first struck this British influence between the eyes the flood of vituperation from the New York Tribune, New York Times, and other echoes of English snobbery was perfectly appalling. My friends stood aghast at the terrific roar of the contest, and the late able editor of the Brooklyn Eagle could go no further than write an excusatory editorial in its issue of January 28, 1882, headed "Fair play for Congressman ROBINSON." He quoted the resolution I had introduced into this House, which caused all the clatter, and cautiously said:

It seems to us that this resolution does not justly challenge the opposition of any citizen who sets any value upon his citizenship.

If the press now would only have the common decency to quote what I say and fairly report what I do, they could not justify the opposition which they are keeping up against me. Every true American who knows what I am doing heartily approves my conduct.

My efforts finally seemed to me to be crowned with success, and in the exuberance of my joy I thundered in the ear of this House that—

When I came here I found the American eagle drugged and drowsy, his blood poisoned with political pyæmia, his beak filled with Lowell garbage, and his pinions wet with the mildew of monarchy. I roused him from his ignoble torpor, I brushed the mildew from his plumage, I gave his majestic voice to the music of Liberty, and his imperial wing to fan the tempest and soar to the sun.

Alas, sir, my prophetic soul was doomed to sorrowful disappointment! The bird has had a relapse. The Lowell garbage still impedes his scream, and the mildew of monarchy hangs heavy on his wings.

The New York Sun of August 16, 1882, copies from the Cincinnati News-Journal the following:

FOOLS IN WASHINGTON.

If it were put to a vote to-day two-thirds of the fashionable society of Washington, male and female, would vote for a monarchy, and titles, and stars, and garters.

DITTO IN NEW YORK.

And the Washington Daily Post, of December 27, 1882, in a leaded editorial paragraph says:

The tone of some of the New York dailies and of what is called society in that city would seem to indicate that the measure of Gotham's ambition would be filled if it were quietly suffered to regard itself as an annex of London.

ANGLOMANIA.

In the leading editorial of the New York Sun, of November 25, 1883, I find these paragraphs:

At the time of the evacuation of New York, the centenary of which we celebrate to-morrow, there was not universal rejoicing among the citizens. There were men here whose happiness all went out with the red coats.

They were the anglomaniacs of the day. The Revolution, as is well known, received a far from unanimous support from the colonists. Many of them, including especially some of the richest, remained loyal to the British Crown. They detested the democratic theories of Jefferson, for instance; were anxious to preserve the aristocratic distinctions which depend on a monarchy, and dearly loved a king.

Previous to the evacuation there was terrible and entirely justifiable alarm among the anglomaniacs, or Tories, as they were called in those days. Thousands of them hurriedly fled from the city and country, for it was known that the success of the Revolution was soon to be formally acknowledged by England. Many transports left the harbor loaded with Tories and their household effects, some going to Nova Scotia and others to the Bahamas and to Great Britain. The Tories felt that they must leave or be hanged. They abandoned their estates and went away penniless.

For the patriots hated the Tories even more bitterly than they did the British enemy. They resolved to confiscate their property and drive them from the country in perpetual banishment. One of the leaders of the Revolution declared that "there ought no Tory to be suffered to exist in America. Until the goats are separated from the sheep we must expect to row against the stream."

The Society of the Cincinnati was founded by field officers of the patriot army, and the honors of its members, transmitted to their posterity, were to be forever perpetuated. The distinction was then so great that our forefathers trembled for the consequences of making it hereditary in families.

But what a change has taken place in these hundred years! The boast which now most stirs the envy of Newport is not of descent from the patriots, but from the Tories of the Revolution. A trace of Tory blood is coveted by the aspiring aristocrat. The anglomaniacs of this day are not driven into exile and despoiled of their possessions. They have become the leaders of fashion and the exemplars for our most luxurious society. To be mistaken for Englishmen is their highest and fondest ambition.

DIPLOMATIC FOLLIES.

Our diplomatic establishments abroad are among the chief causes of the growth of this un-American snobbery. Our codfish aristocracy go abroad, and after being presented at some profligate courts are ever afterward unfitted for common-sense existence. They prefer the "spotted peaches" of the European baskets to the delicious products of Delaware and the Jerseys "without freckle or speck." The silly airs put on at our embassies I have already noticed, and, from recent report, the Lowell family seem willing to contribute their share.

I read an extract which has gone the round of the papers; I cut it, I believe, from the New York Telegram:

The cynosure of all eyes at a recent fancy ball at the Countess of Stanhope's, in London, was the niece of Mr. Lowell. The most wonderful things about Miss—

I will not mention her name, although it is here by her own consent, I suppose—

were, it seems, the shoes she wore upon her tiny feet, adorned with insteps "too aristocratically arched" for a fair republican. These shoes were made of yellow Spanish velvet, with high French heels, and laced up the side. The eyelets for the cords to pass through were rimmed with solid gold, and to the side of each was set a precious stone, first a ruby, then a sapphire, then an emerald—

Mr. LYMAN. The emerald was a compliment to Ireland.

Mr. ROBINSON, of New York. I paused just long enough on the word to attract the attention of the cultured gentleman from Massachusetts without referring to Ireland, but he has supplied the deficiency—

then an opal, and over again in the same order. The top of the shoe was finished in the same fashion, and in front were sixteen tiny gold chains, caught by a cluster diamond pin.

Now, sir, there is the description of his niece; and that was after some schooling by the uncle. And I challenge this House if you can show me one thing he or any of his family has ever done for the honor of American citizenship during the whole time he has been misrepresenting us, except the tiny shoes on the too aristocratically arched American insteps. If you can point me to anything else he has done I shall withdraw my opposition to the appropriation for his salary.

But that is not the worst of it. These people when they go over there seem to be crazy to be introduced to court. And when the family of one of our ministers is so distinguished, the first thing that they think of is to get into the same society. I will read an extract from a letter which I have seen floating around in the papers. I do not say that it is genuine; I rather think it is a forgery. But it is so like what might have been written that I will read it. It is from a young lady who went over to England recently and was introduced to the court by Minister Lowell. That is the most that he seems to be doing there—to look

after the length of the dresses and trains worn by those who are presented to the Queen. And she is no great things herself, anyway; but I have not time to say anything about her, for you have limited me. It has been reported that a young fashionable lady in New York has preserved some of the water in which the Prince of Wales washed his face when he was here. [Laughter.] What a promise there is for such a girl to become worthy of American motherhood!

AN UNHAPPY AMERICAN GIRL.

But here is the lady to whom I have referred, who writes home to her friend Matilda in these words:

I've a great bit of news to tell you, Matilda.
The Prince of Wales was introduced to me at Ramsgate.
They say he is a Guelph. What is a Guelph? Something horrid, I suppose.
He said he found American ladies cleverer than English women.
He is slightly bald-headed, but his face is almost covered with hair.
What a pity he's married.
I know I made an impression on him, for he wanted to shake hands with me ever so often, especially when nobody was looking at us.
I trembled a good deal. It is awful flustering to stand behind the curtain of a bay window and have a man who is going to be King of England squeeze your hand.
When Lord Reginald—I forget his other name—came up and interrupted us, I could have screamed with disappointment.
O, Matilda, if I have to return and go among common folks again, I know I shall die!
But there's no escape from it.
The future is a dull, dreary blank.
What is home to me now, Matilda, except to eat caramels?
YOUR WRETCHED LOUISE.

MR. LOWELL EN COSTUME.

I have here a piece that I cut from the Washington Daily Republican of December 19, 1883, a paper published in this city for the benefit of gentlemen on this side of the House, to which I have recently come. [Laughter.]

One of the oldest Democratic Representatives in the House says that while he was abroad last year he called upon Minister Lowell at his residence in London. Said he: "I found him at home, but before I had been in his company thirty seconds I felt that my visit was most inopportune. Mr. Lowell was arrayed in queer apparel—

Mind you, that, too, with a law of Congress which directs our American representatives to dress as American citizens—

Mr. Lowell was arrayed in queer apparel, a cross between the attire worn by Oscar Wilde and the regulation court costume prescribed for the natives who attend upon the queen's "drawing-room" receptions. I undertook to tell Mr. Lowell that I was a Democratic Representative in the American Congress, but he was too agitated to pay much attention to me. While I was firing off patriotic periods he was doing his utmost to hide his knee-breeches and black silk stockings under the table. I soared up and spoke of our progress and national importance—

I suppose this Democrat brought out my American eagle and gave it an airing—

He made a strong effort to maintain the conversation and keep his somewhat attenuated shins in the background, but it was no go. I tried to keep my eyes off them, but when he dropped his aspirates with a sort of baked-beans accent and said "ither" and "nither" I had to wilt, and our interview closed coldly and formally. He is the best nickel-plated Englishman I ever met.

MR. LOWELL NEGLECTING THE FOURTH OF JULY.

Now, in regard to the Fourth of July in London. Have I not reason to move that the salary of our minister at London be stricken from this bill? Here is what I have cut from a paper in regard to that:

For twenty-five years Americans in London have had a dinner on the 4th of July. The United States minister has invariably presided. This year Minister Lowell declined on the ground that he was to preside at the farewell dinner to Henry Irving, the English actor.

"English actor," mind you!

His action excited much indignation among the Americans in the city. After he reception at the rooms of the American consul a meeting was called, and he following resolution was passed:

"*Resolved*, That we have learned with regret and deep humiliation that the usual dinner held in London in celebration of the anniversary of American independence has this year been dispensed with, owing to the refusal of the American minister to take part in the same on the ground that he was engaged to attend the dinner given to Mr. Henry Irving."

This Englishman was coming here to grab a lot of our money and carry it back for the gorging of an English appetite.

Resolved, That we deplore and condemn the action of the American minister in the premises, and take occasion to express the hope that we may before long have a representative of the United States in London who will understand that his duty to the American nation is paramount to his duty as a patron of the drama, as a friend of the actor, and as an advertiser for the theatrical manager.

That is signed by Albert Van Waggener, Edward P. Temple, and a number of other respectable American gentlemen then in London.

MY LORD RECTOR.

Mr. Lowell's consent to stand for the lord rectorship of St. Andrew's University was really a resignation of his office as United States minister. The holding of the two offices was utterly inconsistent and unjustifiable. It looked more like suggesting that he had bartered the rights and liberties of our citizens for the trappings of the lord rectorship. The Rochester Post-Express of December 12, 1883, an able Republican journal, thought him very justly censurable, and an able writer in that journal of that date, signing himself "Lex," describes it as a violation of the Constitution of the United States and of the law of nations, as well as of all precedent. It was the acceptance of a title from a foreign state, and his resignation of the office afterward does not excuse him. In the early part of the session I offered a resolution calling for information on this subject; which went to the Committee on Foreign Affairs, and there it sleeps, under the usual narcotic.

WHAT IS ENGLISH SOCIETY?

And what is this English society, anyhow, that we should fall down and worship it? Shall I call your attention to the picture of it drawn a few days since in this House by the gentleman from Pennsylvania [Mr. KELLEY]? Rather let me quote from an English periodical. The Saturday Review gives us the following description of a part of the people of England's proud metropolis:

In wide and comparatively airy streets, such as Oxford street, you occasionally see a very narrow alley. Follow it, and you find it getting darker and narrower, till you reach a "court," where black, broken windows, mended with old hats, look out on the pavement, strewn and piled with sewage and refuse. The staircases which lead from swarming flat to flat in the houses are slimy, rotten, and full of treacherous holes. The plaster has fallen from the walls, and rats are noisy behind the dropping mortar and dirty laths. The vermin, the filth, are things that it would sicken M. Zola to describe. The very roofs are shambles of dead birds and cats. * * * Every room in these rotten tenements contains a family—often two.

In one cellar, a father, mother, three children, and four pigs have herded together in filth which would have disgusted a cave-man. And this family, with their four pigs, must have been comparatively capitalists. Probably they could have afforded to live in a more human way, if they ever had enjoyed the view of what a human way of living is. The enormous families of these people on the verge of pauperism constitute in themselves a difficulty in the matter of lodging them. The children are turned into the street till long after midnight, because the room in which their mother lives is a brothel; and the wretched little creatures themselves are ruined before they know good from evil. These miserable *cagots*, these moral lepers, are then forced into the society of decent people's children at school; and thus one highly profligate court may corrupt a large district, and spread everywhere the knowledge of scarcely imaginable crimes.

Do you tell me that this is a description of the lower orders of English society? Well, what of the higher orders? I turn to the pages of Charles Dickens, who in his Child's History of England gives us the following description of the English court, the highest type of English society, in the time of Charles the Second. He says:

The whole court was a great flaunting crowd of debauched men and shameless women, and Catharine's merry husband insulted and outraged her in every public way until she consented to receive those worthless creatures as her very good friends and to degrade herself by their companionship.

I have just been reading in regard to the lower end of English society. This is the upper end. Mr. Dickens continues:

A Mrs. Palmer, whom the king made Lady Castlemaine and afterward Duchess of Cleveland, was one of the most powerful of the bad women about the court and had great influence with the king nearly all through his reign. Another merry lady named Moll Davies, a dancer at the theater, was afterward her rival. So was Nell Gwynn, first an orange girl and then an actress. The first Duke of St. Albans was this orange girl's child. In like manner the son of a merry waiting lady whom the king created Duchess of Portsmouth became the Duke of Richmond.

Shall I, for the sake of disenchanting the American people of the witchery and glamour in which English society wraps itself, quote from the pages of Mrs. Jamison's Beauties of the Court of Charles the Second? Shall I quote the disgraceful scenes of Lord Hervey's picture of the court of George the Second, or describe the shameless creatures such as Walmoden, that controlled it? Shall I read from Thackeray's lectures on the four Georges, or from any truthful history in which may be found the details of the depravity of the matchless iniquity called the court of England?

It is from these loathsome creatures and this state of society that the present aristocracy of England is sprung. The lords and dukes and princes that our dudes and dudesses so long to worship are the profligate offspring of this profligate court; nor is there any superiority of the present over former days. The soiled doves of this cote are now fluttering in American society, and our brainless snobs seem happy if they are allowed to bask in the sunshine of the cast-off ornaments of this effete iniquity. The profligate from all lands, some wandering around without husbands and others with children who have no fathers, are dictating laws and costumes to what calls itself American society. And in this disgraceful worship of European depravity we seem to have lost all respect for common decency and American womanhood.

This is the filthy debauchery and crime, the ineffable state of degradation of which the higher and the lower circles of English society consist. Yet we are longing to get there so that we may enjoy garters and orders and ribbons and decorations.

I would have been glad, if my friend from Missouri had not so untimely cut me off [laughter], to show up the whole of this aristocratic craze.

IMPUDENT THREATS.

Why, sir, here on this floor within a day or two I have been threatened by a leading member of a principal committee of this House that if I did not allow a decoration of a royal and imperial order to be given to some one I should obtain nothing that may be asked in behalf of the city of Brooklyn, which I in part represent here; that he would oppose everything for the benefit of my city if I did not consent to violate the oath which I have solemnly taken to support the Constitution, which says that no order of nobility shall be conferred within the United States even with the consent of Congress.

OLD TIMES.

It bodes no good to our Republic to see this spread of anglomania. I recall the fact that when George Washington compelled the English

to evacuate Boston on St. Patrick's Day in 1776, and their friends, including the ancestors of James Russell Lowell, to follow them, he expressed the regret that these American toadies of England had not the decency to commit suicide. I recall the fact that hatred of England was the test of Americanism. I recall the fact that in the powerful body of the Presbyterian Church during the Revolution no man could be allowed to have a license to preach in that ministry who was even suspected of having a kindly feeling to England. I recall the fact that down through all the line of illustrious statesmen, from Jefferson to Clay, love of Ireland and hatred of England was the test of pure Americanism. I remember that in the better days of the Republic no officer would degrade himself by accepting any present or gift from any despot.

DECORATED EXPECTANTS.

But, oh, what a change! There are now pending before this House applications from a dozen or a score of American officers, including the living and the dead, for leave to accept titles of nobility from foreign despots. How sudden and widespread is this rot in American manhood! A rear-admiral of our Navy, without consent of Congress, has virtually accepted a gold medal, now at the State Department, from the King of Sweden for his conduct at the bombardment of Alexandria, and has no notion that we shall exercise our judgment upon its acceptance except to ratify it. The same officer has also accepted the thanks of the British Government for his conduct in "affording such kindly assistance to the British sailors and marines" on that disgraceful occasion.

Think of it, oh, American statesmen! of an American admiral being an assistant English marine. I wish we could tell it only to the marines. Another admiral has before Congress an application for leave to accept a sword and a Persian carpet from the Sultan of Zanzibar, presentation to be made after the custom of Oriental princes. Think of it! a carpet and a sword for our carpet knight. Another American admiral is before us for leave to receive a gold box with the emperor's portrait set in diamonds, from a despot whose subjects in Siberia and elsewhere are trying to reach the public with their side of the story written in blood. And this is practically accepted and only waiting transportation to the United States, with no thought that Congress will dare to disobey orders from the quarter-deck.

Another, a captain in the United States Navy, has now at the State Department a decoration of Knight Commander of the Royal Order of Kamehameha, asking leave from Congress to accept a title of nobility which even Congress has not the power to grant. And such a decoration! Not worth in the world's market a string of Wethersfield onions! Another American captain asking us for leave to accept the decoration of Knight Commander of the Royal Order of Kalakaua from the King of the Hawaiian Islands, and another from an American lieutenant for leave to accept a decoration of Knight Companion of the Royal Order of the Crown, from the same monarch. I believe Claus Spreckles is practically king of these islands; would not a barrel of his sugar or a keg of his molasses be of more value and sweeter to these American officers than all the decorations at the disposal of the nominal king?

An American commander, a lieutenant-commander, and a lieutenant are before us for leave to accept a decoration of the Order of El Busto from the Government of Venezuela, which has so grossly insulted the United States in the unavenged imprisonment and torture of John C. Wheelock, of my own district in Brooklyn. An American admiral, a captain, two lieutenants, and an ensign are asking us for leave to accept decorations of the Order of El Busto from the same Venezuela. Another American lieutenant is asking us for leave to accept the decoration of the Royal and Imperial Order of Francis Joseph, tendered by the Emperor of Austria. Indeed, unless we protract our session to a late day we might as well give up the entire session to the consideration of bills and resolutions for thanking tyrants and despots and accepting their royal and imperial orders. Now, all this would be very ridiculous were it not so sad a record of American snobbery.

One of the most

MELANCHOLY EXHIBITIONS

of a monarchical tendency among our citizens and officers, civil and military, is this scramble after presents and decorations from foreign rulers and despots. The framers of our Constitution clearly foresaw and wisely provided against the practice which has now become a crying evil. In the eighth clause of the ninth section of the first article of the Constitution it is provided as follows:

> No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

No title of nobility can be granted or conferred, even with the consent of Congress, and no present of any kind whatever, even a rose-bud or a piece of bread, without the consent of Congress.

Under the old Articles of Confederation the acceptance of these presents was forbidden absolutely, and no power was given to Congress to permit it.

CONGRESSIONAL CONDEMNATION.

Among the earliest cases of this kind brought before Congress after the adoption of the Constitution was that of Thomas Pinckney, of South Carolina. When this distinguished statesman had concluded his celebrated treaty with Spain the king of that country requested him to accept of certain presents, and when leaving the court of England, to which he had also been accredited, similar presents were tendered to him, to both of which offers he replied that without the consent of Congress he could not accept them, but that he would ask that consent in due time. On his return to the United States he was elected a member of Congress, and on the 26th of April, 1798, he laid before the House a request for leave to accept these presents.

If ever such a request could come before Congress with an overwhelming demand for its adoption this was the case. A great Revolutionary statesman, the candidate of a great party for the Presidency against John Adams, had negotiated an important treaty for which the thanks of both these great powers were due to him. He was a distinguished member on this floor, and common courtesy even seemed to forbid any member to oppose his request.

On the motion of Mr. Rutledge, of South Carolina, it was referred to a select committee.

The same day a similar request had been presented to the Senate, and that distinguished body had given its consent to the acceptance, not, however, without opposition from the illustrious Marshall, who, with Senators Brown, Langdon, Mason, and Tazewell, voted in the negative.

On the 2d of May, 1798, it was received in the House from the Senate. On the 3d of May that patriotic old Republican, Nathaniel Macon, of North Carolina, had it referred to the Committee of the Whole, where on the 4th it was considered. Mr. Bayard, of Delaware, was in favor of concurring with the Senate. Mr. McDowell, of North Carolina, opposed it. He wanted to put a stop to this business, as I want to do here to-day. He believed it to be a bad practice, as I believe it to be. W. C. C. Claiborne, of Tennessee, opposed it. He believed the Constitution intended to lock up every door to foreign influence, to the influence of courts and monarchies, which could not but prove baneful to every free country. He was afraid that if leave was granted to receive a present a precedent would be established which he apprehended would at a future day bring the question before Congress whether leave should be given for a citizen of this country to receive a title from a foreign monarch, and thus the folly and vices of European courts would be brought up for discussion before the Congress of the United States. (That very question is now before us in the case of Lieutenant Reynolds.)

Mr. Claiborne had no doubt characters might be found who would desire such a distinction, and others who would advocate the granting of it. (Shade of Claiborne, how I wish I could recall your voice in this debate!) Mr. Claiborne thought if the House voted against this proposition no future application would ever be made. (How much he was mistaken is seen from the fact that notwithstanding the motion was rejected by this patriotic Congress of our fathers, we have now fifteen or twenty applications for leave to accept these disgraceful presents.)

Mr. Macon hoped the custom of receiving presents from foreign governments by our officers would by the vote on this question be stopped forever. Mr. Claiborne again took the floor and said that if any discussion should in the future arise about the acceptance of any title from any foreign monarch it would disgrace the country in the eyes of every enlightened citizen. Mr. Thatcher was in favor of granting permission to receive this present, but if any citizen in the future applied for leave to accept a title (such as is proposed to bestow on Lieutenant Reynolds) he would make himself and his posterity forever ridiculous. Mr. R. Williams hoped that as this was the first application ever made to Congress it would be voted down and put a stop forever to such applications.

Mr. Lyon, the indomitable Irish republican from Vermont, said he would not be willing to lay this country under obligations to any foreign country. For Congress to authorize any such thing was a shameful business. The illustrious patriot, Albert Gallatin, closed the debate, and was opposed to allowing Mr. Pinckney to receive the presents. The vote in the Committee of the Whole was 44 to 38 against the acceptance. The yeas and nays were taken in the House, and there were 49 to 37 against allowing Mr. Pinckney to accept the presents. Among those voting against accepting the presents were both the Claibornes, William Findley, Albert Gallatin, Carter B. Harrison, Matthew Lyon, Matthew Locke, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Thomas Sumter, Philip Van Cortlandt, Joseph B. Varnum, and Abraham Venable. And so the resolution was voted down, and it was hoped that a stop forever was put to such applications to Congress.

But this was not all. On the 21st of May, 1798, Mr. Bayard, of Delaware, who had been in favor of granting leave to accept these presents, said that the majority claimed to have established an invariable rule precluding the acceptance of these presents, which no merit hereafter should induce the House to depart from. He offered a resolution declaring that their votes against granting leave to accept these presents were from motives of general policy, and not through want of respect to Mr. Pinckney; and Mr. Pinckney himself made a speech acquiescing in the policy of opposition to the reception of gifts from foreign powers, but seemed to think that it might be looked upon as a personal opposition to himself.

MR. RUSH AND DECORATIONS.

When that brutal old tyrant George the Third was called home and his profligate son was crowned king in his stead, on the 19th of July, 1819, Sir Robert Chester waited upon our minister to England, Mr. Richard Rush, and offered him a gold medal with a bust of the new king on one side and several emblematical representations on the other, including Britannia with Neptune's trident. Mr. Rush of course declined it, when Sir Robert politely insinuated that surely the American Constitution would not preclude the ladies, and he tendered the bauble to Mrs. Rush, but the minister informed the courtier that she would not accept what he refused, and the souvenir went back to the sovereign. But now, alas, the change!

OUR ANGLIFIED FLUNKIES

refuse nothing tendered. They would probably receive a kick as a compliment if it came from a king. They are all agape for it. I remember my younger days in the woods when a nest full of young birds heard the rustle of the leaves made by the approach of the mother that all their callow necks were stretched and all their mouths open to their utmost tension to receive whatever was dropped into them. So it is with a certain kind of Americans, wherever a tyrant is crowned or an opportunity offered for the display of their subserviency, they are stretching their necks and opening their hands, if not their mouths, for whatever royal dirt may be flung into them. They are out in the snows of Russia, amid the volcanoes of the Pacific, and down to the antipodes, dipping our flag to every despot, hoping that their servility may be rewarded by some present or ribbon or decoration. Whither has American manhood gone?

In answer to my resolution calling upon the Secretary of the Navy for information whether any officer of the Navy had received or accepted any gift or present from any king, prince, or foreign state, this House was informed under date of January 25, 1884 (Executive Document No. 66), that no officer had accepted but several had received decorations and presents. A list is given of some seventeen naval officers now waiting with their bills before Congress for leave to accept these presents and orders and decorations. I think for the first three-quarters of a century there was only one application for such leave, and that was rejected by our early patriots.

ENSIGN REYNOLDS.

This last case of Ensign Reynolds I consider the most objectionable of all, for it is an open, glaring attempt to confer a title of nobility; and yet I understand it is unanimously recommended by the standing Committee on Naval Affairs of this House. That committee is composed of seven Democrats, not one of whom could have been elected without the vote of those whom the United States compelled to forswear all respect for royalty before they were admitted to citizenship, and four Republicans somewhat similarly situated. The chairman of that committee [Mr. COX, of New York], on the 25th of February last reported in favor of the joint resolution allowing him to accept this title of nobility and asking for its immediate passage, but by objections from my friends from Illinois [Mr. FINERTY], Iowa [Mr. WELLER], Pennsylvania [Mr. BRUMM], and myself, we have hitherto averted the degradation.

In the report prepared by the committee there is published a letter from the Baron Ignatz Von Schaeffer, envoy extraordinary and minister plenipotentiary from Austria-Hungary to Washington, in which he uncovers the conspiracy so long working in this case to violate the Constitution of the United States. Mr. Schaeffer says, under date Washington, June 20, 1882: The case was first brought before the imperial royal ministry of commerce. A cabinet council passed a resolution subject to his majesty's approval to confer the title of nobility of the Imperial and Royal Order of Francis Joseph. Then the imperial and royal foreign office instructed their minister here to ascertain whether Lieutenant Reynolds would be allowed "to accept that position." We are told that this proffered honor is only a medal. Did anybody ever hear of a medal being called a "position?"

Then "preliminary, confidential, and verbal application" was made to Secretary Hunt—who is now, though dead, on the Calendar of this House for leave to accept a decoration from the Emperor of Russia on his own account—then Secretary of the Navy, to ascertain whether Congress would be likely to consent to the acceptance. All the time these royal conspirators seemed very much in doubt whether the people of the United States would allow their representatives to violate their Constitution to pander to the vanity which this royal family seemed to entertain that they could convert our democracy to their ways, and then it was announced that the Navy Department would consent that Lieutenant Reynolds should be made a "knight of the imperial and royal order aforesaid;" and so if we pass this resolution we shall take part in knighting Sir Lovell K. Reynolds! Now, if this be not conferring an order of nobility, what is it? What is a knight?

I grant it is not a very high order of nobility, but it will do to commence with a Democratic-Republican Congress and an ensign. It is not a medal, as it advocates fondly hope to deceive us into believing. It is, on the authority of the Austrian minister, "knighthood." Worcester, in his dictionary, says a knight "is a man on whom the sovereign of England or his lieutenant has conferred the distinction of being addressed by the style of 'Sir' before his Christian name." So if we pass this resolution we must address the young ensign as "Sir Lovell." Won't that be lovely! and Secretary Chandler will take such delight in seeing him so printed in the Navy Register! Worcester defines knighthood as the state or dignity of a knight. Ben Jonson, in one of his poems, asks:

> Is this the Sir who, some waste wife to win,
> A knighthood bought to go a wooing in?

"A knight of the post" is said to be "a suborned rogue, or witness, as it were; a knight dubbed at the whipping post or pillory." And then there be knights-errant, plumed knights, and God knows what.

Oh! may the curse of God rest upon all those who plot to fritter away our American manhood in such degrading nonsense.

HONOR THE BRAVE.

Now, I shall not allow myself to be misunderstood in my action toward this young ensign. I know many of his friends. I know his honored father, and everything I know of him is good, except perhaps a little too much partiality for decoration. He is a gallant young officer and an honor to the American Navy, the record of which has been so honorable and gallant and brave, as recorded in the heroic lives of Barry, Porter, Rodgers, Decatur, Perry, Macdonough, Blakely, and Stewart (all Irish, by the way), and still exemplified in the present day by the names of Porter, Rowan, Worden, and Rodgers, and others of lower rank whom I might mention. Young Reynolds deserves all the honors which you can bestow upon him, and I have said repeatedly that I shall gladly vote for any resolution that may be introduced to give him the thanks of Congress or to advance him in rank even to rear-admiral. But I can not see that he has more claims upon the American people and their Congress than Mr. Pinckney.

Now, the report of this committee shows that young Reynolds, for his gallant conduct, has had a gold medal presented to him by act of Congress, through John Sherman, Secretary of the Treasury. He has had a gold medal presented to him through Royal Phelps, vice-president of the Life-Saving Benevolent Association, of New York. He has had a gold medal presented to him, through Charles D. Homans, from the Humane Society of Massachusetts, and he has had the approbation and thanks of the American Government through its various Departments. The American officer who has received all these American honors, and yet craves, through a false appetite, a degrading decoration from a foreign despot, would, after a bountiful dinner at Welcker's or Chamberlin's, sit down on the side-walk and enjoy a pint of peanuts!

I can not believe this of my gallant and intrepid young friend of the Navy. This foreign bauble is not an honor, but a disgrace, and it is from this disgrace I would save him. After describing his heroic conduct in all the flattering phrases of those who would ask for this decoration, I would repeat them all, and then on their account I would protest against the dishonor of turning his back upon the honor of his own country to seek doubtful praise from the minions of kings, emperors, and despots.

THE CONSTITUTION THREATENED.

I would he were here that I might appeal to him for a more heroic act than the rescue of eleven persons from the wreck of the Olivo. I would appeal to his heroic instincts, and say, "Here is the Constitution of the United States in danger. The billows of monarchical dangers surround it. The waves of despotism are surging over its deck and threatening to devour it. You can rescue it." In the bark Olivo there were eleven men in danger. There are eleven members of the Naval Committee of this House who have foolishly risked the bark of our Constitution amid the angry billows. I see my young friend eager to save the wrecked crew. Gallantly done! You have saved eight of them, but three still remain. I see them waving signals of distress, and I recognize them as my old friends SAMUEL S. COX, LEOPOLD MORSE, and J. FREDERICK C. TALBOTT. Fling yourself once more into the very jaws of danger and rescue them, for they are still worth saving. But to do this you must abandon your claim for foreign decorations, and in that way you can save the imperiled Constitution. Do this and receive the thanks of a democratic-republican people whose approbation is worth more than all the baubles which kings and emperors can present you.

HONORS THAT DEGRADE.

But the foolish friends of our gallant young ensign can not get it through their dull brains that there is no honor for a republican officer in the praise or presents of kings. On the contrary, it is a degradation: and it is to save him from that degradation that I protest. He has saved a dozen of Austrian lives. I think there is living in the district represented by the chairman of the Naval Committee [Mr. COX] a naturalized citizen by the name of Samuel Sullivan Cox who has saved more American lives than our ensign saved of Austrians, done it as bravely, too, with as much risk and intrepidity. Why should not he have a right to a day in Congress as well as this young ensign? You give this Policeman Cox his choice whether he will have Congress vote him its thanks directly or ask permission to receive medals from a foreign power, and like a sensible American republican he would prefer the thanks of his own country.

BRAVE FIREMEN.

How many gallant firemen in Brooklyn, New York, and elsewhere have plunged into the surging waves of fire a thousand times more terrific than the billows that beat around the Azores. Blinded with smoke, stifled with steam, scorched by flame and fire, you have seen these heroic men emerge from the seething vortex with a child and perhaps its mother in their noble arms from upper windows and falling timbers and scorching flames. What is a leap into the sea compared with this? Yet where has Congress devoted an hour to their honor? If we magnify the achievement of this young hero for saving life by arresting public business to play second fiddle to some European despot in honoring our own officers, why not devote as much time to every hero who saves a life from the water or rescues women and children from the flame?

Why prefer Ensign Reynolds to Policeman Cox when even in number the policeman is three or four ahead; or do you mean to have it understood that the only way for American heroes to get mentioned in an American Congress is through the back door of some foreign court? I demand direct entry for them, and if we are going into this business let every gallant American citizen have the thanks of Congress without foreign aid. To be sure this would occupy our entire time, but if we are going into the business let us be impartial.

WHAT IS A DUDE?

I denounce this entire business as disgraceful and calculated to make dudes of our young officers. Do not evade the issue by trying to rouse indignation against calling our officers dudes. What is a decorated ensign if not a dude? Get a young officer with a leaning toward aristocratic ways and pin upon his garment a decoration of Knight Commander of the Royal Order of Kamehameha and a ribbon of the Order of King Kalakaua and a decoration of El Busto and a knighthood of the Royal and Imperial Order of Francis Joseph, and if you do not have a dude, "what is it?"

I understand that this Naval Committee have got an order of the House appointing May 24 for naval business, chiefly to carry through this aristocratic idea of dubbing one of our gallant young ensigns as "Sir Knight." That is the English Queen's birthday, and very appropriate for the business; crowd it through; refuse the yeas and nays to hide your conduct from your constituents; reverse the solemn decision of your early Congress; spurn the sentiments of Albert Gallatin, Nathaniel Macon, and Thomas Jefferson, and then drive home in your liveried coaches to your sumptuous dinners, and sing "God save the Queen" for the remainder of the evening!

NOT DEALING WITH THE IRISH.

The Washington National Republican published an interview with the British minister in this city concerning American interference in the fate of O'Donnell, the executioner of Cary, in which he is represented as saying:

It is fortunate, however, that I am dealing with the American Republic and not with the Irish people of this country.

I shall not stop to question the good taste of this foreign spy in such an attempt to discriminate between the Irish people of this country and the American Republic, when he, if not utterly ignorant, must have known that the Admiral and Vice-Admiral of our Navy, the Lieutenant-General of the Army, a majority of the Senators and Representatives in Congress, and the President of the United States are a part of the "Irish people of this country;" but I give him credit for wisdom when he informs us that it was fortunate that he was not dealing with the Irish people of this country. It was always very unfortunate for England to be dealing with the Irish people of the United States. It was unfortunate for England that she had to deal with the Irish when General Montgomery, of the county Donegal, took Montreal and moved upon Quebec. It was unfortunate for England when she was dealing with the Irish General Stark at Bennington; with the Irish General Wayne at Stony Point; with the Irish General Daniel Morgan, of Ballinascreen, at the Cowpens; with the Irish General Sullivan at Trenton and Princeton; with the Irish General Knox at the head of our artillery in all the battlefields where Washington commanded; with the Irish Generals Irvine of Enniskillen, Butler, Hand, Moylan of Cork, Ramsay, and numerous others on all the battlefields of the Revolution.

It was unfortunate for England when she was dealing with that gallant Irish commodore, Decatur, when he compelled the English man-of-war Macedonian to strike her colors to the starry flag. It was also unfortunate for her when she had to deal with those other Irish commodores, Perry on Lake Erie, Macdonough on Champlain, and Porter and Johnston Blakely on the ocean; and it was unfortunate for England when that other Irish commodore, Charles Stewart, grandfather of our own Charles Stewart Parnell, tore down the English flag from two ships-of-war in his midnight fight at sea.

It was unfortunate for England when her insolent soldiery hoped to annihilate us as a nation in the second war, leaving us no more a home and a country, taking this capital, sacking this Capitol, burning the Congressional Library, and pursuing the wife of our President as she fled from the White House with Washington's portrait in her possession to save it from English fury and insult. It was, I say, as unfortunate for England as it was fortunate for the United States that she had to deal with that Irish general, Andrew Jackson, of Carrickfergus, who met and conquered her cohorts at New Orleans. No wonder that English snobs do not admire the Irish element of America. We thank them for their abuse. I join with Mr. West in saying that it has never been very fortunate for England when dealing with the Irish people of the United States.

A FAIR SWAP.

I do not suppose any one will accuse me of partiality to the British minister here. I have never met him, and never may. His family, which I believe is connected with the Irish and is Catholic, has been renowned for the manly character of its men and the charming witchery of its women. If it be not Irish it has the honor to embrace by marriage within its circle an Irish lady the most beautiful woman of the present day. But however opposed to him in his ways and views, I much prefer him to Mr. Lowell, and I think it would be an improvement all around if he and Mr. Lowell would swap places—we sending Mr. West as our representative to the Court of St. James and receiving Mr. Lowell as the minister of England. That would be according to the eternal fitness of things. I really think Mr. Lowell is to-day more of an Englishman than Mr. West, and Mr. West could not possibly have so utterly failed in protecting our citizens abroad as Mr. Lowell has done.

There is still a better plan for improving our diplomatic service at the British court. In the correspondence published concerning the imprisonment of our citizens by England there appeared a letter addressed to Mr. Lowell by the wife of one of these prisoners, Mrs. Daniel McSweeny, of California, and in that single letter there is more true American statesmanship displayed than in all the letters of Mr. Lowell, and I propose that it would at once be an improvement in the service and a proper step in the progress of women's rights to have Mr. Lowell recalled and Mrs. McSweeny appointed in his place.

If Mr. Lowell be not returned to us as the British minister England will make a great mistake. To all persons coming from the British dominions to get the right to vote here we administer an oath renouncing allegiance. We can imagine an Irish peasant coming in the steerage of the same ship in whose cabin Mr. Lowell will return. Which should we compel—the cabin or the steerage passenger—to renounce love for England? Very few of our ministers abroad should be allowed to vote without taking the oath of naturalization on their return.

WHO SHALL BE PRESIDENT.

In this day of gloom and degradation where shall we look for succor? A Presidential election is approaching and we are looking for some one who will restore to us the principles of Jefferson and Jackson. We want a candidate who is poor and would rally the sons of toil and labor and poverty around him. We want a statesman whose hands are clean and his heart set like steel against plunder and jobbery and snobbery, who is truly American through and through, and opposed to all encroachments of monarchy and aristocracy and favorable to the perpetuation of American democratic-republican simplicity. I see but one man to fill the bill. I believe his simple, honest name would give more strength to our ticket than countless millions of dollars. I do not believe that the American people are so far degraded that their votes can be to any great extent influenced by money. I believe that honesty is still more fascinating in the eyes of American voters than the glitter of gold. If God would only put it into the hearts of our convention at Chicago to nominate him our victory would be already secured.

In his election a new era would open upon our country. No power on earth would dare to trample on the rights of our citizens or insult our flag. Honesty, economy, and purity would surround our Treasury. The aristocracy and snobbery that are now masquerading in foreign and domestic circles would vanish before American manhood and democratic simplicity. The foolish attempts to ape court circles would be frozen out of metropolitan society, and the White House would become the center of old-fashioned American manhood and womanhood, where refinement without snobbery, beauty without vanity, and statesmanship without ostentation would restore to us the fast fading splendor of American character.

A HAND-BOOK WANTED.

Would it not be well for some American publisher to get up a hand-book for the edification and cure of these Anglo-American snobs. The book should embrace the Declaration of Independence enumerating the wrongs inflicted by England on the American people. The address of the American Congress to the people of Ireland, showing that our patriotic forefathers looked upon the Irish as friends and the English as enemies; the report of John C. Calhoun in favor of war with England in 1812, recounting the persistent hostility of England to the young Republic; the "Star Spangled Banner" inquiring about the English:

> Where is that band that so ruthlessly swore
> 'Mid the terror of war and the battle's confusion
> A home and a country they'd leave us no more,
> Their blood has washed out their foul footsteps' pollution.

Extracts from Horace Greeley's writings on the Irish uprising of 1848; James Russell Lowell's Biglow Papers, particularly the scathing abuse which he has so lavishly heaped upon England for her hypocritical and treacherous conduct toward us during the late war; extracts from speeches in Congress on the tariff question and extracts from our diplo-

matic correspondence during the late war—all this would furnish healthy and homely reading for the miserable dudes who are trying to glorify England and degrade Ireland, and crushing each other in their eagerness to get among the front ranks of those who glory in kneeling in English mud.

A CHANCE TO GET EVEN.

I see in the future some chance for revenge on these toadies of England. In case of a war with that country, which is not at all unlikely from her jealousy, injustice, and overbearing insolence to the United States, it would be amusing to watch the conduct of the editors of the New York Times and Tribune and the readers of those papers who have been weaned from the doctrines of their founders. They would, of course, take part with England as far as safety to their treasonable conduct would permit, or if they did not openly join the British forces, would look for substitutes among the Irish, who have always proved loyal to their adopted country. As for their miserable crowd, they would never strike a blow for their country.

NO PRESENTS FROM KINGS.

Our far-seeing Revolutionary fathers when they threw off the chains of monarchs dreaded that the time might come when their children might degenerate, forgetting the hardships through which their liberties were achieved, indulging in the degeneracy of manhood which wealth and fashion are sure to bring and flattered with the blandishments of monarchs and despots which dazzle and bewitch heads not blessed with much abundance of brains, and took pains to insert in our Constitution the provision that—

No person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state.

Here it will be seen that no officer, President or subordinate, shall accept either for himself or others or for the people of the United States any gift from any king or foreign state. By a special message from the President we are informed that without such consent of Congress he has accepted such a gift. I quote from the official document of the 21st ultimo:

The President sends his cordial thanks for the opportune gift of this vessel—

The Alert—

which he accepts in the name of the United States.

The Constitution says no such present shall be accepted. The President informs us that he has accepted, and in the language of a distinguished statesman of New York, "What are you going to do about it?" This Congress is requested to get on its knees and ratify this acceptance, made without our consent, in open violation of the plain provisions of the Constitution; and for one, having sworn to support the Constitution, I refuse to perjure myself.

Do you tell me that it would be ungracious for us not to accept and give thanks for such a valuable and desirable present? I answer such a fool by saying that the Constitution was expressly made to prevent our acceptance of any presents, and the more valuable and desirable the present the more binding is the constitutional prohibition against its acceptance.

But this official document informs us that our Government has not only accepted this unconstitutional present, but that it went begging for it. The Secretary of State tells us that information of the wish of this Government had informally reached the British admiralty, and the rest was appropriately left to that most obsequious servant of British royalty, Mr. Lowell, to manage the mode of bringing us to our knees before the throne.

But in my case there is another reason why I can not vote for this resolution, because it is a part of a system cunningly planned to bring back this country to the allegiance of England. Our wise forefathers provided that all natives of England, Ireland, Scotland, and all other countries in subjection to the British Crown seeking to become citizens of the United States should first swear against the queen. Nearly fifty years ago I appeared in one of your courts and asked leave to declare my intention to become a citizen of your grand Republic. I remember the awe with which I heard your officer administer to me the oath which I had again to take on becoming a citizen, in these words:

You do solemnly forswear all allegiance to all kings, princes, and potentates whatsoever, and particularly to the Queen of Great Britain and Ireland, so help you God.

That oath and that protest, with God's help, I have kept and will keep, and you can never compel me to become a perjurer by shouting "God save the Queen!" or kneeling in thanks to any royal head for deceptive favors. Nor can you get any other naturalized citizen who is a member of this House to indulge in praise or thanks of any foreign government without giving cause to suspect his sincerity in renouncing his allegiance as you would suspect the sincerity of a reformed drunkard whom you found every morning smelling the neck or kissing the cork of the forsworn bottle.

It was therefore, when the gentleman from New York [Mr. COX] on the 26th day of February, 1884, offered the following resolution, which had passed the Senate the same day, that I objected:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Her Britannic Majesty's Government in presenting to the United States the Arctic steamship Alert, which will be used in the contemplated expedition to relieve Lieutenant Greely and his party, is recognized as opportune and generous, and is deeply appreciated by the people of the United States. That the President be, and he is hereby, requested to communicate a copy of this resolution to Her Majesty's Government.

The following is from the official record of the House:

Mr. COX, of New York. Mr. Speaker, it would be an act of grace if we take from the Speaker's table the Senate resolution accepting the gift of the Alert from the British Government and pass it instantaneously.

Mr. KASSON. There is no objection.

How prophetically spoken!

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objections.

The joint resolution of the Senate was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. ROBINSON, of New York. I object.

It so happened that the gentleman from Illinois [Mr. FINERTY] who, with me, had previously objected to the introduction of this matter in a different shape, had been called out, and I was just coming in when the objection was called, and there the resolution has been hung up ever since the 26th of February last, and shall be as long as my objection can prevent its passage. Can I not answer for others?

TIMEO DANAOS ET DONA FERENTES.

It is an unnecessary display of servility. When the United States presented the Resolute, rescued from the sea, to the British Government under circumstances more worthy of thanks, the British Parliament took no notice of it. The President has already thanked England quite as much as the occasion requires, and the anglomaniacs should not be allowed to genuflect more deeply in monarchical mud if we can prevent them. The ship is worth nothing to us, requires great repairs, and American ship-builders in Maine had offered to build a better ship in quicker time than is required to put the Alert in condition.

It is worth noticing that this matter was referred to the House Committee on Foreign Affairs on the 21st of February, 1884, for the express purpose of having a House resolution on it, but that since then no report has been made. The objections have had some effect, and no one in the House now seems anxious to push this matter forward. We have already thanked the English enough. We bought two ships at more than their value and deprived American ship-builders of a job who stood ready to build us two good ships in less time and at no greater expense than we have paid for the old hulks they have palmed off upon us.

NO AFFAIR OF IRISH FEELING.

This is no affair of Irish feeling. It is a question of American honor. There is no necessity to say anything of Irish wrongs in this connection, yet I may plead against this call upon the American Congress to insult poor Ireland in her desolation. Every vote cast in favor of this resolution is an insult to Ireland which those who love her will resent. This is only one of the many devices of England to betray the American people into love for her and hatred of Ireland. Fifty-nine of the sixty millions of this American people hate the English Government and sympathize with Ireland. Ireland and her people to-day fret restlessly beneath the accursed government which America threw off. It takes 50,000 of a foreign garrison to hold her down with bayonets, and yet with all their power they have not yet subdued and never will conquer her. The clanking of her chain, only makes her more dear to every lover of freedom. The tyrants surround themselves with bayonets, but they are not secure. Every foot they set beyond their garrison is over danger. Every carpet-bag presents to their guilty and affrighted souls a mine of dynamite. Their doom is written. God will afflict them as He afflicted the Pharaohs till they let His people go, even if He has to leave the first born of every family in the embrace of death.

MY COURSE.

As for me, I stand by the record of my past life. There is no desire and no cause to change. It is now very nearly fifty years since I first stood up in this country to advocate American principles against monarchical and aristocratic ideas and to defend Ireland and her sons from the false charges preferred against them, in all the leading cities of the Union, before conventions and library associations and legislative bodies, with Presidents, governors, Senators, and Representatives in Congress among my auditors. I have served well if not always wisely, retaining among my papers letters of congratulation and praise from numerous distinguished clergymen and illustrious statesmen of all denominations and of all parties; sometimes praised above my deserts, at other times condemned most unjustly when I most deserved praise; but whether in praise or under condemnation, always loyal to the grand old country of my birth and the glorious land of my adoption; proud of their glory, jealous of their fame, and devoted to their honor. Seventy years have not chilled my devotion, and death alone can silence the throbbings of my heart for their prosperity and renown.

ADDENDA.

The Naval Committee had, by a special order of the House, the entire day of Saturday, May 24 (the Queen's birthday), to introduce such bills as they pleased for the consideration of the House. Measures of great importance were pending before that committee, one of which was a bill to provide for a market site on the navy-yard grounds for the city of Brooklyn. My colleague from Brooklyn [Mr. CAMPBELL] and myself felt happy that we had some chance to secure consideration

for this measure, so important to Brooklyn. But the very first bill the committee introduced was one to allow Ensign Reynolds to accept the "decoration of the Royal and Imperial Order of Francis Joseph, Emperor of Austria." I opposed it because, besides other reasons, I thought the bill for the benefit of Brooklyn was of more importance.

My conduct has been condemned, but not a word said against the committee for putting a bill to decorate an ensign ahead of all public business and throwing the Brooklyn market bill over for the session. I was berated chiefly because I had opposed a bill in Congress honoring our young ensign for gallantry in saving some Austrian lives, and Mr. KASSON, in his forcible-feeble manner, had proclaimed that any one refusing to honor such bravery was a disgrace to himself and a disgrace to his countrymen. In the spirit of our republican institutions, on the 9th of June, 1884, I introduced a bill honoring other and superior acts of gallantry in saving American lives from flood and flame by Brooklyn bravery—as all should stand equal.

This led to the pouring out upon my head such a flood of vituperation as has never been witnessed in former freshets in the United States. No murder or burglary in the last century has called forth such frantic execration. In my own city of Brooklyn it would seem that one-half of the people had got into fits over it. A correspondent of the Brooklyn Eagle interviewed two or three prominent citizens, among them my old friend Mr. Stranahan, who represented the entire city of Brooklyn some thirty years ago, and after recovering his breath he was able only twice to articulate "Poor old ROBINSON!" Well, "poor old Stranahan" did not say what "poor old ROBINSON" had done, but the impression was left that if I had assisted the Cannibal Islanders to eat a raw missionary my conduct could not have been more horrible and shocking. I wrote to the editor of the Eagle and asked him to publish the bill I had introduced and let his readers know just what I had done, but this he has refused to do. All the papers assailed my act, but not one of them had the manliness to publish my bill and let it speak for itself.

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seemed to be the most severe of my critics, but would not publish the fact that the worst feature of my crime was simply proposing to pay honor to some heroic firemen and others who had acted at least as gallantly as Ensign Reynolds in saving life; some of whom had been presented with the Bennett medal, delivered in one instance by the editor of the New York Sun, Mr. Dana. Every bit of my offense was before the editor, for I sent him a copy of the bill which was read by the clerk, without a single word from me. It is in print as a House bill, but has been studiously kept out of the press, and hitherto out of the RECORD, not one American editor having the common fairness to state the crime for which they so furiously assailed me. About two years ago I was groundlessly assailed by the Herald, and I wrote the editor a note stating what I had done, and the editor not only published my letter but manfully and honorably acknowledged that I was right and that I should not have been assailed. When will it do me similar justice in this case? I can afford to wait, for truth "will rise again."

TRIBUNE AND TIMES.

As to the howling of the Tribune and Times, I do not expect anything else from them. They have systematically belied and abused me and hid the truth from their readers. The Tribune lets no decent man escape from its blackguardism. I have just read in the Brooklyn Union of June 24 a paragraph from an article in the Tribune of 1875 in which it thus speaks of Senator LOGAN, its present candidate for Vice-President, in criticising one of his speeches in the Senate. The Tribune described him as a "spavined nightmare on the track of a beautiful dream," and adds:

Through two hours LOGAN swung his beautiful arms over the heads of the Senate like the booms of a Government derrick, while his chin churned the language like a pile-driver in a heavy sea, and the baffled reporters made wild plunges with their pencils to gather his regurgitations for the printer.

When this "organ of decency" uses such language about a distinguished gentleman of its own party, I may congratulate myself that I escaped so easily.

Now, then, to shame my maligners I publish my resolution word for word as read by the Clerk of the House, and shall try to have a copy put into the hands of all the voters in my district and take their verdict as to my crime and its punishment, and shall leave to the editors the charge of unfairness never before equaled in trying to excite popular indignation against one who has honestly attempted to do his duty and refusing to publish one line giving the truth in the case. Here it is from the official copy:

Joint resolution granting permission to Samuel Sullivan Cox, "Rat the Newsboy," C. J. Fitzgerald, Michael Quigley, Charles Shannon, John Brunskill, Robert Walsh, Timothy O'Brien, John Clancy, "Nan the Newsboy," John Hussey, Thomas McBride, Philip Bowers, Daniel J. Meagher, Patrick J. Lynch, Patrick Coyne, Oswald Morrisey, John Rooney, Robert Wright, Thomas Larkin, and Michael Commerford to accept the decoration of the thanks of Congress for heroic conduct in saving lives.

Whereas this Congress should know no distinction between a brave ensign and a heroic 'longshoreman, and should mark its approbation of saving American lives as well as the lives of Austrians, and should act from its own promptings rather than from the insolent dictation of foreign influences, against which our beloved first President so well and so wisely warned us; and

Whereas this Congress has passed a joint resolution enabling Lovell K. Reynolds, an ensign in our Navy, to become a knight of the Royal and Imperial Order of Francis Joseph, while the Constitution, which we have all sworn to support, expressly says "no title of nobility shall be granted by the United States;" and

Whereas this young American officer, by this act of Congress, is enabled to assume the title of "Sir Lovell K. Reynolds, knight of the Royal and Imperial Order of Francis Joseph," for his gallantry in saving Austrian lives, while numerous American citizens, 'longshoremen, boatmen, firemen, and life-savers, equally brave, who have saved larger numbers of American lives, have received no reward, nor even mention of their heroic names in Congressional records, and who have not sought and would not accept any reward for their bravery from foreign despots; and

Whereas this brave young officer did risk his life only upon one occasion, to save from the water some ten or twelve nameless foreigners belonging to a sinking bark at sea, for which he has received several medals from American societies and honorable mention in Congressional records, while numerous American heroes, male and female, equally brave, on many occasions and at greater risk to their own lives, in the scantily paid Life-Saving Service, in the Light-House Service, in the fire departments of Brooklyn, New York, and other large cities of the Union, and among the boatmen and 'longshoremen, without any pay, through angry waves of water, hissing streams of steam, and seething billows of fire, have saved hundreds of American lives, men, women, and children, not one of whom has ever had his or her name even mentioned in Congress; and

Whereas this is a curious, if not a disgraceful, fact, that in our centuried history only one person has been found worthy of Congressional record for personal bravery in saving life, while the gallant American seamen who manned this ensign's boat, at imminent and equal danger to their own lives, are not mentioned by name nor even referred to; and

Whereas the framers of the Constitution have expressed their disapprobation of our officers receiving gifts from foreign states, and have absolutely prohibited Congress from allowing by their vote any person to be decorated with any royal or imperial order, and Congress has, upon all occasions where discussion was allowed, rejected all applications, even from the most illustrious of our citizens, for permission to receive any gift from any foreign power, the great names of Gallatin, Macon, and other illustrious patriots being found on the yeas and nays in the negative on the bill to allow Thomas Pinckney, of South Carolina, who had borne a distinguished and heroic part in our Revolutionary struggle, who had but two years before received the votes of eleven States for President of the United States against John Adams, who had signalized his diplomacy abroad by the negotiation of a valuable and advantageous treaty, to receive a present from the Kings of Spain and England; and Congress had also rejected the application of Andrew Jackson for permission to receive a present from the Creek Nation, and had rejected the application of our consul at Tangier for leave to accept a lion and horses from the Emperor of Morocco; and President Jackson, in 1834, in a special message to Congress, stated that he had issued orders that no more presents should be received by any public officer; and this House, in the Forty-fourth Congress, on St. Patrick's Day, 1876, on the unanimous report of the Committee on Foreign Affairs, presented by the Hon. Mr. Faulkner, of West Virginia, unanimously rejected the application of our minister to Bogota for leave to accept a silver inkstand from the Queen of England; and for the first sixty-five years of our history Congress invariably rejected all applications of this kind, and still there are more applications to this Forty-eighth Congress for permission to receive these foreign baubles than there were for the first three quarters of our century as a nation; and

Whereas Samuel Sullivan Cox, of the city of New York, has, on different occasions, saved seventeen American lives, four or five more than Ensign Reynolds, and has never received mention in Congress; and

Whereas on the 30th day of July, 1871, the steamer Westfield, of the Staten Island Ferry, was blown up at the foot of Whitehall, in the city of New York, with two hundred and fifty persons on board, the majority of them women and children, and most of them crowded over the exploding boiler, when "Jim" Connors, known as "Rat the Newsboy," saved the lives of at least ten persons and aided in saving many more, dashing into the waves and diving among the struggling and drowning women and children, and buoying up the scalded victims on his brave little back, till the boatmen Quigley, Collins, Connors, and Breen took them into their boats, thus even in his tender years rivaling the bravery of our gallant ensign, for which Congress has as yet failed to recognize him, as stated in the New York Sun of August 2, 1871; and

Whereas on the said explosion of the Westfield C. J. Fitzgerald, a Whitehall boatman, leaped from his boat into the water and rescued two children, with their father and mother, and twelve other persons, at the imminent risk of his own life; and

Whereas on said explosion of the Westfield Michael Quigley, a Battery boatman, afterward a resident of Brooklyn, at 64 Degraw street, plunged into the waves, amid spars and splinters, enveloped in smoke and steam, and rescued eleven persons, two of them babes, for whom he dived beneath a raft; and

Whereas Charles Shannon, of Philadelphia, has within the last seventeen years saved one hundred and sixty-three persons from drowning, as certified by Hon. CHARLES O'NEILL, of Pennsylvania; and

Whereas Captain John Brunskill, of New York city, has at different times saved from drowning forty-three persons; and

Whereas Robert Walsh, a patrolman in the New York police force, saved four persons at different times from drowning; and

Whereas Timothy O'Brien rescued fifty persons from the wreck of the ill-fated Metropolis, in a violent sea and dangerous breakers; and

Whereas John Clancy, formerly a Buffalo boy, but now or lately in the employ of the Pennsylvania Company, foot of Desbrosses street, in the city of New York, did at different times save nine persons from drowning; and

Whereas William O'Neill, better known as "Nan the Newsboy," had, previous to September 28, 1878, saved eleven lives, and on that day jumped from the Harlem boat Sylvan Stream and saved three boys whose boat had capsized, as set forth in the New York World of September 29, 1878, and since then has saved many others; and

Whereas John Hussey, a 'longshoreman of New York, has in thirteen years saved eighteen lives, as set forth in the New York Sunday Democrat of May 5, 1878; and

Whereas Thomas McBride, of the municipal police force of the city of New York, in four years had saved the lives of eighteen persons, as stated by John Sherman, then Secretary of the Treasury, these heroic deliverances being effected by diving under the water for the half-drowned victims, at various seasons, sometimes in cold and darkness, involving terrific struggles and always performed regardless of privation and at great personal hazard, as set forth in the New York Sunday Democrat of May 12, 1878; and

Whereas Philip Bowers and Freeman Bowers, of East Newark, N. J., have within fifteen years rescued from drowning nearly two hundred persons, as set forth in the New York Sun of November 3, 1878; and

Whereas Daniel J. Meagher, foreman of Hook and Ladder Company No. 3 of the city of New York, did, at midnight on the 2d of May, 1878, at the fire on the upper floors of 28 East Broadway, rescue Sarah Freeman from the fourth floor, standing fifty-two feet from the level of the sidewalk, on the upper round of a ladder, from which he had to elevate his arms through fire and smoke to reach the object of his heroic daring, whom he rescued from imminent death at the fearful risk of his own life; and

Whereas Private Patrick J. Lynch, of Engine Company No. 11, at the fire in Cannon street, in the city of New York, November 14, 1879, did, at fearful per-

sonal risk and in serious injury to his person, rescue Lizzie Noble, a child of 10 years, and made brave efforts to rescue others from the devouring flames, as described in the New York Herald of November 19, 1879; and

Whereas Patrick Coyne, of O and Eighth streets, in the city of Boston, had from 1862 till 1878 saved Captain Tarbell and six men from the yacht Tornado, three boys from a capsized boat, two men from a wrecked boat, three men and two boys from drowning, four soldiers from a boat upset, two men from drowning, four men and two children from a swamped boat in a heavy sea, four men of the yacht Hebe, one man whose boat had upset, the crew of the bark M. J. Kiley, after an hour's struggle in the water, six persons from a swamped boat, and in several cases, at fearful risk, saved lives by stopping runaway horses, as set forth in the New York Sun of July 6, 1879; and

Whereas Oswald Morrisey, a lad of 12 years of age, attending the East Fifty-seventh street grammar school of the city of New York, did, on the 26th day of June, 1880, save from the fire at 964 Third avenue, New York, Henry Seib, aged 4 years, by rushing up five flights of stairs through volumes of smoke and tongues of flame, bringing down the child and placing it in the arms of its distracted mother, while his bare feet and arms and shoulders were fearfully scorched, as set forth in the New York Herald of June 27, 1880; and

Whereas Fireman John Rooney, at the terrible conflagration in Park Row, New York, saved from the flames, at the risk of his own life, Miss Ida L. Small, from an upper window enveloped in flames, and brought her down in safety, amid the cheers of thousands of spectators, as described in the New York Herald of May 23, 1882; and

Whereas the heroic firemen of Brooklyn, N. Y., have on many occasions exhibited extraordinary bravery in saving life from fearful fires, not one of whom has been mentioned in the proceedings of Congress, though more deserving than Ensign Reynolds; and

Whereas Charles Wright, the young colored bootblack, distinguished himself in saving life from the sea of flame that enveloped this Park Row building; and

Whereas Thomas Larkin, of Hook and Ladder Company No. 11 of New York, on the morning of July 26, 1880, seeing a woman at a window on the third story of the burning building No. 328 East Houston street, from which volumes of hot smoke and streams of fire issued, did rush into that smoke and fire and through that window rescue that woman, with her child, for whom she had gone back into the burning building, saving them from the most fearful death, as described in the New York Herald of July 27, 1880; and

Whereas Michael Commerford, of engine 39 of the city of New York did, on the 4th day of January, 1882, at the fire in Madison street, rescue from an upper room filled with smoke and flame the children of Margaret Egan, in an insensible condition, but whose lives were spared, for which gallant conduct he received the Bennett medal, presented by Charles A. Dana, of the New York Sun, with very complimentary remarks, as set forth in the Sun of July 21, 1882; and

Whereas all these cases are of at least equal merit, and some of them of superior claims in an American Congress, to that of Ensign Reynolds, and come to Congress free from the objection of foreign dictation: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the aforesaid Samuel Sullivan Cox, "Rat the Newsboy," C. J. Fitzgerald, Michael Quigley, Charles Shannon, John Brunskill, Robert Walsh, Timothy O'Brien, John Clancy, "Nan the Newsboy," John Hussey, Thomas McBride, Philip Bowers, Freeman Bowers, Daniel J. Meagher, Patrick J. Lynch, Patrick Coyne, Oswald Morrisey, John Rooney, "Wright the Bootblack," Thomas Larkin, and Michael Commerford be, and they are hereby, granted permission to accept the decoration of the thanks of the Congress of the United States, which are hereby tendered to them in recognition of their heroic conduct in saving the lives of so many American citizens from the waves of the sea and from billows of flame; and that any member of this House who refuses to give unanimous consent to the immediate passage of this joint resolution in honor of these gallant American heroes for "saving the lives of others repeatedly at the peril of their own is a disgrace to himself and a disgrace to his countrymen."

Now there is the whole truth about my action. Will any fair-minded man answer me whether my proposition is anything worse than the bill which almost unanimously passed the House last Queen's birthday? In order that the reader may compare the two acts and say which is more worthy of censure, here it is:

ENSIGN REYNOLDS'S BILL.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Ensign L. K. Reynolds, United States Navy, be, and he is hereby, granted permission to accept the decoration of the royal and imperial order of Francis Joseph, awarded him by the Austrian Government in recognition of heroic conduct in saving the lives of the crew of the Austrian bark Olivo, November 24, 1879.

Now compare the claims of Ensign Reynolds with those of Oswald Morrisey, above mentioned, for reward of heroism.

I suppose the difference between the cases is that Ensign Reynolds belongs to a family moving in aristocratic society here, and Oswald Morrisey was a poor barefooted boy in one of our New York public schools. And I must expect to get abused for imagining that Congress could stoop to recognize the heroism of the poor. I rather think, too, that my heroes have incurred the wrath of these English and snobbish scribblers because, from their names, they appear to be mostly Irish. They nevertheless have won and deserve the praise of our people and Congress quite as well as Ensign Reynolds.

It suits the prejudice of my assailants to represent me as a man with one idea. I might easily prove by the RECORD that no member of the House has spoken on a greater variety of subjects, and could prove from reference to my speeches by members of both sides of this House, as well as from the applause with which my speeches on American shipbuilding, penny postage, Jefferson's granddaughter, rights of American citizens, and on almost every prominent question were received, that I am the last man to be classed as a one-idea member.

But just at present the great effort of the English scribblers for the American press is to make the public believe that my course is unpopular, and an unmanly combination has been formed to pervert all truthful report of my actions and then to abuse their own perversion. This, I think, will justify me in publishing some extracts from letters, speeches, and newspaper notices, which I have in great abundance.

I have no doubt of the result of this war against me. The American people will never allow a man to be hounded down by misrepresentation, and I feel sure that every true American will approve of the stand I have taken. Already I have glimpses of vindication.

The day after the publication of my remarks in opposition to the decoration of Ensign Reynolds I received the following letter from the venerable Democrat, Charles J. Faulkner, of West Virginia, who had been our minister to France and a member of this House:

MARTINSBURG, *May* 26, 1884.

DEAR SIR: I perceive that you concur somewhat in the views which I entertain on the subject of presents from foreign sovereigns to officers of our Government. I arrested the abuse of that policy in the Forty-fourth Congress, and hope you may be equally successful in the present Congress. I send you some remarks made by me on that occasion.

Very truly yours,

CHAS. J. FAULKNER.

Hon. W. E. ROBINSON.

It is well the Brooklyn Eagle did not interview Mr. Stranahan on Mr. Faulkner, or we should have had doleful groans about "Poor old Faulkner!"

QUEEN ELIZABETH.

Mr. Faulkner, in concluding his speech on this subject in the Forty-fourth Congress, referred to the fact that Queen Elizabeth, when Henry IV of France invested two of her bravest officers with the Order of St. Michael, committed them to prison and sent the decorations back, proudly observing:

That as a virtuous woman ought to look on none but her husband, so a subject ought not to cast his eyes on any other sovereign than that of his own country. I will not have my sheep marked with a strange brand, nor suffer them to follow the pipe of a strange shepherd.

WORDS IN MY DEFENSE.

The editor of the American Protectionist, an ably edited and widely read newspaper, published in New York city, in its issue of May 31, 1884, says:

Sunset Cox and other Anglican members took advantage the other day of a hasty and inappropriate expression dropped by Congressman ROBINSON, of Brooklyn, to endeavor to put that zealous, able, and cultivated gentleman in a false light before the public. Mr. ROBINSON'S opposition to the acceptance of foreign monarchical decorations by citizens and officials of the United States is uniform, consistent, and based upon principle. His constituents and the public honor him for his sturdy and steady Americanism and hostility to foreign encroachments upon our political and industrial rights.

I omit the concluding sentence against Mr. COX.

The able editor of the Washington Sentinel of May 31, 1884, referring to my much-abused speech of May 24, on Ensign Reynolds, says:

Now, as an American citizen who favors the continuance of our Republic on the basis of liberty, we protest against Congress hereafter giving permission to any of our officers to accept foreign orders of knighthood, no matter what services they may have rendered. When a foreign sea captain has saved Americans from shipwreck or rendered other humane services, as Ensign Reynolds has done, our Government makes a small present of a chronometer, &c. We tell our Democrats in Congress that old Mr. ROBINSON, the other day, was right when he bitterly denounced this abuse, which grows greater year after year. We tell Mr. COX that the old Irish-American proved himself a better and truer American than he (Mr. COX), and old "Richelieu" showed himself also a better Democrat—one who is still imbued with the old spirit of liberty of 1776—than his deft American Democratic colleague.

That practice of allowing our officers to receive foreign orders is un-American and must be stopped.

At the next occasion we ask our Democratic friends to permit the yeas and nays to be called, so that we can publish the names of those who are fond of aping and introducing European royal customs into our democratic Republic.

At the commencement of this session I called for information from the Navy Department about our officers receiving presents from foreign despots, and on the 15th of January delivered a speech on the subject, over which the pack of English animals made their usual howl. The Washington Sentinel, however, made my speech the subject of an able article, from which I take two or three sentences:

Mr. ROBINSON accompanied the same by an eloquent speech, every word of which we fully indorse, and for which as a freedom-loving citizen we most heartily thank him.

Our readers will remember the indignation with which we noticed in these columns the open part taken by the American admiral at the bombardment of Alexandria last year in favor of the English, how our ships were put before the Egyptian forts in such position as to cover the British and force the Egyptians either to fire into them or let the English creep behind the American fleet.

Our officers should not be allowed to act the flunkies to crowned heads or ape effete aristocracy. Their sympathies should be with the oppressed, and in no case should they be permitted to assist on their own hook the former against the latter.

But under our naval system what else can we expect? We have officers educated in that aristocratic dancing-school at Annapolis at the expense of the people. But we have no American sailors, and without patriotic sailors you can not have a patriotic and efficient navy. The treatment of the sailors on board of American war vessels being so tyrannical and barbaric, and there being no hope for line promotion for an ambitious youth who would like to enlist before the mast, is it to be wondered that our American boys shun our Navy like a penitentiary? Look at the distance between an officer and a sailor on board of our vessels. It is greater than that of any other navy, even the British. Hence, the American boys of the better and educated class do not enlist. There is no hope for them for the future—nothing but low drudgery and coarse treatment.

In conclusion, we once more thank Mr. ROBINSON for his timely resolutions and his manly, truly American (though not of the period) patriotic speech.

The Brooklyn Daily Times of February 28, 1884, says:

CONGRESSMAN ROBINSON INDORSED.

It was said to-day that the majority of the Irish constituents of Hon. WILLIAM E. ROBINSON for the old second Congressional district heartily indorse his action in refusing to agree to unanimous consent on the resolution offered in the House of Representatives to accept the war steamer Alert from the British

Government to lead the Arctic expedition for the relief of the party of Lieutenant Greely.

PUBLIC MEETINGS SUSTAIN ME.

At a very large meeting, including members of the Legislature, judges, ex-governors of the State, and other distinguished citizens in the opera-house at Trenton, N. J., March 4, 1884, a resolution was very enthusiastically adopted, which reads as follows:

Resolved, That we disapprove of the action of our Government in begging and accepting from the Government of England the use of their old vessel the Alert, as a confession of our national decrepitude and a violation of the Constitution of the United States, and that we are opposed to the acceptance of all presents, gifts, and decorations, either for ourselves as a nation or for individuals from any king or prince or foreign state.

I cut the following from the New York Herald of March 6, 1884:

SCRANTON, PA., *March* 5, 1884.

At a meeting of representative Irishmen held here this evening for the purpose of celebrating the anniversary of the birth of Robert Emmet, Rev. George Pepper, of Ohio, made an eloquent address on "Ireland of to-day." The meeting passed resolutions, presented by Mayor Powderly, eulogizing Wendell Phillips and sharply criticising the action of the United States Government in accepting from the British Government the use of the Alert for Arctic explorations, stigmatizing it as an evidence of national weakness and a violation of the Constitution of the Republic. The resolutions also opposed the acceptance of gifts or decorations from any king, prince, or foreign state on principle.

SUSTAINING LETTERS.

I have received numerous letters from gentlemen, some of whom I have never met, indorsing my stand on this question. I give a few extracts and could give dozens more.

Mr. Atkinson, a prominent lawyer at Port Huron, Mich., writes to me under date of June 14, 1884, in these words:

Allow me to congratulate you. You have struck the right line. Samuel Sullivan Cox, "Rat the Newsboy," and others whom you name, and thousands unnamed, deserve recognition before "Sir Lovell Reynolds." I suppose your purpose is to kill off toadyism of the Reynolds kind without reflecting on Reynolds. I could give you scores of names along this wild coast (Lake Huron) just as worthy. They ask nothing, expect nothing, but they would love to see their Representatives in Congress stand firm by the traditions of this nation on the subject of royal titles and their dangerous jingle.

I have a letter from George C. Schaeffer, editor of Westward Ho, a paper published in Washington, dated June 12, 1884, asking me to send him a copy of my joint resolution which created such excitement over the country, in which he says that his ancestors came to this country in 1639; that his great-grandfather was elected governor of Rhode Island and other members of his family conspicuous in public life, and adds:

They and their children were taught that the highest decoration in America was "American citizen," which was torn from the hand of the King of England, costing many a drop of blood and hard-fought battles. My father once lived in your district, which I trust you may long live to represent in Congress.

That is the kind of American whose approval I covet.

A very distinguished officer of the Navy, high in honor and rank, in a letter dated June 20, 1884, after reading my speech on decorations for our officers from foreign powers, says:

I admired so exceedingly your '76 patriotic denunciation of those flunkies who desire to wear foreign livery—words can not express my admiration for your patriotic action—just what my father taught me to believe in. Every American, I mean true American, was inspired when he read your speech, and to think that in that large body there was only one who denounced foreign toadyism!

MORE INDORSEMENTS.

I think I may be justified in publishing as an offset to the denunciations of my English assailants brief extracts from a very few more of the great many letters I have received from distinguished and truly American men and women who have written in approval of my labors and measures in Congress. Many of them are Republicans, and several are unknown to me except by their honored names, but they have been watching my Congressional career and write, many of them I suppose, to show me that the malignant and unjust Anglican attacks upon me have no influence to harm me among true Americans. If any one, either friend or foe, wishes to see the originals, I shall be happy to show them.

A gentleman formerly living in my district and holding a prominent position in Brooklyn, afterward a gallant soldier in the war, and now residing in San Antonio, Tex., writes December 18, 1883:

Our club are rejoiced to find you again in Congress, where Ireland will have at least one untiring advocate. I shall ever hold in grateful remembrance one who has favored me with his friendship and whose talents and patriotism I admire and am proud of.

One of the sweetest of American female authors writes to me from her home on the Hudson, under date of Good Friday, 1884, as follows:

I have enjoyed both your speeches upon American citizens in British prisons more than you can imagine. I heard you when speaking but enjoyed reading much more. Your views regarding the salute awarded the British flag at Yorktown fully accord with my own. I was and am ashamed of Americans who permitted it. I do not fully agree with "Richelieu" in all his sentiments, but I respect and admire his honest opinions, fearlessly expressed, and feel that he strikes the key-note of liberty and right, and that he is on the true path leading to national honor.

The chairman of the Democratic standing committee of Berks County, Pennsylvania, writes me in these words, under date of March 19, 1884:

I have just read in the CONGRESSIONAL RECORD your appeal for the granddaughter of Jefferson, and although not a resident of your district, nor even of your State, I can not refrain from a line of commendation. If the records of the American Congress have a more eloquent, masterly, unanswerable appeal, it has not been my good fortune to read it.

Mr. W. F. A. Schulte, of New York city, writes to me under date of April 15, 1884, in these words:

I have watched your efforts in the last and present Congress on behalf of downtrodden Ireland with a great deal of interest, and I heartily sympathize with you. The cause is just, and you are an earnest, honest, and eloquent champion of those who have suffered from seven centuries of oppression. My feelings are enlisted on account of the persecutions I endured during the troubles of 1848 in Germany, when I was driven from the country.

A gentleman of culture and literary taste, residing in my district in the tenth ward of the city of Brooklyn, writes thus under date of April 17, 1884:

Accept my grateful acknowledgment of the receipt of your very brilliant speech. I feel unmixed and unlimited pleasure in the fact that I had the honor to vote for a Representative to Congress who was so generous and so competent as to advocate the cause and claims of the grandchild of the illustrious and immortal Jefferson. If at any time in the future you may be desirous to seek the suffrages of the voters of this district, you may calculate with certainty on my vote (if I am living) and those of my friends whom I can possibly influence in your regard. Your very interesting and admirable speech I shall preserve and cherish as a valued souvenir.

A prominent physician living in the tenth ward in my district, who I believe generally supports the Republican ticket, writes to me under date April 23, 1884, as follows:

Please accept my thanks for your eloquent address in behalf of the granddaughter of Thomas Jefferson, and I rejoice that Brooklyn has a representative who is able and willing to champion the cause of the forgotten ones, and to remember their descendants unto the third and fourth generation.

A prominent editor of the German press of the city of Brooklyn, living in my district, writes me April 30, 1884, in this language:

As one of your constituents, I regret the bill (pensioning Jefferson's granddaughter) was not passed, and that your grand and patriotic effort was thrown away on those who either from ignorance or political prejudice were lost to your brilliant effort.

A lady who lives in my district on Prospect Heights, whose family is among the most distinguished Americans, and whose pen is well known to the literary world, writes me under date of May 7, 1884:

Let me add my congratulations upon the occasion of your birthday. "May you live a thousand years, and your shadow never be less." I have read with more than a great deal of pleasure all that you did in regard to the granddaughter of Mr. Jefferson, who was the dear and intimate friend of my grandfather, Judge Sherburne, of Portsmouth, N. H., and of your generous, chivalrous support of woman and her needs.

An Irish lady whose genius has called forth frequent applause from American audiences writes me in these words, May 17, 1884:

Accept my sincere thanks. It has afforded me more pleasure than I can express to read your most beautiful tribute to Jefferson's granddaughter.

A prominent and able American journalist, resident of the city of Brooklyn, and editor of a leading American magazine, under date of May 17, 1884, writes to me in these words:

Please accept my sincere thanks for your eloquent speech in behalf of Jefferson's granddaughter. I read it with great interest. I am not, as you know, a Democrat, but I can say frankly to you, as I have said to my Republican friends here, that your course in this Congress, which I have carefully watched, has been more creditable to you and to Brooklyn than that of any of our other Representatives, and if I lived in your district—I am sorry I do not—I should vote for you every time.

The chief-justice of the supreme court of the State of Maine, who was a companion in Yale College and a member with me of the Fortieth Congress, writes under date of May 18, 1884:

Yours is received, and your speech, too, which I have read and was interested therein. * * * I wish to God I had a thousand votes to give her (Jefferson's granddaughter). I would flood your bill with them. I should blush for an American Congress that would reject such a bill upon constitutional ground. But you demolished that with a battery that sends out shot and shell in examples and precedents. How vividly you come up before my view in connection with college matters.

At the grand celebration of the Mechlenburg Declaration of Independence two years ago, at Charlotte, N. C., where I was a guest, Senator RANSOM, in the opening speech, made a reference to me in about the language of Judge Black's letter below.

JUDGES BLACK AND HOLMAN.

I give only two more extracts: one from the late Judge Black, of Pennsylvania, who in dying a short time since left no superior American statesman behind him; the other from Judge WILLIAM S. HOLMAN, of Indiana, at present a member of this House:

BROCKIE (near York), *April* 24, 1882.

Hon. W. E. ROBINSON:

I got your speech since I came home. It came under cover franked by Mr. (Senator) BAYARD. * * * As an American citizen who loves justice and hates wrong, I can not but admire the man who has done as much as you have to make up and sustain the great issue between free government and despotic rule on both sides of the Atlantic, and therefore,

I am now, and forever will be, yours, most truly,

J. S. BLACK.

HOUSE OF REPRESENTATIVES,
Washington, August 8, 1882.

MY DEAR SIR: I can not part with you in the closing moments of the session of Congress without expressing to you the satisfaction I have felt as one of your colleagues in this House in the record you have made. Your course in compelling the attention of Congress and the Government to the wrongs inflicted on American citizens by Great Britain; your heroic conduct in the beginning against overwhelming odds in asserting the rights of oppressed citizens to the full protection of their Government, and your conservative and prudent action in all measures of public policy have commanded my sincere admiration.

Hoping, my dear friend, that your constituents will long continue you in a position you fill so admirably,

I am, sincerely, yours,

WILLIAM S. HOLMAN.

Hon. W. E. ROBINSON.

I need not say that these brief tributes from Judge Black and Judge HOLMAN would more than repay for all the wrongs which an unscrupulous Anglified press could heap upon me.

In answer to the charge that I have paid too much attention to this anglomania craze to the neglect of measures of more national importance, I might quote much more largely from the public press and from my own correspondence. Venerable bishops and venerated clergy of the Catholic and Episcopal Churches, doctors of divinity of Presbyterian and other non-episcopal churches, particularly the renowned pulpit orator Dr. T. De Witt Talmage, whose tabernacle is in my own district, and whose hearty compliments I have kindly and gratefully received; editors of magazines, reviews, and other publications; distinguished generals and naval heroes, including General Hancock; the living representatives of the distinguished dead, including Jefferson and Monroe; public libraries in my own city, printed in their annual reports; legislative bodies and immense public assemblies, all speaking and writing and voting in hearty approval of my course, might perhaps flatter the vanity of even those less liable to that failing than myself.

But after all, it is my own grand constituency of my own district, in my own city of Brooklyn, whose approval I most covet, and to whom in due time I shall submit my conduct for their approval or disapproval. If they want a representative who will join in singing "God save the Queen" they must seek for some different man. I believe in the Star Spangled Banner, every red stripe of which represents the blood which our natural enemy, England, wrung from our hearts, and of which every star that glitters in its glory reflects the fame of our devoted friend, old Ireland.

NON-INTERCOURSE WITH DIPLOMATS.

On the 26th of May, 1884, I introduced a joint resolution into this House, in the following words:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be a standing rule in both Houses of Congress that no member of either House ought to receive or give any visit to or from any foreign agent or embassador, or any other person that avows himself to be a public agent or embassador for a foreign country, without the consent of the House to which he belongs.

That resolution brought down upon me the abuse of the English snobs that now so largely control the American press, and the Washington correspondent of the Brooklyn Eagle pronounced it "rampant and unapproachable absurdity." I do not expect these scribblers to know much about American history, but I may inform them that it is a copy of the resolution introduced by Senator Tazewell, of Virginia, into the Senate of the United States on the 27th of April, 1798, and though it did not pass it received the votes of Senators Bloodworth, Langdon, Mason, Tazewell, and other illustrious Revolutionary patriots. It expressed the opinions of our patriotic fathers against this foreign influence which we are now courting. What chance has an American citizen for fair play against a government whose minister is wining and dining our Congressmen and others in authority? We want some such resolution to save Republican principles.

DIPLOMATIC SPIES.

I have an idea that we are unconsciously, through our diplomatic network over Europe, the most efficient detectives of European despots. The first-born impulse for freedom very naturally occurs in the United States, and monarchies can well afford to show their favors to all spies who will detect to them the first throbbings of liberty.

In my first speech against Mr. Lowell in this House, January 26, 1882, page 13, I called attention to the fact of the British secret service in this country, of which the British minister is head, and includes not less than two hundred spies in this country. They have the names of all officers of land leagues and other organizations in this country opposed to English interests, and I hinted that some of our representatives abroad have acted as volunteer spies. We have seen that one of these British spies had access to our post-office in New York, but while our Postmaster-General acknowledges that this is true, he felicitates himself on the fact that this spy was not actually caught opening our business men's letters. Happy country, with such a confiding spirit!

CONGRESS ON IRELAND.

When I reflect I wonder what has changed the noble sentiment in regard to Ireland. Nearly every Congress for the last twenty-five years has passed resolutions of sympathy with Ireland. Mr. Parnell when he was here was received in this House and occupied its floor in a brilliant speech. In July, 1866, a joint resolution was passed and approved by the President in the following words:

Whereas the House has been informed that certain peaceable and law-abiding citizens, while assembled at and within the building recently erected in this city for the benefit of orphans of deceased soldiers and sailors of the United States, situate on the corner of Seventh street and Pennsylvania avenue, have been illegally and improperly dispersed by the mayor of this city for the alleged reason that they belonged to a Fenian organization, and thus prevented from exercising their rights and privileges as citizens of the United States: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said citizens are hereby authorized, whenever permitted so to do by the Speaker of this House or the President of the Senate, to use and to occupy said building for the purpose of holding meetings for any proper and lawful purpose, and particularly in reference to the liberation of Ireland.

Approved July 28, 1866.

Among the Senators voting for that resolution were Chandler, Howard, Morgan, Nye, Stewart, Wade, Wilson, and Yates. It passed the House without opposition. What would be said now if I should move to give our public building for the holding of Fenian meetings, and "particularly for any meeting for the liberation of Ireland?"

In March, 1867, the following joint resolution was introduced in the Senate by Mr. Nye, of Nevada:

Joint resolution extending sympathy to the people of Ireland.

Whereas the Irish people, after seven centuries of outrage and misery, have called upon God and mankind to witness the justice of their cause and the intensity of their sufferings, and have appealed to the republicans of the entire world for sympathy and assistance against their British oppressors: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in response to an invitation which reminds us equally of the trials and pledges of the American Revolution, and full of admiration of the principles which inspire their determined protest against a tyranny the most inexcusable and defenseless because waged by a government which boasts of its Christianity and civilization, and in obedience to the sentiments of millions of happy American freemen, we hereby extend our sincere and earnest sympathy to the people of Ireland in their noble stand against their British oppressors.

Resolutions of that kind passed either House without opposition, but England is getting the upper hand. I tried to introduce a similar resolution into this House in the Forty-seventh Congress, but the Speaker's eye was not upon me. I have not dared to try it in this Congress.

The last resolution of this kind, I believe, was offered in the Forty-sixth Congress by the distingnished gentleman from Indiana [Mr. CALKINS] and passed unanimously.

In the Fortieth Congress, in March, 1867, I offered a similar resolution, which was unanimously adopted.

Who will offer such a resolution next? I hope when it shall be offered the gentleman from Illinois [Mr. DUNHAM] may not be present, for he would probably refer it to the Committee on Public Health!

WENDELL PHILLIPS AND HORACE GREELEY.

In a letter dated Boston, November 2, 1881, Wendell Phillips says:

Ireland to-day leads the van in the struggle for right, justice, and freedom.

And in his address to the students of Harvard College he made the following eloquent appeal in her behalf:

Ireland is another touchstone which reveals to us how absurdly we masquerade in democratic trappings while we have gone to seed in tory distrust of the people; false to every duty, which, as eldest-born of democratic institutions, we owe to the oppressed, and careless of the lesson every such movement may be made in keeping public thought clear, keen, and fresh as to principles which are the essence of our civilization, the groundwork of all education in republics.

We ought to clap our hands at every fresh Irish "outrage," as a parrot press styles it, aware that it is only a far-off echo of the musket-shots that rattled against the old State House on the 5th of March, 1770, and of the warwhoop that made the tiny spire of the Old South tremble when Boston rioters emptied the three Indian tea ships into the sea—welcome evidence of living force and rare intelligence in the victim, and the sign that the day of deliverance draws each hour nearer. Cease ringing endless changes of eulogy on the men who made North's Boston port bill a failure while every leading journal sends daily over the water wishes for the success of Gladstone's copy of the bill for Ireland.

Ireland is still the touchstone of truth. Wherever a true American exists she has a friend; wherever despotism has an advocate she finds an enemy.

I have kept as a sacred relic the address "To the friends of Ireland" written by Horace Greeley, dated New York, October 3, 1848, and published conspicuously in the New York Tribune the next day, signed by Judge Robert Emmet, Charles O'Conor, Judge James W. White, Horace Greeley, and others at that time known as the "Irish Directory." As I was then an editor of the Tribune, I cut the printed address from the paper, which I pasted on the last page of the manuscript, which contained their autograph signatures, from which I copy a few words:

We do not believe that the star of Ireland's hope is set forever. Determined to devote ourselves to the regeneration of Ireland, we will from time to time, as occasion may demand, hereafter address our friends in this form, and hope one day to announce the glad tidings that Ireland is a republic.

I need hardly say that I do not like the change in our national sentiments so boldly acknowledged by the paragraphs which I have quoted from the Cincinnati News-Journal and the Washington Daily Post acknowledging our return to monarchical ways. The saluting of the English flag at Yorktown; our military officers appointed to wait upon Lord Lorne on his visit here; our insult to American manhood in being compelled to wear livery; our willingness to vote presents and even decorations to our officers from foreign despots in violation of our Constitution; our doleful attempts to imitate English squireens in fox hunts at Newport and elsewhere, at which American ladies forget their American womanhood in witnessing the barbarities inflicted on the poor half-tamed pet fox that does not know enough of its wild nature to get away from its cruel quadrupedal or more inhuman bipedal pursuers; the crazy homage which we recently paid to the lord chief-justice representing the tyranny with which the judiciary of a fearful despotism trampled down the rights of its subjects; the flunkeyism of our Treasury Department in ordering, illegally, his baggage to be passed through the custom-house without search, while members of our own American judiciary and their wives and daughters have been subjected

to the most annoying searches in their trunks and on their shrinking persons; the proposing of the queen's health on the last celebration of her birthday at the royal residence of her lordly representative by one of our highest officials; buying and accepting English ships to send on our national expedition when our own ship-builders were ready at less cost and in less time to furnish superior vessels for the service; spies admitted to our post-offices to facilitate the betrayal of our republicans who sympathize with freedom into the hands of an unmerciful foe; singing and playing "God save the Queen" and "Rule Britannia" by our national bands and on public occasions; the undue and undeserved craze over foreign actors and artists to the neglect and injury of our own superior native talent; the use of our national vessels as private yachts for feeding the vanity of our public servants and their families when, if they could be spared for any such service, they should be used for excursions on the water to give fresh air and renewed health to the poor and sickly widows and orphans of the gallant soldiers who fell in the struggle for the Union; the unconstitutional use of official flags in imitation of royal customs by our Secretaries and President, when no flag but the starry banner should be displayed; the interference of foreign ministers in Congressional matters and the formation of our Congressional committees; the homage, almost adoration, with which foreign lecturers are received, even by our public servants, whose tongues and pens are still sibilant with curses upon our people and Government—to these and other imitations and encroachments of foreign folly and aristocratic antics I am unalterably opposed. I believe the American people are with me. I believe my own district, which includes the wealth and worth, the culture and brains, as well as the more useful working classes, is with me. In the imminent Presidential election these things will have a vast influence on the issue. The least appearance of pandering to these aristocratic innovations or departure from American manners will influence the votes of a million Democratic voters more than any question deemed by short-sighted Congressmen as of more importance.

I stand up for the American ideas of Washington and Jefferson, and shall oppose all measures in favor of monopolies and land-grabbing.

Room for American ideas; perpetuate our American independence; revive our ship-building; restore our marine commerce; protect American labor, and elevate the condition of the workingman; limit the hours and increase the pay of American labor; prompt relief and liberal pensions to our soldiers and sailors; enlarge postal facilities, and secure a uniform penny postage. These are objects to which I have been and shall be devoted as long as I remain here. If my constituents disapprove of this, let them, at the dictation of English snobbery, call me home.

Let us be content with the honors and customs of our own country, in place of running abroad for honors and decorations; give undivided allegiance to our own glorious flag, or, if forced to show our preferences, let our hatred be for tyrants and our sympathy for the oppressed. Waste no admiration on foreign governments while you have one of your own to which every true American may proudly turn and exclaim:

> Empires shall perish and monarchies fail;
> Kingdoms and thrones in thy glory grow pale;
> Thou shalt live on, and thy people shall own
> Loyalty's sweet, where each heart is thy throne;
> Union and freedom thine heritage be—
> Country of Washington, blessings on thee!

A National Policy of Public Buildings—The Public Building at Detroit, Mich.

SPEECH

OF

HON. BYRON M. CUTCHEON,

OF MICHIGAN.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884.

The House being in Committee of the Whole House on the state of the Union, for the consideration of bills reported from the Committee on Public Buildings and Grounds—

Mr. CUTCHEON said:

Mr. CHAIRMAN: I beg the attention of the House for a few moments to some considerations affecting the matter of public buildings. It has been charged, or at least intimated here, that there is a public building pool, or ring, or combination. If there be such a combination, Mr. Chairman, I certainly have no knowledge of it. There is nowhere in this long list any bill that affects my district directly or that comes within two hundred miles of it. So far as I am concerned, each of these bills stands and shall stand upon its own merits if it has any.

As a matter of general principle and of national policy, I am in favor of the National Government conducting its business in its own buildings, constructed and adapted for its own use. I do not believe that any judicious and far-seeing business man would do business or could successfully do business upon the plan that this Government has hitherto largely pursued. I said I was not directly interested in this bill, but I am interested, as is every citizen of Michigan, in the bill somewhere on this Calendar for a new public building in the city of Detroit, which we all proudly own as the metropolis of our State—"the City of the Straits."

It may serve as a sample of that false economy which has failed to provide adequate facilities for the transaction of the public business, when I state that less than one-half of the Government business in that city is transacted in the Government's building, and that more than $5,000 is annually expended there in rents for the accommodation of Government offices outside the public building.

The fact is that long years ago the city and the public business had outgrown the quarters provided, and all sorts of wasteful and extravagant expedients have been resorted to, and the public business is scattered all about the city; the post and customs office in one place, the internal revenue in another, the engineer in a third, the life-saving service in a fourth, and so on to the end. In using this as an illustration I beg to print some further facts and statistics, that members may have them to refer to when that bill is reached, as the time allowed on each bill will preclude their presentation then.

I desire to take this occasion, Mr. Chairman, to say that I am not in favor of extravagant expenditures for public buildings, but I am in favor of an economical liberality. This Government is to endure, I hope and trust, for a thousand years. So long as it endures it will need, and must have, post-offices, court-houses, custom-houses, and accommodations for its other public business. The demand will never be less, but will constantly increase.

Judging by the growth of the past quarter of a century, we can scarcely conceive how great that increase will be. The child is now born who will see not less than 200,000,000 people inhabiting this continent. These will all demand and must have the postal facilities and the revenue facilities pertaining to a mighty nation. We know not what new developments in commerce, in manufactures, in invention await us. The coming of the postal telegraph or the universal postal telephone I regard as only a question of time, and of but a short time at that.

The great commercial age is at our door. Here in this great temperate belt of the American continent is to be its grandest field of development. We legislate to-day for nearly 55,000,000 of people. The next generation which stands in our place will legislate for 100,000,000, and our grandchildren will legislate for 200,000,000. The vast business of these coming millions must be carried on; it must have appropriate buildings in which it shall be carried on. If they shall be constructed by the Government for the express use for which they are designed the business can be conducted conveniently and economically. If this business is to be carried on in buildings not designed for the use to which they are appropriated the business will be carried on wastefully and uneconomically.

It is a disgrace to this nation that the post-office business of this capital is carried on in an old tumble-down hotel structure utterly unfitted for the use to which it is put and utterly destructive of all economy of force or finance. And so it is all over the country. The business of this great Government is carried on in rented buildings, wholly unadapted to its use, at great loss of time, money, and business. It is time this contemptible, cheese-paring policy was abandoned. We are no longer colonies. We are the great Republic of the West. We are in the second century of our national existence. The crisis of national peril has been safely passed. Henceforth the path of empire lies straight and plain before us. It is time that the National Government transacted its business in its own quarters, designed and adapted to its use. There can be no more absurd idea than that hoarding is economy.

In this case holding hundreds of millions of dollars in the Treasury while the Government has not a decent roof over its head is unmitigated foolishness and extravagance. Money is only a blessing when it is used. These millons should be put in circulation throughout the States, giving employment to thousands of artisans, expended not in wasteful jobs and ornate architecture, but in the erection of solid, substantial, enduring, and dignified public buildings, that shall stand as some fit and worthy symbol of the sovereignty of this nation, the majesty of the people.

Mr. Chairman, there is an economy (so called) that is simply the outward sign of a shriveled soul. It is not economy, but niggardliness. To use a homely phrase, "It saves at the spigot and wastes at the bung." It is the economy of the miser, who sees no use to which money can be put but to hoard it, while all the utilities and beauties of life lie waste and unimproved.

We stand here to legislate for a great Government, for a great people, and for a great future. We are to-day in the van of the world's advance. We are building for the coming generations. Let us build as for the future; build like statesmen; build in a spirit that shall have some of the breadth of the continent; build as though we believed that this great nation, this noble sisterhood of "States in empire," were to be perpetual.

APPENDIX.

The present public building at Detroit is occupied as follows:

The basement, though wholly underground, is constantly used by

the Post-Office Department for receiving, sorting, and dispatching mails. It is a wholly unfit place, but is used of necessity.

The main or first floor is wholly occupied by the post-office, but is so inadequate that it is very greatly crowded and very poorly lighted for its use. On the first floor and part of the second it is necessary to burn gas constantly in order to transact the business. The gas bill for the year ending December 31, 1883, was $5,073, and fully four-fifths of this was consumed in the post-office.

The second floor is occupied by the custom-house, the United States district attorney's office, and the clerks of the United States circuit and district courts. The accommodations for the custom-house are wholly inadequate.

The third floor is used by the United States court-rooms, judges' rooms, jury-rooms, United States marshal, supervising and local inspectors of steamboats, and special agents of the Treasury Department.

In addition to these the following offices are maintained in rented buildings at rentals as indicated:

Appraiser's store, at wharf	$300
Customs office, at wharf	250
Life-Saving Service	72
Internal-revenue office	1,100
Signal Corps	264
Marine-Hospital Service	300
Office paymaster United States Army	300
First office Engineer Corps (General O. M. Poe)	780
Second office Engineer Corps	480
Third office Engineer Corps (Major Howard)	200
Light-House Board	345
Light-House Board (second)	480
Pension office	900
United States land offices	300
Total rents	5,185

That a correct idea may be formed of the needs of the customs service at Detroit, it should be borne in mind that for the year ending June 30, 1883, there were entered at that port—

Foreign vessels (being the largest of any port in the United States except New York city)	3,010
Foreign vessels cleared (being also the largest in the United States except New York)	2,972
Number of entries of merchandise (being 6,501 more entries than at Chicago the same year, where the number was 10,203; in the number of entries made Detroit stands seventh in the United States, only New York, Boston, Philadelphia, San Francisco, Burlington, Vt., and Port Huron having more)	16,704
Value of foreign exports (being third in rank for foreign exports, only New York and Portland leading Detroit)	$3,509,936

COASTWISE TRADE.

Coastwise vessels entered (being eighth in the United States)	2,461
Coastwise vessels cleared (being eighth in the United States)	2,553
Number of vessels documented (being twenty-third in a list of one hundred and twenty-nine ports which issued documents)	394
Customs collections last fiscal year	$406,846 46

INTERNAL REVENUE.

Internal-revenue collections for the last fiscal year amounted to	$1,251,419 52

PENSION OFFICE.

The Detroit United States pension office annually disburses about	$2,000,000 00

POST-OFFICE BUSINESS.

To show the past and prospective increase of business in the Detroit post-office, the following official figures are appended:

Years.	Gross receipts.	Net revenue.
1861	$34,147 91	$10,627 00
1866	89,634 27	41,472 33
1871	134,591 95	77,073 81
1876	182,397 76	116,544 24
1879	205,313 49	139,849 33
1883	391,884 99	233,647 26

Number of letters delivered by carriers: 1869, 187,199; 1879, 4,692,121; 1883, 7,046,192.

Number of letters mailed: 1874, 4,591,873; 1879, 7,362,050; 1883, total number of pieces of mail matter received and delivered, 34,110,101; money-order receipts, 1876, $1,491,650; 1883, $2,594,080; total cash receipts, 1883, $2,985,964.

UNITED STATES COURTS AT DETROIT.

Fiscal year ending June 30, 1883:	
United States civil cases terminated during year	34
United States criminal cases terminated during year	71
Civil suits (other than United States) commenced	155
Civil suits (other than United States) terminated	165
Admiralty cases commenced	242
Admiralty cases terminated	213
Total cases terminated	483

Government officers and employés to be accommodated in Government building:

1. The United States post-office, with all its adjuncts: In addition to the regular officers and employés there are fifty-six railway postal clerks who regularly report here.
2. The United States custom-house, with all its adjuncts, and forty-eight customs officials who report here regularly.
3. The United States circuit and district courts, with all their adjuncts of judges, district attorneys, marshals, juries, clerks, commissioners, &c.
4. The internal-revenue office.
5. The United States pension office.
6. The Life-Saving Service.
7. Signal Corps.
8. Marine-Hospital Service.
9. Office United States paymaster.
10. United States Engineer Corps, in all its departments.
11. The Light-House Board.

At the present time only the first three are accommodated partially in the Government building. The total number of United States officers and employés now on duty at Detroit and entitled to office accommodations is 196.

COMMERCIAL STATISTICS OF DETROIT.

Bank capital, 1883	$4,100,000
Bank deposits, 1883	21,745,000
Bank loans and discounts, 1883	18,113,000
Bank clearing-house transactions for month of December, 1883	14,374,554

To this I add only a few items of transportation:

Shipments of corn from Detroit:	*Bushels.*
1880	218,997
1881	310,276
1882	633,245
1883	1,572,627
Shipments of wheat from Detroit:	
1881	4,793,067
1882	5,816,749
1883	6,260,480

MANUFACTURES.

Number of establishments, 1880	919
Capital employed, 1880	$15,594,479
Value of manufactured products, 1880	$30,181,416

POPULATION.

1870, census report	79,577
1880, census report	116,340
1884 (estimated)	150,000

The great growth of Detroit during the past four years is indicated in part by the increase of business in the post-office.

The foregoing statistics give a very imperfect idea of the Government business to be transacted and the number of employés and officers to be accommodated. The present accommodations are not one-half equal to the demand. Such is the present aspect of the case.

Few cities in the Union have made more rapid strides in population and business during the past four years than Detroit. It is one of the great entrepôts of the United States. It is the metropolis and the great depot of one of the most flourishing of the States of the Union—a State which, although not yet half a century old, is nevertheless ninth in population, ninth in the product of manufactures, fourth in the production of wheat and wool, and first in its product of iron, copper, lumber, and salt, and sixth in the scale of least illiteracy, being surpassed only by Wyoming, Nebraska, Iowa, Maine, and Dakota in the order stated.

The State of Michigan, with nearly 2,000,000 inhabitants, has but three Government buildings within its boundaries:

1. The building at Detroit, completed in 1860 at an original cost of $182,733, and upon which has been expended in twenty-four years in repairs and changes the sum of $31,685.57, making a total of—

Buildings	$214,418 60
Cost of site	24,000 00
Total	238,418 00

2. The court-house and post-office at Grand Rapids, which cost—

Buildings	$141,413 00
Site	69,996 00
Total	211,409 00

3. Custom-house and court-house at Port Huron (one of the largest ports of entry in the United States)—

Building	$341,876 71
Site	5,205 00
Total	247,081 71

4. Besides this a site has been acquired at Marquette, in the Upper Peninsula, at a cost of $7,075—making a grand total for the entire State of Michigan from its admission until the present time of $803,983.71.

I desire to compare this with the expenditure for public buildings in other States at points comparatively small and commercially unimportant, and with the exception of Portland, Me., and Charleston, S. C., not upon the coast or frontier, and where the actual necessity for large expenditure is comparatively small; not that this will increase our need or the justice of our demand for the metropolis of Michigan, but that it may appeal to your sense of equity and fair dealing:

Name of city.	Population, 1880.	Cost of building.	Cost of site.	Total.
Albany, N. Y.	90,758	$535,518 25	$155,700 90	$691,219 15
Carson City, Nev.	4,229	434,369 98		434,369 98
Charleston, S. C.	49,984	2,778,736 61	190,000 00	2,968,736 61
Fall River, Mass.	48,961	361,396 54	132,856 65	494,253 19
Hartford, Conn.	42,015	837,836 93		837,836 93
Knoxville, Tenn	9,693	388,841 72	10,300 00	399,141 72
Nashville, Tenn.	43,350	404,777 99	38,500 00	443,277 99
Portland, Me. (exclusive of marine hospital)	33,810	915,415 02	40,500 00	955,915 02

Rivers and Harbors.

SPEECH

OF

HON. BENTON McMILLLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 10, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. McMILLIN said:

Mr. CHAIRMAN: With a full knowledge of the Cumberland River I concur heartily with what my colleague [Mr. CALDWELL] has said concerning it. It is in many respects the most remarkable river on the continent. For more than six hundred miles it is navigable for a good portion of the year without locks and dams. Its banks are rock-bound and its bed is rock; so that there is no difficulty in getting all the abutment necessary for the most perfect system of improvement and all the material necessary for the work. There is probably no other river in the world upon which the same amount of valuable improvement can be placed at so small a cost.

Notwithstanding the great length of the stream, its average width is only from one hundred to one hundred and fifty yards. Yet for a good portion of the year boats carrying four hundred tons can run, and did run even before any improvements were placed on the river. The object we have in view by the amendment proposed is to appropriate $100,000 to begin the work of locking and damming, and I hope the House will vary from the rule adopted of sustaining the committee and adopt this amendment.

The country through which it passes is unsurpassed in fertility anywhere in the world. It is as rich as the valley of the Ganges or the Jumna. This river is, as I have said, only from one hundred to one hundred and fifty yards wide, with a deep channel that has not changed perceptibly since the country was settled. There are no quicksands to sap the foundations of the dams; there are none of the thousand difficulties that are encountered on other works of improvement of this kind. It has an average fall, I believe, of about eight inches to the mile. Each lock and each dam placed upon it according to the plan prepared in the engineer's report, which is practically adopted by the committee, will give permanent navigation for twenty miles.

Sirs, look what a work can be done with but little more than $3,000,000. Cincinnati has paid more than twenty millions for her Southern road. It is but little longer than this river. For one-seventh of the amount her road cost we can have a river made navigable the whole year, with no cross-ties to rot every ten years, no embankments to wash out, no rails to wear out and be replaced every few years; a free highway for commerce where the great Maker of the universe intended there should be one.

It is not like the Muscle Shoals improvement. There you have had to spend millions before the least benefit could be derived from your improvement. Here when you have expended a hundred thousand dollars you get one lock, and then there is permanent navigation for more than twenty miles above it for all time. You get full benefit of the work even while it progresses.

One other point I wish to call your attention to. The report of the engineer states that the work already done upon this river, which has cost more than a quarter of a million dollars, can be utilized and will be of vast service in the construction of the locks proposed by the new system. It is not like abandoning an old system of improvements and adopting a new where all the old work is lost and useless. Take for example the Sand Shoals near my own home. There the work consisted of deepening the channel of the river by blasting out the rocks of the bottom. It requires no argument to prove that it will require fewer and lower dams where this has been done.

I know the committee have labored under difficulty. I do not charge them with punic faith in this matter. Our greatest trouble has arisen from the fact that the report of the engineer in charge of the work, Major King, was held back until more than half this session was gone. It never came out until my colleague and I went before the committee, and we for the first time brought it to their attention. If the members of the Committee on Rivers and Harbors could have had that report as they had those of other rivers, I can not doubt the result would have been different. The other reports reached them the first of the session last December; this one not until after the middle of March, when the committee had settled on the basis of their bill and done much of the work. It is now for us to consider whether it is not wise to commence and continue the improvement in the way proposed.

Notwithstanding the delay of the report and the inconvenience it has caused the committee—I hope not, but I am sure when the Senate, the House, and the Committee on Rivers and Harbors come to understand fully the importance of this work as they could have done if the report had been made out in time—I feel quite sure they will see the wisdom of the expenditure.

Time after time I went to General Wright's office, at the opening of this session, to get the report before the committee in season that we might get the appropriation in this bill. But the response was given that it had not yet been forwarded to Washington from Chattanooga. This continued till only a few weeks before this bill was reported to the House. I had visited Captain Turrill twice before I came on to Washington last December, and he had promised me he would forward it to Major King as soon as possible, which I heard he did.

Mr. Chairman, I succeeded in getting an appropriation two years ago to have a survey of the Cumberland River, with a view of locking and damming it. The following is the report of the survey; it only requires a glance to show that the work is eminently practicable:

SURVEY WITH A VIEW TO PLACING LOCKS AND DAMS ON THE CUMBERLAND RIVER FROM NASHVILLE, TENN., TO THE CINCINNATI SOUTHERN RAILROAD IN KENTUCKY.

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., February 26, 1884.

GENERAL: I have the honor to submit the following report on the survey of the Cumberland River from Nashville, Tenn., to the Cincinnati Southern Railroad, Kentucky, made in compliance with your instructions of April 24, 1883, as follows:

"To make such survey and report as to the cost of placing locks and dams on the Cumberland River from Nashville, Tenn., to the Cincinnati Southern Railroad in Kentucky, as, in the opinion of the Secretary of War, is necessary to complete the examination and report of said river; said report to be—

"First. As to the practicability of the work.

"Second. Its probable cost from Nashville to the Kentucky line.

"Third. The cost from the Kentucky line to the Cincinnati Southern Railroad.

"Fourth. The cost of locking and damming so as to improve Smith's Shoals."

The survey was begun at Point Burnside, the crossing of the Cincinnati Southern Railroad, on the 15th of July last, and was extended to Nashville, a distance of 328 miles, and embraced a continuous line of levels and transit line with cross-sections, and soundings at the shoals and proposed lock-sites.

The field-work of the survey was completed on the 1st of November last, and it was intended that the maps also should be completed before the end of November, but it was found impracticable to do so, and they were not completed until last week.

A survey of Smith's Shoals had already been made and reported upon (Senate Ex. Doc., No. 132, Forty-seventh Congress, first session), so that nothing further was needed in that respect to furnish the information called for in the letter of instructions.

It was found by the survey that the entire fall between Point Burnside and Nashville is 223 feet, or about 8 inches per mile, and that the general slope is quite uniform.

The banks are sufficiently high in most cases to prevent overflow, and the river bed is generally rock, which would give secure foundation for the proposed locks.

This river has heretofore been improved by means of wing-dams and channel excavations, with a view to securing an increased depth of channel at medium stages of the river, but without attempting to secure a navigable depth at extreme low water, and while greatly facilitating navigation, it is evident that such a system of improvement is but a partial removal of the difficulty. It is quite likely that if the stages of the river could be known in advance, so that steamboats could take full advantage of all navigable boating-tides during the year, all the commerce of the Cumberland River could be carried on without a more radical system of improvement, but there would be several months of low water, when all navigation would be suspended. Boats drawing from 21 to 30 inches can, in some seasons, run eight months during the year.

The following table shows the average number of days per annum in the five years from 1876 to 1880, inclusive, when the river at Nashville stood at different levels on the gauge:

	Feet.
For 188 days the river was above	5
For 128 days the river was above	10
For 65 days the river was above	15
For 39 days the river was above	20
For 27 days the river was above	25

One trouble in taking advantage of boating-tides is that many of them are of such short duration that boats would not have time to make the entire trip without danger of getting caught on the way, which would entail great expense, delay, and liability to damage perishable articles of freight.

The proposed system of improvement by locks and dams will require twenty-three locks with lifts, varying from 6.5 to 11.8 feet at low water, with side walls sufficiently high in each location to permit boats to pass the locks until the water is high enough to allow them to pass over the dams. As it will require from 20 to 25 feet rise to enable boats to pass over the dams safely, it will be seen from the foregoing table that on an average the locks will be used about eleven months in the year, and during one month the boats will have to pass over the dams.

It is proposed to build the locks of solid masonry and found them upon the rock. They should be about 60 feet wide and 250 feet between miter sills, though perhaps smaller dimensions would answer the purpose.

There will be a dam required at each lock from 250 to 500 feet long, and these should be made of stone and timber with secure foundations. Each dam will back the water to the next lock above, a distance of from 8 to 19 miles, and give a depth of 5 feet on the lower miter sill.

The questions suggested in the letter of instructions may be answered as follows, taking them in their order:

1. There is no doubt as to the practicability of the work. A very similar, but more difficult work, on account of bad foundations, has been successfully tested on the Kentucky River, below Frankfort.

2. The probable cost from Nashville to the Kentucky line, as estimated by Mr. Turrill, is	$1,987,536
3. The probable cost from Kentucky line to the Cincinnati Southern Railroad he estimates at	1,215,386
Making a total of	3,202,922
4. The cost of locking and damming Smith's Shoals, as estimated in my report of February 15, 1882, is	877,000
Which, added to the foregoing, makes	4,077,922
The cost of operating the thirty locks, including seven at Smith's Shoals, will be about $1,200 per annum each, or $36,000, which, capitalized at 3 per cent., makes	1,200,000
Making the entire expenditure involved in the project	5,277,922

The prices, per unit of quantity, given in Mr. Turrill's estimate, are generally much lower than could probably be realized in conducting such work, especially when we consider that it is scattered along 328 miles of river subject to sudden and heavy freshets, and that the annual appropriations for such works are generally scattered over eight or ten years of time.

If undertaken, the work should be begun at Nashville and extended up the river so that the improvement can be utilized as fast as it is completed. This will benefit commerce, even on the upper river, more than to begin at two or more places, because the upper end of the improved river will always be the base from which boats can safely undertake hasty trips to the upper waters of the Cumberland and its tributaries on short tides in summer. Any attempt to improve intermediate sections would not only add greatly to the cost of the work but would delay its completion, and the detached locks and dams would be of no use until connected with the completed work below.

As to whether this "improvement is proper to be made," it may be remarked that some more radical improvement of the Cumberland is evidently demanded by the interests of commerce; and if the necessary depth of water can not be obtained without locks and dams, the expenditure of $5,000,000 for building them may be justified. But before deciding this point it is proper to inquire whether the same amount of money, or even a much smaller sum, may not provide a sufficient depth of water for all commercial purposes. It must also be borne in mind that the system of locks, even if completed in the most substantial manner, would not be an unmixed blessing, since they would at all times cause some delay, and accidents might occasionally stop navigation altogether for several days at a time; but at all times when the river is above say fifteen feet at Nashville navigation would be better without locks than with them.

When the river at Nashville is above ten feet, or about four months in each year, there is probably sufficient water for all purposes of navigation, so that the locks may be considered as desirable only eight months in the year, or two-thirds of the time, while during the other third they would not only cause delay and expense for working, but would be practically unnecessary. As the average fall is only eight inches per mile, there would be no trouble about rapid currents if the slope could be made tolerably uniform, and the important question would be to get a sufficient depth of water. To determine whether this is practicable the low-water discharge of the river was measured at three points, with the following results, namely:

1. Above the Kentucky and Tennessee State line, 850 cubic feet per second.
2. Above the mouth of Caney Fork, 1,100 cubic feet per second.
3. Near Nashville, 1,325 cubic feet per second.

By computation it is found that if the river at low water were confined in a channel eighty feet wide at bottom and with side slopes of forty-five degrees at the shoal places, and the slope regulated by jetties or wing-dams, these quantities of water will be sufficient to give a depth of five feet, six feet, and seven feet at the points just mentioned.

In other words, there will be plenty of water if the width and slope are properly regulated, and this can be done by a suitable arrangement of brush and stone dams so disposed as to narrow the channel at low water and cause the gravel to scour to the proper depth at the shoals and form deposits in the deep places, where it will not only be out of the way but will assist in backing the water upon the shoal places.

To those not familiar with the subject it might appear that this would simply be a continuation of the improvement on the present plan, and to a certain extent it would be; but it should be remembered that the existing project has cost only $277,000 for the entire improvement from Nashville to the head of Smith's Shoals, or less than one-nineteenth of what it is now proposed to apply to the same portion of the river.

In order to compare the lock and dam system with the jetty system, which, by the way, is something like the original problem of improving the mouth of the Mississippi River minus most of its difficult and experimental features, Mr. Turrill was directed to make an estimate of the cost of improving the worst, or most difficult, and the most favorable sections of the river by jetties, with the following result:

Worst section: With locks, $180,951; without locks, $268,700.

Best section: With locks, $168,006; without locks, $121,300.

The cost with locks includes the cost of operating, capitalized as in the general estimate, and the figures show that in the worst section the locks would be about $88,000 cheaper, while in the best section they would cost $46,700 more than the jetties.

It should also be taken into account that the building of jetties will not interfere at any time with the free navigation of the river, while the dams can not be built without entirely stopping navigation for longer or shorter periods, according to the stage of water, floods, weather, appropriations, and other circumstances under which they are built.

In some cases it will evidently be better to build locks, while in others jetties will be more advantageous.

I would, therefore, respectfully recommend that if this improvement is undertaken by Congress the following provisions be made:

1. That the appropriation be made without geographical limit other than that it shall be applied to the "improvement of the Cumberland River above Nashville."

2. That, in order to conduct the work on business principles, the first appropriation should be enough to complete at least three locks and dams next above Nashville, say $400,000.

3. That the law shall simply specify the depth of navigable channel to be secured, leaving it to the Secretary of War to adopt the plan of improvement best adapted to the physical conditions of each section of the river. A depth of four feet, at ordinary low water, say eleven months in a year, would probably be sufficient for all purposes of navigation.

Mr. Turrill's report, giving details of the survey, estimates, and commercial statistics, is appended hereto. The maps will be forwarded when copied.

Respectfully submitted.

W. R. KING, *Major of Engineers.*

CHIEF OF ENGINEERS, *United States Army.*

Mr. Chairman, there is hardly an element of wealth found on any other river of this continent that is not found in the valley of the Cumberland River. The finest coal for domestic purposes in the country is there in abundance. If this improvement is made, coal can be delivered along the Cumberland to Nashville at less than 10 cents a bushel.

I have already mentioned the fertility of this valley. It will produce two crops of potatoes a year, and yet there are hundreds of miles where none of this crop can be sent abroad, for the reason that at the season for their sale there is no transportation. There is such a combination of agricultural capabilities in this valley as is not found in any other region I have ever seen. In Sumner and Wilson Counties there is a combination of blue-grass and cotton lands. In a radius of ten miles cotton may be found, cotton of a fine quality; pastures upon which have been produced some of the finest horses that have ever marked the American continent and finest cattle of the land; potatoes that find a ready sale in every market, both for seed and for the table, and growing two crops a year from the same land; corn, wheat, oats, and the grasses in the greatest abundance; and fruits and vegetables in the greatest luxuriance. All along the valley a population as industrious, intelligent, and honest as any in the world is found. They need only permanent transportation such as this amendment—this river improvement—contemplates to make their region second to no part of the great Mississippi Valley in thrift and wealth.

Sir, in support of what I say concerning the resources and products of this section I quote the following from the report of Captain Turrill, who made the survey. While it does not enumerate all the elements of wealth or give the full capacity of the country, it will shed some light on it:

RESOURCES OF THE UPPER CUMBERLAND.

The population of that portion of Kentucky and Tennessee drained by the Cumberland above Nashville is about 500,000. The resources of that portion of the valley above Burnside, Ky., have been described by Lieutenant Marshall, Corps of Engineers, Capt. W. C. Crozer, and others, in their reports of surveys in that vicinity. The development of that particular region would be greatly assisted by the improvement here recommended. After passing Smith's Shoals coal could be towed cheaply at all seasons of the river to Nashville and neighboring cities, where manufactures are on the increase.

Coal was formerly mined on the South Fork and taken down in barges, but of late years they have been unable to compete with other coal on account of uncertainty of transportation. This coal is said to possess fine coking qualities.

The coal mines at Poplar Mountain, Wayne County, Kentucky, were once profitably worked, the coal being brought six miles on a railroad to the river and carried down in barges by a towboat. The mines have not been worked for several years, though the supply is said to be abundant. Extensive deposits of coal also exist near the head of navigation of Obey's River.

Coil oil is frequently found on the banks of the Cumberland in Wayne, Clinton, and Cumberland Counties, Kentucky, and near the river in Putnam, Jackson, Overton, and Clay Counties, Tennessee. Experts give it as their opinion that this oil-field has a bright future, and only awaits cheap transportation. Timber of valuable quality is found in large quantities, principally oak, poplar, hickory, and walnut. Last year about 1,700 rafts were brought down to Nashville and some carried to the mouth of the Cumberland. These rafts sold for at least $500,000.

The river valley is generally well cultivated, and soil adapted to raising corn, wheat, rye, barley, tobacco, and other farm and garden products. There are grist-mills of large capacity at Mill Springs, Monticello, Burksville, Celina, and Hartsville, and large saw-mills at Burksville and Celina. In the thirteen counties through which the Cumberland passes from Burnside to Nashville there are about one hundred small grist and saw mills.

Twenty-five thousand bushels of coal were brought over Smith's Shoals last winter and sold at small towns lower down the river, none being brought lower than Carthage, Tenn.

An estimate of the business done by steamers during the season of 1882-'83, given in my report of operations during the last fiscal year, is as follows:

Articles carried (above Nashville).

	Approximate value.
Corn, 1,600,000 bushels	$800,000
Wheat, 300,000 bushels	300,000
Tobacco, 6,000 hogsheads	850,000
Potatoes, 35,000 barrels	50,000
Eggs, 80,000 dozen	1,000
Hogs, 5,000 head	60,000
Cattle, 2,400 head	60,000
Lumber, 1,000,000 feet, B. M. (sawed)	2,000,000

Miscellaneous freight, 2,500 tons.

Passengers carried, 20,000.

With reliable navigation, secured by locks and dams, the business would in ten years probably be four times as much per year.

This improvement is very much desired by those living along the river, if it is shown to be practicable. Sufficient money ought to be available in one season to push the work and not delay navigation. About six months of each year's work could be prosecuted above Nashville in the river channels, as no boats could run during that time.

In view of the possibility of some railroad company desiring to cross the Upper Cumberland in a few years, or sooner, those interested in navigation here very much desire that the control of the War Department over bridges on the Ohio and Mississippi be extended to this river.

Profile and maps will be forwarded to you as soon as finished.

Very respectfully, your obedient servant,

C. A. TURRILL, *Assistant Engineer.*

This, Mr. Chairman, is no mere creek in importance. It is a river which fills every requirement of the Constitution in that importance and magnitude which are required for Government aid. It has been recognized for years, and has been appropriated for ever since I have been in Congress. I have also succeeded in getting appropriations for its tributaries, the Caney Fork and Obey's Rivers, the former of which is not only appropriated for in this bill, but an additional survey therefor ordered. They possess the same geological formations and general topography and yield the same rich products found in such luxuriance in the valley of the main stream.

On the waters of Obey's River, in Clay and Overton Counties, has recently been discovered lithograph stone which is said to be equal to any in the world. This improvement would bring it to the markets of the world and save the large importations of that indispensable material. In addition to these things magnificent forests of the best timber cover all the Upper Cumberland region. The counties of Wilson, Sumner, Trousdale, Macon, Smith, De Kalb, Jackson, Clay, Putnam, Overton, Pickett, Fentress, Davidson, and all the valley in Kentucky would be vastly benefited by the improvement.

Sir, there are many other things that might be said in support of this appropriation, but my time being exhausted I will have to desist. I trust the amendment will be adopted, and the improvement of the Cumberland River by locks and dams, as recommended by the engineer in his last report, will be begun.

[Here the hammer fell.]

Rivers and Harbors.

SPEECH

OF

HON. JOHN D. WHITE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. WHITE, of Kentucky, said:

Mr. CHAIRMAN: We see the Democratic party to-day advocating a Republican measure. I desire to read, not so much for the information of gentlemen who know it already as by way of refreshing their memories, what the Republican party said in its national platform in 1880:

We esteem it the duty of Congress to develop and improve our water courses and harbors, but insist that further subsidies to private persons or corporations must cease.

I need not refer to the fact that the candidate of the Republican party in his letter of acceptance indorsed that doctrine and elaborated upon it. In the ten minutes which is allowed me I must hasten with my remarks.

I desire to have the Democratic party understand that this is Republican doctrine, which has come down to us through such men as Henry Clay and his followers. It is old Whig doctrine, handed down to us, their legitimate heirs. It is the doctrine of the Republican party, and never until this Congress has it been a part of the Democratic programme. I am glad to welcome gentlemen on that side of the House on this issue. I avail myself of this opportunity to say that I stand on the broad doctrine of the Constitution, that Congress shall have power to regulate commerce among the several States, backed up by the further clause that "the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof."

I desire to call attention of gentlemen of this committee to the fact that the navigable streams of the country are national streams, and presumably bear upon their waters general commerce.

Mr. GEORGE D. WISE. Allow me to ask a question.

Mr. WHITE, of Kentucky. I decline to yield; I have only ten minutes.

Mr. GEORGE D. WISE. I want you to tell me——

Mr. WHITE, of Kentucky. I decline to yield. All this talk about national improvements and all this demagogism about local improvements vanishes in view of the decisions of the Supreme Court of the United States. We are this day confronted with this question, whether with the $7,000,000,000 invested in railroads the National Government will compel those railroads to do justice between the people in the several States who must use them? If the nation is to compel the railroads to do so, how will it do it—by an empty law, or by improving the natural highways so that the commerce of the nation shall travel on the natural water ways of the country so cheaply that these artificial carriers will be compelled to come to the rates and fares, especially the freight rates, of the cheap water ways?

It is clear to this committee, without any explanation on my part, that I am for liberal appropriations for rivers and harbors; not that I indorse this bill in all its particulars, but the general idea on which the bill is based, namely, that it is the duty of Congress to regulate commerce among the States; that it is the duty of Congress to take these railroad kings by the throat, not by means of a law, but by appropriating the people's money to improve the natural highways of the people's commerce.

I go further, however, and say that the navigation of the Mississippi River, so liberally appropriated for in this bill, is the least defensible of all the items enumerated in the bill. In the first place, there is no commerce on the Mississippi River which, without any appropriation, the bosom of that river can not abundantly carry. In the second place, the appropriations nominally for the improvement of the navigation of that river are really, I fear, for the improvement of private property.

Mr. BLANCHARD. Will the gentleman yield to me for a moment?

Mr. WHITE, of Kentucky. I do not yield; I can not in the ten minutes allowed me.

I observed the remarks of the chairman of the committee [Mr. WILLIS] reporting this bill as he glided over the question of the constitutionality of appropriations of this character. I want the Democratic party under his leadership, or any other leadership on this floor, to go squarely before the American people and answer these questions: "Are you in favor of this bill simply because you feel that there has been a pressure brought to bear on members on all sides of this House in its favor?" "Are you for this bill simply because you believe there is a log-rolling scheme here which can put it through, as the President accused the last Congress of doing?" "Are you for this bill on any such ground as that?" Do you believe that the doctrine of the President, enunciated in his veto message of the first river and harbor bill of the Forty-seventh Congress, can be defended before the country? If you do, then I want you to understand that every vote that you give for this bill is as indefensible as any vote that was given for the bill of the first session of the Forty-seventh Congress.

I plant myself squarely on this position, that the American people believe it to be a constitutional duty on our part to appropriate money to improve the rivers of this country, because that is the only way in which you can regulate commerce among the States. The distinguished gentleman from Texas [Mr. REAGAN] has for years been attempting to get Congress to regulate commerce among the States by legislation. That is a utopian idea—utterly impracticable.

This is the only way in which to do it, by improving nature's highways. Does the distinguished gentleman who is chairman of the Committee on Rivers and Harbors, when he glides over with a mere wave of his hand the constitutional question upon a matter which your side of the House and your party from the days of Jackson down to the present have declared unconstitutional—does he mean to dodge that issue?

And this bill is going to pass. Does your side mean to say that the Democratic party has abandoned its old position of State rights and internal improvement by the States; and is the country to understand that you have gone over to the Republican doctrine which we inherited from the old Whigs, to wit, that the Congress of the United States, as in former days it built a turnpike road and a light-house, can at this period of our national greatness improve every water way in this country? Where are you going to draw the line now? If the Mississippi River is an important national water way, are you going to improve its navigation and leave out the Ohio because the Ohio lies for the most part within the State of Kentucky? Or will you refuse to appropriate any money to improve the Kentucky or the Licking River simply because they lie wholly within the State of Kentucky?

Sir, there is no half-way ground on this question. Every navigable stream within the United States is a national stream and should be free to general commerce. The American people expect and demand that Congress will make adequate appropriations to improve our water courses and harbors.

Improvement of the Mississippi River.

SPEECH

OF

HON. JOHN J. O'NEILL,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 11, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. O'NEILL, of Missouri, said:

Mr. CHAIRMAN: I submit the following amendment:

Strike out, in line 779, "$520,000" and insert "$1,000,000."

Mr. Chairman, in asking this House to increase the appropriation for the improvement of the Mississippi River between Saint Louis and Cairo to $1,000,000 I am carrying out the desire of the engineers in charge of the work, who believe that this amount can be used to advantage during this year and who have recommended such an appropriation. I earnestly appeal to members for their attention, as I find a disposition prevailing to reject all amendments, no matter how meritorious or how necessary, and to pass this bill just as it has been reported from the committee; a disposition arising, I am certain, from the fear of the possible defeat of an excessive bill. They should, however, bear in mind that it is not the amount but the incorporation of improper features that brings river and harbor bills into disrepute.

The injudicious appropriation of money for unworthy objects by the last Congress brought a similar bill under general condemnation, of which fact our committee appears to have been conscious, for I see that all creeks and bogus rivers have been carefully eliminated from this bill. While this is commendable from an economic standpoint, are we not committing a greater wrong by going to the other extreme in refusing to make sufficient appropriations to insure the speedy completion of river improvements now fairly inaugurated, and the early completion of which will afford such great benefits to our commercial interests in the saving of vast sums of money to our producers?

If this House were fully conscious of this and knew that the system which had been inaugurated is no longer an experiment, but has been

demonstrated to be the true method for affording relief and had in every instance resulted in permanently deepening the channel, in removing shoals and bars, and in preventing caving banks, thereby affording every guarantee for an unvexed deep-water way to the sea, I feel confident that a more liberal spirit would prevail and larger appropriations would be given, so that this work can be speedily completed, and that within a few years our people may be able to enjoy the benefits and blessings that will arise from it.

The commerce of the valley of the Mississippi River and its navigable tributaries, embracing over one and a half million square miles and comprising nearly 30,000,000 of our people, demands in the way of cheap transportation immediate relief to permit successful competition with the products of India, Russia, and South America in foreign markets.

The countries of Europe which do not produce sufficient wheat for home consumption are compelled to import 356,000,000 bushels. The countries of supply yield for export as follows:

	Bushels.
Russia	74,000,000
Other European countries	36,000,000
India	30,000,000
Other countries	47,000,000
Total	187,000,000

Leaving for the United States to supply 169,000,000 bushels.

Of corn, the countries importing require about 125,000,000 bushels, while those exporting supply only 56,000,000 bushels; leaving 69,000,000 to be supplied by the United States.

The production of grain in the Mississippi Valley in excess of the demands for home consumption has increased marvelously—the shipments from Saint Louis alone to New Orleans having increased from 300,000 bushels in 1871 to nearly 12,000,000 bushels in 1883.

The cost of shipping grain by river in 1883 during the months of January and February, when navigation was almost suspended, was 25 cents per bushel, while in May and June, when there was ample water in the channel, the cost fell to 16½ cents per bushel. The Mississippi Valley Transportation Company have barges that can carry 56,000 bushels and make the trip to New Orleans in six and a half days with a nine-foot stage of water, while with a five-foot stage they can only carry 20,000 bushels, and the trip requires about nineteen days. It is estimated that it costs 6 cents per bushel more to transport grain during low water, and that the rate of freight from Saint Louis to New Orleans could be reduced to 4 cents per bushel provided a stage of nine feet of water could be maintained in the river.

If we realize the enormous tribute that is annually levied on our producers in the cost of transportation, we can not but appreciate the importance of improving our rivers and cheapening the cost of sending our grain to the sea, especially in view of the fact that we must compete against India, where labor commands but 11 cents a day and which last year produced 270,000,000 bushels of grain.

The next question to consider is the feasibility of improving the river so as to furnish a permanent deep-water channel to the Gulf, and I realize that many members are still under the impression that the work is experimental, that no permanent good results can be accomplished, and that all moneys so expended are squandered. If they vote for this bill it will be owing more to the presence in this bill of appropriations to be used in their own districts than from a belief in the efficacy of river improvement. To such members I desire to submit a brief sketch of what has been thus far accomplished in that direction.

On the Upper Mississippi work has been carried on only at those points where navigation was most impeded, and has afforded substantial relief. The select committee from the Senate which visited the various points in the river reported the following increase in depth of channel at low water: From Saint Paul to Saint Croix River, formerly 15 inches, now 4½ feet; North Saint Croix River to Chippewa River, formerly 30 inches, now 6 to 9 feet. Bar one hundred and twenty miles below Saint Paul, formerly 30 inches, now 6 feet. Bar above Winona, formerly 32 inches, now 6 feet. A long list of successful treatment of many bars, sloughs, and crossings gives ample evidence that the money appropriated has been wisely expended.

Between Saint Louis and Cairo the work has been principally below the city, and so far only extends to Bushburg, twenty-six miles below the city, it being the policy of the commission to make the work continuous. The uniting of Arsenal Island with the Illinois shore has resulted in permanently deepening the channel sufficiently for all needs of navigation. At Horsetail Bar, a few miles below Saint Louis, the channel was formerly narrow and tortuous, with a depth of but 3½ feet in low water; it is now direct and wide, with a depth of 8½ feet at low water.

The works below Cairo consist in seeking to increase the navigable depth at low water by narrowing the width at that stage to about 3,000 feet, it being found that where this width is exceeded bad navigation as a rule exists. Recourse is had to light, permeable structures erected in the river bed and designed, by checking the velocity of the current, to induce deposits of sediment on those portions which it is proposed to reclaim from the river.

By this action it is expected that these deposits will ultimately be raised to the level of the normal banks. When this is done the river will have a nearly uniform width, and the tendency to form shoals in the wide places will be done away with, and at the same time the concentrated flow thus set up will scour down the bed, remove the shoals, and ultimately lower the flood-line.

To prevent the constant bank erosion now going on, both the old banks and the new ones, where exposed to this action, are protected by brush mattresses below the low-water line, and above that point by brush or stone or the natural vegetation.

The principle of contracting the water way to secure increased depth is in no sense experimental, but has been successfully carried out on many streams in this country and abroad.

The special methods proposed have also passed beyond the experimental stage; they have received practical tests at various points on the Mississippi and Missouri Rivers, and recent work done by the commission shows their correctness. They are only applicable to silt-bearing streams.

There has been ample testimony furnished this House of the success of the works at Plum Point and Providence reach, and it is not necessary for me to pursue the subject further.

With such indisputable proofs I trust no further doubts remain as to the beneficial results of this work. It only remains to provide ample means to insure the speedy completion of the entire work. The engineers in charge of the work estimate that it will cost ten or twelve million dollars and require ten years to complete the work from Saint Louis to Cairo. Will not your reduction of the estimates necessarily prolong the time for its completion and almost hopelessly defer the hopes of those who now appeal for relief? Would it not be far wiser to increase the appropriations and provide for a division of the work by doubling or trebling the plants and starting the work at new points? The ultimate cost would not be greater, and the benefits would be soon experienced, for while the improvement of other portions of the river may be completed, no great relief can be experienced, as boats can only load to the depth of water afforded by the shoalest bar.

With the earnest hope that a broad and liberal spirit will animate this House in dealing with this question of such vital importance to our commercial welfare, I submit the amendment and hope for its adoption.

Public Building at Pittsburgh, Pa.

SPEECH

OF

HON. ALBERT S. WILLIS,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 10, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.—

Mr. WILLIS said:

Mr. CHAIRMAN: I respectfully ask the attention of the House for a few minutes. I am in favor of this building at Pittsburgh. I have been in favor of all the public buildings reported by this committee. I regret time does not permit me to show the reason therefor. I will later in the day show why I am in favor of these appropriations.

I have for three years conscientiously and faithfully, I hope, examined this question, and I am prepared to show by the official reports that the amount of rental paid by this Government would more than justify ten times the amount appropriated in these bills. But I have not time at present to refer to those considerations.

I desire to say, with the consent of the gentleman in charge of this bill [Mr. HOPKINS] and with the consent of the Committee on Public Buildings and Grounds—and without their consent I would not do it—I propose to amend this bill by inserting the city of Louisville on the same footing, asking no appropriation, but simply extending the limit of appropriation. If the committee will hear me for three minutes I will state the reason why. The Louisville bill three years ago was the first bill reported by the Committee on Public Buildings and Grounds. At that time the committee had not adopted the clause requiring plans and contracts to be made out in advance. It was not therefore a question of importance what the amount was. The committee recognized the national importance of this improvement, and declared a public building should be located at Louisville, with a population of 175,000 people, but when the architect was asked he declined to make out the plans, because he said on the present limit as a public officer he would not be discharging his duty if he made out plans in accordance with the amount fixed by the former act. Therefore he asked Congress should direct him before he proceeded further with this building. Not a lick of work has been done. The site has been purchased, but the plans have not been made out for the reason I have indicated.

Mr. Chairman, I have taken every city in the United States; I have prepared in one column their population; in another column I have given the amount of public business transacted at those places, confining it to internal revenue, customs, and the postal service; in a fourth column I have given the amount expended by the Government heretofore, and in a fifth column by the rule of three I have made a calculation of what the city of Louisville would be entitled to provided she received a public building corresponding to the average allowed for public buildings in one hundred and four cities in the United States where public buildings are located. I desire to state to this committee the result of that examination. I have asked a number of gentlemen to state the result, and some have said $1,000,000 and some $2,000,000. I say to this committee, not upon guess but upon the record, the official records of this country, if the city of Louisville were given a public building precisely as the city of Pittsburgh is entitled to it, they would have a public building equal in value to $162,310,000. If that be the average, and I state it upon cold calculation, certainly the amount we ask here is not too much.

Introductory Statements and Remarks in Advocacy of the Passage of Bills to Reduce, Fix, and Establish Passenger and Freight Fares on the Union Pacific and Central Pacific Railroads.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884.

The House having under consideration the bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864—

Mr. SUMNER, of California, said:

Mr. SPEAKER: My friend the honorable gentleman from Nevada, chairman of the Committee on Pacific Railroads [Mr. CASSIDY], has informed me with great emphasis during the progress of this debate that if it is desirable that such bills as I have introduced, cutting down the passenger and freight fares of the Union and Central Pacific Railroads, should pass, the bill now under first consideration, reported by the majority of his committee, should be defeated, and a bill which he and others of the minority have recommended—prescribing method and dates for repayment of the bonded indebtedness of these Pacific roads to the United States—should be favorably acted upon by this House. He declares that the bill presented by the majority of the committee can not for reasons stated pass the Senate, and that its consideration and passage here will prove a waste of time and energy. I understand him to concede that such legislation as I have proposed should be had; and when asked by my honored colleague [Mr. BUDD] as to why he had not reported my bills from his committee before this day, he makes no objection to them, but asserts that the time of the committee has been so occupied by the deliberations upon the bond-debt measure and other matters that it was impossible to duly examine and discuss and deliver here the legislative propositions referred to.

When the question is repeated, and the chairman of the Pacific Railroads Committee is hard pressed by my faithful and tenacious colleague for a direct and satisfactory reply, the distinguished gentleman from Nevada seems to be irritated by the reiteration, then saying, as I understood him, that the immediately pending subject of legislation, to wit, the subject of amendment to the Thurman act, had precedence in introduction and reference. In this statement I am confident he is mistaken. It is true that my passenger-fare bill, which was introduced on the first bill day of this session, through the interposing of the gentleman from Texas [Mr. REAGAN], was misdirected to the Committee on Commerce. It was rereferred some time in the month of February following, finally going where it belonged. But my bill providing for the reduction of freight fares on the Pacific railroads was sent direct to the proper committee, January 7, 1884, ten days before the bill to amend the Thurman act was introduced. And attention was first paid to my propositions by the Pacific Railroad Committee's hearing, in opposition, the attorneys for the Pacific railroads, extending through many hours, and by a comparatively brief audience vouchsafed to myself. So that, by priority of presentation and argument, if for no other reason, we should now have before this House from this committee a report of some kind with respect to the bills that provide for reducing the passenger and freight fares on the one continuous line of railway chartered and endowed by the acts of July 1, 1862, and July 2, 1864.

There can be no question in the mind of any intelligent, reflecting, and disinterested citizen but that bills of the nature last referred to have, on grounds of right and justice, and immediate necessity and popular wish as well, to say nothing of the order in which they are on the record here—which has been erroneously stated—precedence and prominence for a due and favorable regard by legislators at this first session of the Forty-eighth Congress.

I agree with my friend from Nevada that under the circumstances which he narrates, if they be as stated, it seems altogether improbable that this bill—reported here by the majority—in behalf of which there is a parade of anti-monopoly sentiment, which to say the least would have infinitely greater application in support of the character of measures to which I have alluded and to which I have claimed a preference in time and toil of consideration—I say that I agree with my friend in believing that it is unlikely that this majority bill will ever pass the Senate; but I go further, and deny that it is of instant importance that this subject of proposed amendment should be treated; and for my part I can not but view both these bills—speaking with the greatest personal respect for the members of the Pacific Railroads Committee—as obstacles in the path of the legislation that is most wisely desired and most imperatively demanded by the people of the Pacific States and the inhabitants of the country everywhere who are equally well informed with us of California as to the ways and workings of the railroad monopoly management.

Mr. Speaker, it is probable that there are very few members of this House who can not recollect the time when the "Great American Desert" was the popular Peter Parley's Geography name and designation of that portion of the continent lying between the Rocky Mountains and the Sierra Nevada range, and in fact embracing a portion of the territory we now know to be covered with the verdure and the forests of the mountain slopes—all that section bounded on the north and south, respectively, by the forty-second and thirty-fourth degrees of latitude. In H. S. Tanner's Mammoth Atlas, issued in 1823, and praised in its day for its new information and its general accuracy, the space between the lines of latitude just stated, and from longitude 30° to 40°, was represented by that pale and sickly color which indicates the herbless barrenness of sandy desolation. Yet even then, when California was almost as much of a terra incognita as the interior of Australia—even then we were accustomed to hear the prophecy that at some future day the mountains would be scaled and the belt of waste land would be traversed by the iron horse until "it bathed its feet in the waters of the Pacific." Some of the venturous in this class of predictions put their foretelling upon record, and of this number two or three have acquired a little passing newspaper notoriety by reviving and authenticating their early predictions.

Somewhat by way of contrast stand the objections that were made by a few of our distinguished forefathers and statesmen of the first generation—men who objected to the acceptance of the "extreme portions" of the Northwestern Territory, who would have had them formally "abandoned," and to the purchase of Louisiana, on the ground that people inhabiting those sections, by reason of their comparative greater distance from the Atlantic seaboard and from the national capital, could not be brought into homogeneous relations with the people residing in what were considered the already settled Commonwealths of the Republic.

Such glances are calculated to remind and instruct us with respect to the progress, through quick transportation, in political and social unifying and harmonizing, of peoples dwelling thousands of miles apart on the same continent, but now claiming and boasting loyalty to the same flag and proprietary rights and privileges under the same national governmental institutions.

How has the fulfillment of the prophecy come to pass? To whom are we indebted for it? Is there a false claim in the premises? And is there and has there been a strenuous endeavor to make literally working capital against conscience and right, by assuming that the origin of thought and enterprise in the premises was in the minds of a few monopolizing railroad incorporators? Under any view of the steps which have led up to the great uniting act of construction, have the people, has the Government, acquired or lost rights of superintendence or control with respect to the all-important subject of transcontinental carriage?

I shall try to present a practical answer to these questions; and in this response there may exist substantial and indestructible foundation—at the very bottom of the whole matter—for the demand which the people of California, who are thoroughly enlightened and aroused on the issue, present through me for Congressional action that shall reduce and fix the passenger and freight fares on the Union Pacific, Central Pacific, and Southern Pacific Railroads, which were constructed under the subsidizing acts of 1862 and 1864 and 1871.

No sooner had the discovery of gold in California been announced and the first great tide of immigration poured into the Pacific territory than a formal appeal was started and with ever-increasing volume of signature and argument was continued for the construction of a transcontinental railroad by the General Government. The distinguished statesmen who by a little space had anticipated this appeal gathered a limited audience, and what now seem to us words of stirring import fell upon listless ears. The majority in the great legislative council

here who paid any attention to such words seem to have manifested nothing better in their most complacent mood than the interest of amusement. The recorded conversations of many show that they treated the first open declamation here in behalf of the project as one unworthy of serious or even respectful consideration.

But the pioneers of the far West, especially the members of that splendid "argonaut" immigration of 1849, soon put another face upon the derided enterprise. By their detail of accurate statement with respect to the nature of the country that was to be traversed they dissipated a thousand fabulous stories that had contributed to the belief that the Rocky Mountains and the central basin were "almost impassable" by the iron horse; and so early as 1851 it was definitely known that a route for railroad construction across the Sierra Nevadas by the Feather River Pass was on all accounts entirely practicable. The wonderful yield of the mines in the new State on the western side of the Sierra Nevadas (a production which was long afterward to be referred to by Abraham Lincoln in a special personal message delivered by Mr. Colfax to the people of the Pacific coast as a main element of strength for the saving of the Union) gave a dignity and importance to the demand for the building of the railway across the continent such as could not well be disregarded or set aside. The nation had become possessed of wealth of which it never dreamed when the treaty of Guadalupe Hidalgo was signed; and this treasure land of the Republic it was conceded ought to be and somehow must be secured against the rapacity of foreign or domestic foes.

The antagonism which had grown up in the Democratic party against internal improvements inaugurated or fostered by Government aid was believed by some to be an insurmountable obstacle in the path of the Government action that was so earnestly desired. The instance however, is not on any public record of a Californian declining to sign a petition to Congress for the building of this road on account of scruples with respect to the strict construction of the Constitution.

Leaving out of consideration all social and private business interests—which were by no means insignificant in their bearings or operations with respect to this subject—as a war measure a Pacific railroad act of some sort was justified from every quarter with practical unanimity.

Not only were petitions widely and repeatedly circulated throughout the State of California praying for the passage of a railroad act—most of them asking specifically for the enactment of a law under which the Government would directly undertake the work of transcontinental railway construction—but the Legislature of California gave voice to the universal desire and demand. So early as the 10th of September, 1850, joint resolutions were passed at San José, then the capital of our State, which instructed our Senators and requested our Representatives to urge upon Congress the importance of authorizing as soon as practicable "the construction of a national railroad from the Pacific Ocean to the Missouri River." The succeeding resolution, which called upon the National Government "to facilitate the accomplishment of the great work contemplated in the first resolution" by "the immediate organization of an efficient engineer corps to make complete surveys and exploration of the several routes which have been recommended to public notice as practicable for the line of said road," was promptly responded to by favorable action on the part of the National Legislature.

"Pacific railroad conventions" were held in our State, one of the most important of which I had the pleasure of attending in person. Such men as John Bidwell of Chico, J. B. Crockett of Alameda, James A. McDougall of San Francisco—who subsequently was numbered among the ablest and brightest members of the United States Senate—and General Lander were conspicuous and influential members of the assemblage to which I refer. There and at that time nothing was heard from, or in any way officially known of, the Pacific railroad incorporators (unless an exception should be made here to the honor of Theodore P. Judah) who subsequently reaped such vast pecuniary rewards from engaging in the enterprise of building the continuous line on the central route.

Said our great historian, George Bancroft, in his address of review and congratulation delivered in this Chamber after the close of the civil war, speaking with most apt, plain, and epigrammatic force—incidentally administering fit rebuke to those who would idolize any one of our military chieftains—"The American people was the hero of the war." With far greater and more pungent sentiment would such a man reject and spurn the claim of credit that monopoly masters have had put forth to the benefit of their associates and for the especial exaltation of themselves, and with unmistakable purpose to beat aside any suggestion of legislative action in the manner and path already indicated.

Neither Oakes Ames nor Leland Stanford nor Charles Crocker nor C. P. Huntington nor Jay Gould had anything whatever to do with originating that public sentiment which (before the reign of the Western Union Telegraph Company had been inaugurated, and when it was therefore possible that there should be a true national, undebauched public sentiment on a great public question) brought into existence and unto a final passage and approval Congressional measures designed to secure the construction of the one continuous railway line from the Missouri River to the Pacific Ocean. Yet some of these men, by themselves or by those representing them, stand at the threshold of our legislative halls and cry "All hail!" and "All honor!" for themselves and their predecessors—to create a tide or a tumult destructive of the effect of the very first utterance of appeal on behalf of the people of this country, who, under the express warrant and authority of the chartering and subsidizing statutes, now speak and write their requests and demands to us.

The Democratic national convention which assembled at Baltimore in 1856 reaffirmed the resolutions of the national convention of 1852, and added eleven resolutions, in two series, from which I take the following:

Fifth. *Resolved*, That the Democratic party recognize the great importance, in a political and commercial point of view, of a safe and speedy communication, within our own Territory, between the Atlantic and Pacific coasts of this nation; and it is the duty of the Federal Government to exercise promptly all its constitutional powers for the attainment of that object.

The following is from the Republican national platform of 1856:

Resolved, That a railroad to the Pacific Ocean, by the most central and practicable route, is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction, and, as an auxiliary thereto, the immediate construction of an emigrant route on the line of the railroad.

During the Presidential campaign of 1856, James Buchanan, the Democratic candidate for Chief Executive, wrote a letter to Benjamin F. Washington, of San Francisco, in which he said:

I have received numerous communications from sources in California entitled to high regard in reference to the proposed Pacific railroad. As it would be impossible for me to answer them all, I deem it most proper and respectful to address you a general answer in your official capacity [chairman of Democratic State central committee]. In performing this duty to the citizens of California I act in perfect consistency with the self-imposed restriction contained in my letter accepting the nomination for the Presidency, not to answer interrogations raising new and different issues from those presented by the Cincinnati convention, because that convention has itself adopted a resolution in favor of this great work.

I then desire to state briefly that, concurring with the convention, I am decidedly favorable to the construction of the Pacific Railroad, and I derive the authority to do this, from the constitutional power "to declare war" and the constitutional duty "to repel invasions." In my judgment Congress possesses the same power to make appropriations for the construction of this road, strictly for the purpose of national defense, that they have to erect fortifications at the mouth of the harbor of San Francisco. Indeed, the necessity, with a view to repel foreign invasion from California, is as great in the one case as in the other. Neither will there be danger from the precedent, for it is almost impossible to conceive that any case attended by such extraordinary and unprecedented circumstances can ever again occur in our history.

The direct and positive terms here used by Mr. Buchanan were often the subject of comment when the alleged "inexpediency" of building the road by the direct agency of the Government was brought into official prominence and recommendation by executive messages and convention resolutions.

I read from the national platform of the Breckinridge wing of the Democratic party, adopted in 1860:

Whereas one of the greatest necessities of the day, in a political, commercial, postal, and military point of view, is a speedy communication between the Pacific and Atlantic coasts: Therefore,

Be it resolved, That the Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific railroad from the Mississippi River to the Pacific Ocean, at the earliest practicable moment.

Here is the fourth resolution of the national platform of the Douglas wing of the Democratic party of 1860:

Resolved, That one of the necessities of the age in a military, commercial, and postal point of view is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period.

Here is the Pacific railroad plank of the Republican platform of 1860:

That a railroad to the Pacific Ocean is imperatively demanded by the interest of the whole country; that the Federal Government ought to render immediate and efficient aid in its construction; and that as preliminary thereto a daily over-land mail should be promptly established.

So it came to pass that by a double emphasis of what was known as the "war argument" the Congress of the United States in 1862 passed the original Pacific railroad act. That Congress, then under the control of the Republican party, made a tardy fulfillment of the pledges given by the Democratic and Republican parties in 1856, its action being warranted and compelled by every consideration that could spring out of the possible and the actual exigency of national self-defense.

We have already had to deplore the misfortune—a comprehensive and not uncharitable word at this time—consequent upon the failure of the General Government to retain its hold upon telegraphic facilities for correspondence, so unwisely, with an almost criminal folly, relinquished and turned over to private hands. With a similar sentiment, though I grant you with far less bitterness, we must mourn the fact that when Congress came to the consideration of the construction of the Pacific railway it fell short in action—I must say in duty—of the line of requirement fixed by most of the petitions which during many years had been placed upon its tables. And instead of authorizing and directing the construction of the railway from the Missouri River to the Pacific Ocean in accordance with plans and specifications presented by its own engineers, paying for the work day by day or month by month out of the national Treasury, retaining exclusive ownership and control, it proceeded to incorporate and subsidize a private company, and to admit into a through line partnership with its own direct creation a

corporation organized under the laws of the State of California and designated and known as the Central Pacific Railroad Company.

Private citizens took advantage of the rising and resistless demand for Congressional action with respect to this project, and came here with a request which, alas, was acceded to; and so it is that instead of having a national highway under national proprietorship, we have a transcontinental highway the cost of which was met by the issue of Government bonds and the grant of Government lands, but which is owned and managed by the most soulless and greedy and grasping railroad autocrats and speculators that were ever endowed and enthroned on the face of the earth. And instead of a people's road, constructed under the direction of the people's servants, with the people's money, affording the people means of intercommunication for transportation at reasonable rates, we have a line which for these fifteen years has given to the people and to the world generally the grossest manifestation of oppressive, of grinding and corrupting monopoly.

Of course it was often reiterated when the bill was under discussion in 1862 that the construction of this road, to wit, the building of the one continuous line from the Missouri River to the Pacific Ocean, would save California to the Union. As a war measure, I repeat, the bill was passed and approved. As a matter of fact—as the date of construction demonstrated—it did not "save California to the Union." The people of California themselves determined to remain in the Union, and under the circumstances it was proven that they were competent to maintain that resolution. But the passage of that bill was a war measure, as the term stands justified in the light of subsequent events, but not a war measure in the sense intended by the men in the Congresses of 1862 and 1864 who advocated the passage of the Pacific railroad acts. This is not stated for an idle play upon words, but a most grave and serious and lamentable truth is thus proclaimed. The bills under which this road was constructed have enabled a certain number of men in private life to get into power, where they have made a raid upon the Treasury of the United States and upon the land legacies of the American Government, and a direct, remorseless, and crushing war upon the people of the Pacific coast.

Better that that line of railroad had never been built under the auspices and with the management that history now declares than that we should have the record and the results, elsewhere and here, which we must recite if we go into the detail of the narrative that belongs to this subject.

If the Government had undertaken this enterprise personally, work would have been commenced on this as well as on the California end of the path as early as 1862. But the original bill did not give enough to satisfy the appetite of the incorporators; and the supplementary and amendatory act of 1864, which vastly increased the subsidy and otherwise enhanced the value of the franchise, was enacted under a pressure not from the people generally but from the leading and active men connected with the organizations to which I have referred. And since then, and perchance now, in person or by their attorneys and insolent lobbyists, these men or their assignees have the effrontery to come here and go elsewhere and claim that the American people owe to them—yes, literally owe to them—the beneficent existence of the transcontinental railway from the Missouri River to the Pacific Ocean. And, indeed, if you should hear some of these men talk, or listen to the fulsome eulogies of some of their fawning flunkies, who have been engaged for years in "editing" their newspapers or in corrupting legislators and judges in the interests of these monopolists, you would think that every facility we possess in California in the way of transportation beyond the slow drag of the stage-team and the very limited comfort—limited because of the shortness of our water navigation—of the steamboat, was due to the leading speculators connected with the Union Pacific and the Central Pacific Railroad Companies. Why, Mr. Chairman, these men did not invent steam. A benignant Creator—with reverential awe and gratitude may it be said—"invented" steam. They did not discover the expansive force of the vapor that is set free from the water in the kettle, and that propels with tremendous energy the piston-rod up and down the cylinder. They never invented a locomotive. There is not one among them that has got the mechanical capacity to discover or invent anything above the grade of a fourth-class mouse-trap.

But I can tell you, and it is my business here to tell this House and the country, and it is pertinent to the subjects that this House should consider at this time, what these men have done. They have invented something. They did not obtain the passage of the original Pacific railroad act in the sense of having been first and last instrumental in securing the enactment of a law which would result in the building of a Pacific railroad. The general public sentiment already referred to was the great and the sufficient impetus for the securing of the passage of such a measure. But with respect to the form which that bill took, in some particulars they did exercise a formidable and a most deplorable influence; and with respect to the amendatory law of 1864 they are to be credited with the prevailing if not the exclusive force of appeal and suggestion and inducement. I can tell you what they did, what they have done, what they are doing, what they purpose to do. I can but touch their achievements, but I hope my time will be adequate to sketch the record, and here and there to dwell for a few minutes upon the circumstances of conspiracy and plot.

Some things we can indicate comprehensively and best fasten in the memory of the hearer by contrast. They began by appealing to the Congress of the United States to pass a law giving them a franchise, instead of passing a law which the people desired and expected, to wit, a direct law for governmental construction, ownership, and control. They began by soliciting additional legislation; they now desire no more statutory action; they want to be let alone. For years they and their emissaries and lobbyists of various name and grade stood about these Chambers and sat in committee-rooms and brought appliances of every conceivable corrupt form to bear to procure additional gifts and financial advantages from the General Government. To-day they sit in their offices or in their palaces, or in their seats of palatial luxury elsewhere, and issue their mandates to their subordinates to prevent legislation that shall be in any sense redeeming and reformatory against their methods of unequaled extortion and tyranny as business men. And that there may be no mistake as to what I mean by this and no question as to the truthfulness of my statement or accusation, I send up to the Clerk's desk for reading a letter written by Colin P. Huntington, one of the directors of the Central Pacific Railroad Company—who indeed need not be identified here—dated New York, January 4, 1875.

Will the Clerk please read?

FRIEND COLTON: I have ordered all bills introduced in Congress to be sent to Sanderson, that have any bearing on our interests. Please look them over and give me your views. Many bills no doubt, like Senate bill No. 50, will be introduced that are bad, and the only way to kill them will be in committee.

Yours, truly,

C. P. HUNTINGTON.

I will now ask the Clerk to read Senate bill No. 50, so that there can be immediate, full understanding and no mistake as to the character of measures which, by order of C. P. Huntington and his agents, it was and is the monopoly's purpose to smother in committees in the House of Congress, where it was or is possible to do so by means of corrupt manipulations with weak or wicked committeemen.

A bill (S. 50) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21 of the act to amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864, be amended by adding thereto the following: *Provided, however*, That the neglect of any such company or parties in interest to pay the cost of such survey, selecting, and conveying, as herein provided, and take the patents therefor, shall not prevent the legal title vesting in said company or party in interest, subject to the payment of such costs; and all lands so earned and to which said company or party in interest shall be entitled, in accordance with the provisions of this act, or of the act to which this is amendatory, shall be subject to all legal taxes imposed under authority of any State or Territory in which such lands are located from the time such company or party in interest shall have been or may be entitled to a conveyance thereof, the same as though no costs or fees had been imposed by the provisions of this section; and upon the sale of any such lands for taxes so assessed which may be found delinquent, the purchaser thereof shall pay to the proper officer all costs due thereon, as herein provided; and thereupon letters-patent shall issue to such company conveying said lands, subject to the legal rights and title of the tax-sale purchaser; and that it shall be the duty of the Commissioner of the General Land Office to prepare and deliver, without delay, patents for all lands applied for by any company as aforesaid where the same are clearly within the grant and free from conflicting claims, and all legal fees and charges have been paid by said company; that if any company shall fail to pay the proper costs or fees required by law, and to select for patent the lands pertaining to its grant within such period as to enable the local authorities to assess said lands, lists of the same shall be furnished to the governor of any State or Territory, upon application to the Commissioner of the General Land Office and payment of the cost of preparing the same; said lists to be duly certified by the Commissioner and approved by the Secretary of the Interior, under seal of their respective offices: *Provided, however*, That nothing in this act shall be construed to relieve any railroad company from the effect of any forfeiture heretofore suffered or incurred.

Mr. Speaker, it will be observed that this is such a bill as we have had under consideration at this session—in effect. Has it been "killed in committee" these nine years last past—this wholesome bill to compel these railroad companies to pay "all legal taxes imposed under authority of any State or Territory" on their located lands? Has it been held nine years—in Congressional committee?

Mr. Chairman, is any listener startled by the statement—or amused by it—that it were better that this transcontinental railway had not been constructed at the time or so early as it was built, than to have had the record and the results which have attended it? Let him give me his indulgent hearing while I outline a portion of this record and the results.

On the Pacific coast and hitherward to the northern borders of the waters of the Great Salt Lake, who did the actual manual work upon the road-bed? The white man? The black man? Members of a race capable of civilization according to our understanding of that term in all its bearings? No. Up to 1862 the number of Chinese in California did not exceed 40,000 all told. And while it is true that the sagacity of our people had already been evinced in taking alarm at the incoming of the Asiatic slaves, their appearance in our midst was comparatively inconsiderable and not such as to provoke widespread and general apprehension. The Central Pacific Railroad Company, instead of employing white men to do the labor of this construction, which was to be paid for presumably by the sale of bonds loaned by the United

States, imported Mongolians by the ship-load. And there along the line of the selected route they sent them forth, paying them the low wages which they were willing to receive, and so directly trebling that class of population on the Pacific coast. Do you say that if it had not been for the Chinese the Central Pacific Railroad would not have been constructed? I beg you to consider my reply: if it had not been for the introduction of the Chinese laborer under the circumstances noted the completion of the transcontinental highway might have been delayed one, two, or perhaps so many as three years; but there would thereby have been avoided great moral and what may be termed industrial evil; by the substitution of white labor there would have been a vast amount of moral and material well-being for our State and for Nevada such as can in contrast and comparison hardly be overestimated.

In this respect the Union Pacific Railroad management has of course a greatly preferable record. Nor can this be denied or qualified because there were attendant upon the pushing out of the iron track and the temporary establishment of new termini—construction and passenger—scenes of turbulence and debauchery which are inseparable from such conditions, and have been so the world over.

If the General Government had directly undertaken and proceeded with this construction there would have been no such great and wholesale importation of Asiatic slaves into this country; but on the contrary California and the other Pacific Commonwealths would have rejoiced long ago in the immigration of a great number of sturdy workmen—of good citizens directly brought into their borders through the call for their services in this great enterprise.

I know that the majority of this House can not, even if individual members would candidly desire to do so, appreciate, as do we of California, the enormity of this evil directly traceable to this source. But I hesitate not to put this down in this place in this sketch. For it will be justified by those who are competent by reason of their immediate observation and experience to judge. And justification for it, and strength absolute in it, will appear more and more in the light of observation. And this is said without casting a shadow of reflection upon those honorable and patient hearers who can not, by reason of their lack of personal observation, seeing, and estimating—as we have seen and judged in California communities—accord a weight that is due in these premises.

But now I come to something about which there can be no difference of opinion nor any hesitation whatsoever under the prompting of a common conscience.

Better that this road had not been constructed for two or three or five years after the date when the rails were actually joined—although as a matter of fact, as already indicated, it would have been built and completed much earlier than it was if the Government had proceeded to construct under direct appropriation and entirely retained ownership—than that the archives of this Republic should hold the testimony of the investigating committees which have, it is confessed, only skimmed the surface by their inquiries as to how and why certain legislative action was had and why other just and equitable propositions were defeated.

A single statement of a single outcome in the way of fact developed carries the whole story with it, both as to presumable operations here and undeniable iniquities elsewhere. The Union Pacific Railroad Company claimed that the cost of construction reached the stupendous figure of $90,000,000. And this for the construction of the line of railway leading from Omaha to Ogden, a distance of a little over 1,000 miles. The Wilson investigating committee, so called, imperfect and halting, and oftentimes far too lenient as its examinations were, drew to light that, of this amount, not less than $40,000,000 was a clear sum of misrepresentation in the market and robbery toward the Government and the people. And that there may be no dispute upon this point, I call your attention to the fact that in his recent argument before the House Committee on Pacific Railroads, of this Congress, John F. Dillon, attorney and counselor at law and representative of the present Union Pacific Railroad administration, virtually admits the stealing.

And right in this connection I might also draw attention to the fact, although it involves perhaps no moral turpitude beyond that which may be said to be sometimes exemplified in what is technically called, in the language of the street, "the sublimity of cheek," right here I might draw attention to the fact that this same John F. Dillon has the transcendent effrontery, while admitting a Credit Mobilier stealing of $40,000,000, to assert that no further reduction can be made from the actual cost price; but that upon the cost price and the expenditures warranted for enumeration by section 18 of the original act, 10 per cent. per annum is not earned and never has been earned by the Union Pacific Railroad Company.

Mr. Speaker, I have been patiently but anxiously awaiting a report from this Pacific Railroad Committee—curious to learn whether they accepted that statement, and really entertained and nursed a belief in an assertion or an "argument" of that kind.

Go back to that original charter act of 1862. Although it was not the act it should have been, it was by no means altogether a statute dictated or prescribed in its phraseology by men representing the original incorporations. The good men of the Congress of 1862—and I hold and have ever held and proclaimed, ay, a thousand times, that the majority of every Congress has been composed of good men—the good men of that Congress had somewhat to say, and conspicuously so, in the text of that bill. And blessings be upon their heads for section 18, which I will now send up to the Clerk's desk and ask to have read to the House.

SEC. 18. *And be it further enacted*, That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered for the United States, after deducting all expenditures, including repairs, and the furnishing, running, and managing of said road, shall exceed 10 per cent. upon its cost, exclusive of the 5 per cent. to be paid to the United States, Congress may reduce the rates of fare thereon if unreasonable in amount, and may fix and establish the same by law. And the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act.

The position which I take is that under this section the Congress of the United States now possesses, and for many years past has possessed, the right to reduce the transportation charges of the Union Pacific and the Central Pacific Railroad Companies. And at this very point—as well as at a later period in my remarks—it should be noted that under the subsequent acts granting subsidies to the Southern Pacific Railroad Companies any reduction made by Congressional act of the kind and character which I advocate must mark the maximum figure for charges on the Southern Pacific as well as on the Union Pacific and Central Pacific Railroads.

At this point I will ask to have read the bills which I have presented to this Congress on this subject.

A bill (H. R. 99) to fix and establish the maximum rates of fares on the Union Pacific and the Central Pacific Railroads.

Whereas the eighteenth section of "An act to aid in the construction of a railroad and a telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1862, provided as follows: "*And be it further enacted*, That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered the United States, after deducting all expenditures, including repairs and the furnishing, running, and managing of said road, shall exceed 10 per cent. upon its cost (meaning its actual cost), exclusive of the percentage to be paid to the United States, Congress may reduce the rates of fare thereon, if unreasonable in amount, and may fix and establish the same by law; and the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, * * * Congress may at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act:" Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after forty days from and after the passage and approval of this act the maximum rate of passenger first-class fares on the Union Pacific Railroad and the Central Pacific Railroad, which two railroads constitute the railroad line from the Missouri River to the Pacific Ocean contemplated and provided for under the provisions of the act referred to in the preamble to this act, shall not exceed 3 cents per mile between all stations or depots that are now or may hereafter be established on said roads; and it shall be unlawful to collect any greater sum or amount as a passenger first-class fare for the transportation of any passenger on the Union Pacific Railroad or on the Central Pacific Railroad, between any stations or depots or points on said roads, or either of them, where passengers are allowed to get on or depart from a car devoted in part or entirely to the carrying of persons traveling or desiring to travel as passengers upon said roads, or either of them. And it shall be unlawful for the Union Pacific Railroad Company or the Central Pacific Railroad Company, by officers or agents, or representatives of any title, from and after the date aforesaid, namely, from and after forty days beyond and next succeeding the passage and approval of this act, to charge or collect any greater amount than 2 cents per mile for a passenger second-class fare for the transportation of any passenger between any stations, depots, or points on either of said roads where a passenger is or may be allowed to get on or depart from a car devoted in part or entirely to the carrying of persons traveling or desiring to travel on said roads, or either of them. And it shall be unlawful for the Union Pacific Railroad Company or the Central Pacific Railroad Company, by officers or agents, or representatives of any title, from and after forty days from and after the passage and approval of this act, to charge or collect any greater amount than 1½ cents per mile for a passenger third-class fare for the transportation of any passenger between any stations, depots, or points on said roads where a passenger is or may be allowed to get on or depart from a car devoted in part or entirely to the carrying of persons traveling or desiring to travel as passengers on said roads, or either of them. Fractions of a mile, for the purpose of this act, shall be measured by a standard division of one-third as near as is practicable, and no more than one-third of the amount charged and collected for passenger transportation for one mile on either of the above-mentioned railroads shall be charged and collected for one-third of a mile or less.

SEC. 2. That the Secretary of the Interior is hereby authorized, empowered, and instructed to cause to be prepared, printed, and published within twenty days from and after the passage and approval of this act, a list of the stations or depots along the railroad line of the Union Pacific Railroad Company and the Central Pacific Railroad Company, which railroad line was constructed under the authority and with the aid of subsidies provided in the act referred to in the preamble to this act, with an annexed precise statement of the distances, in miles and fractions of miles, between said stations or depots on said railroad line, together with a statement, conveniently arranged, of the precise distance, in miles and fractions of miles, between each of said stations or depots as are between the termini of said railroad line and the city of Omaha, in the State of Nebraska, and the city of Council Bluffs, in the State of Iowa, and the precise distance, in miles or fractions of miles, between each of said stations or depots on said railroad line and the city of San Francisco and the city of Sacramento, in the State of California, together with a schedule of the maximum limits for first-class and second-class and third-class fares between all stations or depots as hereinbefore mentioned, specifying the same with particularity and in a form convenient for ready reference. In making an estimate for fares all fractions of a mile shall be measured by a standard one-third division, at the rate of one-third of the fare charged or allowed for one mile for each one-third of a mile or less. And the Secretary of the Interior shall, so soon as practicable, serve or cause to be served an engrossed copy of this list and schedule upon the president, secretary, and directors of the Union Pacific Railroad Company together with a printed copy of this act; and the Secretary of the Interior shall, so soon as practicable, serve or cause to be served an engrossed copy of the list and

schedule so prepared by him as aforesaid upon the president, secretary, and directors of the Central Pacific Railroad Company, together with a printed copy of this act, serving or causing to be served one copy of said list, schedule, and act upon each one of the persons named and included in this enumeration of railroad officers and managers; and the Secretary of the Interior shall offer or cause to be offered a copy of the list, schedule, and act herein mentioned and referred to, as an advertisement, to the publishers of the Daily Republican, a daily paper printed in the city of Washington, District of Columbia; and to the publishers of the Daily New York Tribune, and the publishers of the Daily New York World, and the publishers of the Daily New York Star, daily papers printed in the city of New York, in the State of New York; and to the publishers of the Daily Herald, a daily paper printed in the city of Omaha, in the State of Nebraska; and to the publishers of the Daily Record-Union, a daily paper printed in the city of Sacramento, in the State of California; and to the publishers of the Daily Examiner, and to the publishers of the Daily Bulletin, and to the publishers of the Daily Alta, and to the publishers of the Daily Chronicle, daily papers printed in the city of San Francisco, in the State of California, for publication as an advertisement for the period of three months, or for a longer period, in the discretion of the Secretary of the Interior.

SEC. 3. That forty days from and after the passage and approval of this act it shall be unlawful for the Union Pacific Railroad Company, a corporation incorporated under and by virtue of a law passed by the Congress of the United States, or for the Central Pacific Railroad Company, a corporation incorporated under a law passed by the Legislature of the State of California, but equally with the Union Pacific Railroad Company subject to the control of the Congress of the United States in the matter of the limitation of its fares, so far as its line of road is a part of the line of railroad from the Missouri River to the Pacific Ocean contemplated in the act referred to in the preamble to this act, to charge for passenger transportation upon their respective lines of railroad a greater sum or amount than shall be set down in the schedule of rates for passenger fares prepared, printed, and published by the Secretary of the Interior, or under his direction, as provided in this act, and by him transmitted in engrossed form to the officers and managers of the Union Pacific Railroad Company, and to the officers and managers of the Central Pacific Railroad Company, as directed in section 2 of this act. And every person traveling upon either of said railroad lines as a passenger, or offering himself as a traveler or passenger, or one desirous to become such, on the lines of the railroad companies aforesaid, or either of them, from whom a greater sum or amount than is specified in said schedule shall be demanded and collected or exacted for transportation upon the Union Pacific Railroad or the Central Pacific Railroad aforesaid, or either of them, shall have and possess, and is hereby granted, a right of action for personal and punitive damages against said Union Pacific Railroad or said Central Pacific Railroad Company. Actions to enforce the provisions of this act may be brought in any court of the United States, or in any court of any State or Territory of competent jurisdiction.

SEC. 4. That any person in the employ of either of the railroad companies above named who shall demand and collect or exact a passenger fare on either of said roads in excess of the amount or sum prescribed by the schedule of passenger fares prepared and published by the Secretary of the Interior, as aforesaid, shall be guilty of a misdemeanor, and, upon conviction, shall be punishable for the same by a fine not exceeding $100, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Trial and conviction for such an offense may be had in the district court of the United States for the district where such offense may have been committed or where such person offending may reside.

SEC. 5. That any person who shall tender to any railroad station or depot ticket agent or railroad conductor on the Union Pacific Railroad or on the Central Pacific Railroad, constituting the line from the Missouri River to the Pacific Ocean contemplated in the act referred to in the preamble to this act, a sum or amount for fare or fares between given points, which sum or amount shall reach the limit of the maximum for rates of passenger fare herein prescribed or provided for, and who shall by such agent or conductor be refused a ticket or a passage between said points of the class for which such maximum payment shall have been tendered, shall have and possess, and is hereby granted, a right of action for personal and punitive damages against the company whose officer or agent shall have thus refused a ticket or passage as aforesaid. Jurisdiction for such causes as may arise under the provisions of this section, or under any section of this act, shall belong to and shall be exercised in the district court of the United States for the district where such tender of maximum sum or amount of passenger fare as aforesaid shall have been made and shall have been refused, or where a passage shall have been refused or denied to a person applying for passage and tendering the passage-money as aforesaid, or where the person who shall have been refused a passage at the time of the tender as aforesaid, or refused a ticket entitling him to a passage as aforesaid, shall reside.

A bill (H. R. 1803) to fix and establish the maximum rates of freight fares on the Union Pacific Railroad and Central Pacific Railroad.

Whereas the eighteenth section of an act to aid in the construction of a railroad and a telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 2, 1862, provided as follows: "*And be it further enacted*, That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered the United States, after deducting all expenditures, including repairs and the furnishing, running, and managing of said road, shall exceed 10 per cent. upon its cost [meaning its actual cost], exclusive of the per cent. to be paid to the United States, Congress may reduce the rates of fare thereon [meaning rates of freight fares as well as rates of passenger fares] if unreasonable in amount, and may fix and establish the same by law; and the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act;" and

Whereas section 15 of an act amendatory of the above-entitled act, approved July 2, 1864, provided as follows: "*And be it further enacted*, That the several companies authorized to construct the aforesaid roads [including the Union Pacific Railroad and the Central Pacific Railroad] are hereby required to operate and establish said roads, for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line:" Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after sixty days from and after the passage and approval of this act it shall be unlawful for the Union Pacific Railroad Company or the Central Pacific Railroad Company, by officer, or agent, or servant, or representative of any name, to charge, demand, or receive from any person, company, or corporation, for transportation of property, either by the car-load or otherwise, a greater sum than 70 per cent. of the lowest rates of freight or the lowest prices of carriage of property prescribed and set down in their respective schedules or lists of freight rates or prices of carriage of property existing and in force on the 3d day of December, 1883.

SEC. 2. That it is hereby made the duty of the directors of the Union Pacific Railroad Company and the directors of the Central Pacific Railroad Company, within thirty days from and after the passage and approval of this act, to cause to be prepared and to be printed schedules made out in conformity with the provisions of section 1 of this act, and at least two copies of each of said schedules shall be conspicuously posted up or placed conveniently for reference at every railroad station on their respective roads. The failure or omission of the directors of said railroad companies to act in obedience to the commands of this section shall be construed as the failure and omission of each of said directors, and each and every one of them shall, by such failure or omission, be deemed guilty of a misdemeanor on each day of said failure or omission from and after sixty days from and after the passage and approval of this act, and upon conviction thereof shall be fined not less than $1,000 for every such day's failure or omission, one-half of which sum shall go and belong to the shipper or consignor patronizing said roads, or either of them, or citizen proposing to become a shipper or consignor and to patronize said roads, or either of them, who shall make the affidavit upon which the suit or suits on this cause of action shall have been brought. Each day's failure or omission as aforesaid shall constitute and be held to be a separate cause of action for the suit contemplated and provided for in this section. All district attorneys of the United States are hereby instructed to prosecute suits for the enforcement of this section and the recovery of the penalty attached to the failure or omission herein set forth; but nothing in this section shall be so construed as to in any manner or degree deprive a shipper or consignor, or citizen proposing to become such shipper or consignor, of his right of action for personal and punitive damages by reason of any excessive charges for freight rates, or by reason of refusal to carry or deliver property offered by such shipper or consignor, or citizen proposing to become a shipper or consignor, as a patron of the Union Pacific Railroad Company or the Central Pacific Railroad Company.

SEC. 3. That the railroad corporations known as the Union Pacific Railroad Company and the Central Pacific Railroad Company, operating the railroad line from the Missouri River to the Pacific Ocean contemplated in the act which is entitled in the preamble to this act, shall receive any and all property offered to them, or to any agent or employé, for transportation, and shall make and deliver to the shipper or consignor the usual bill of lading for such property consigned to any consignee, and shall transport all such property over their roads on the continuous line of the railroad from the Missouri River to the Pacific Ocean contemplated in the act entitled in the preamble to this act, at the tariff of rates prescribed in the first section, namely, at a charge of not more than 70 per cent. of the rates of freight or prices of carriage which are prescribed or set down as maximum rates of freight in the schedules of the Union Pacific Railroad Company and the Central Pacific Railroad Company existing and in force on the 3d day of December, 1883, or at a less sum or amount of charges than is permitted or allowed by the first section of this act; and for any failure or refusal by said corporations, or either of them, through any agent or employé or servant, to receive or to transport or to convey such property so offered as aforesaid, the shipper or consignor, or citizen proposing to become a shipper or consignor, shall have a right of action for personal and punitive damages against the corporation whose agent or employé or servant shall have failed or refused to transport such property for the party complaining: *Provided*, That the punitive damages shall not be less than $1,000 in every such case where judgment is given for the plaintiff or complainant: *And provided further*, That the companies named in this act shall not be obliged to take combustible or explosive articles, except under such special rules and regulations as the directors and officers may prescribe. And in the absence of any such schedule as is provided for in section 2 of this act, the plaintiff or complainant shall be allowed, and is hereby authorized, to prove any excess of demand for rates of freight or for prices of carriage by evidence of payments made for transportation or carriage of any particular class or kind of property as freight on said roads, or either of them, similar to the transportation or carriage required by him, which payments shall have been accepted by said railroad company or companies, or either of them, as a full and complete payment of freight rates established and collected under the schedules or lists of the Union Pacific Railroad Company and the Central Pacific Railroad Company, or either of them, existing and in force on the 3d day of December, 1883.

SEC. 4. That in the trial of any action arising under the provisions of this act any director, officer, agent, conductor, book-keeper, employé, servant, receiver, or trustee of the Union Pacific Railroad Company or the Central Pacific Railroad Company may be compelled to attend upon court, or before a duly authorized commissioner or notary, or other duly authorized person, to testify; and he may be compelled to bring with him the books and papers named and enumerated in the summons served upon him. In case of the inability of the person or persons summoned as above provided for to produce the books and papers named in the summons that may be served on him or them, or any of the books and papers so designated and called for, he or they may be compelled to testify as to his or their knowledge of the whereabouts of such books and papers, or any of them, or as to their contents if they are lost or destroyed. And for the purposes of this act and to prove at any time the maximum sum or amount allowed to be charged, demanded, or received for the transportation or carriage of property on said railroads, or either of them, the books and papers of the Union Pacific Railroad Company and the Central Pacific Railroad Company shall be open for examination by any commissioner or clerk or notary duly authorized or deputized to make such examination, and to take and report testimony with respect to the same in a case arising under the provisions of this act; and any director, officer, agent, book-keeper, or employé, or servant of any name, of said companies, or either of said companies (being the permanent or temporary custodian of such books or papers as it may be alleged contain evidence of the rates of freights or prices of carriage of property established by said companies, or either of them, prior to the 3d day of December, 1883, and on that day existing and in force, or having such books or papers in keeping at the time of the service of the demand or summons provided for in this section) who shall refuse to exhibit for examination to a duly authorized commissioner or clerk or notary deputized to make the examination by a court of competent jurisdiction, such books and papers belonging to the Union Pacific Railroad Company, or belonging to the Central Pacific Railroad Company, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum or amount not exceeding $5,000 and not less than $1,000, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment; but nothing in this section shall be so construed as to prevent a shipper or consignor, or citizen proposing to become a shipper or consignor, and acquiring a right of action as provided in this act, from proving the proper and lawful rates of freight or prices of carriage of property by such evidence as is allowed and authorized by section 3 of this act.

SEC. 5. That actions to enforce the provisions of this act may be brought in any court of the United States or in any court of any State or Territory of competent jurisdiction.

SEC. 6. That rights of action for personal and punitive damages shall be and shall exist for a period of one year from and after the date of any alleged overcharge or excess of advance demand for rates of freight or prices of carriage as provided against in the preceding sections of this act.

SEC. 7. That Congress may at any time alter, amend, or repeal this act.

The questions presented are, taking them in the order given by the language of the quoted eighteenth section of the charter act, first, whether the Central Pacific Railroad Company and the Union Pacific Railroad Company from the net earnings of the entire road and tele-

graph, including amount allowed for services rendered the United States, after deducting all expenditures, including repairs and the furnishing, running, and managing of said road, paid 10 per cent. upon its cost, exclusive of the 5 per cent. to be paid to the United States; and, second, whether the present charges for freight and passenger fares, assuming that the word "fares" includes both charges for transportation of persons and of goods, are reasonable in amount. The natural numbering of the inquiries would be to place the consideration of the "reasonableness" first; for if we have no grievance from overcharge, we may not and ought not to attempt to invoke your action; but there is some convenience in following the section as it reads in putting the questions in my remarks on this occasion; and you will not, I am sure, hesitate to take it for granted for a few minutes that the tolls are excessive, when I tell you that for years both great political parties in two States have cried out against them in their State conventions and demanded great reductions and other attendant reforms.

Ten per cent. upon the cost of these roads—upon the actual cost? That is to be ascertained or approximately estimated. It is not necessary for our purposes that we should obtain and present an absolutely accurate or closely itemized account. That would be impossible. And hereon mainly rests the defiance of these monopolies. The proposition, the suggestion for Congressional action in the premises, has been scouted as ridiculous, because it is claimed that the cost of the road, including expenditures that it is contended may be properly charged up against the gross income for defeating the purposes here announced, is so large as to forbid any interference on our part. It is the habit of the monopoly lobbyists, as you are all aware, to indulge in language and in manners that may be described as derisive and sneering; indeed, this is a large portion of their stock in trade—the almost invariable preface and conclusion of their so-called arguments in committee-room or corridor corner. And so here the effort has been industriously made to brush aside all consideration whatsoever of the proposition for Congressional action in the premises, by the heaping up of contemptuous adjectives upon any man who would have the temerity, who would be so foolish as to assume that a foundation had been laid for the class of legislation indicated by the aggregate of receipts and of profits coming to the coffers of the companies owning and controlling the one continuous line of railroad and telegraph reaching from the Missouri River to the Pacific Ocean, and started under the subsidizing acts of July 1, 1862, and July 2, 1864.

If it be true that the Central Pacific Railroad Company and the Union Pacific Railroad Company have not at any time since the completion of the one line designated received an annual amount as earnings of the road which would constitute a basis for such bills as I have had the honor or the impudence to introduce—I refer to House bills numbered 99 and 1803, which have just been read—then I submit that it is a somewhat singular and certainly inconsistent spectacle which we behold in the room of the Pacific Railroad Committee during the early or midmonth days of February, 1884. On one occasion a distinguished attorney devotes three hours to the discussion of these measures, giving at least two-thirds of that time to the consideration of the bills which I have introduced. And on another occasion, when your humble servant appears to represent the people in advocacy of these measures, there is a great array of counsel to represent these corporations, whose managers are at times said to be so indifferent to such advocacy, because there is no warrant or predicate for it in the letter of the original law! Are not these appearances by counsel sufficient to lend such strength to the presentation of these propositions as of themselves to call for your candid and careful hearing and reflection with respect to the subject?

Now, I do assert that these railroad companies, chartered and owned and controlled as I have stated, have received during the last fifteen years, in net earnings of the entire road and telegraph, including and excluding as section 18 provides, more than 10 per cent. upon its cost. And I do assert that their charges are unreasonable and even extortionate in amount. And I purpose submitting at this time some evidence in support of these assertions. And I draw attention to the fact that that which I shall present in the way of testimony on this occasion indicates sources from which other and cumulative and perhaps still weightier testimony may be drawn by courts clothed with the power which the bills which I have introduced would confer upon them, and given the right to issue mandates peremptory and searching, upon the institution of suits for which my measures provide and authorize.

It should be borne in mind that we have here only to make out a *prima facie* case. And one would naturally suppose, if he placed any reliance upon the complaisant or the altogether disparaging remarks of counsel for the corporations, at the beginning and the close of their arguments, that an inquiry by the courts, as here suggested and urged, would be welcomed by their employers as an opportunity to vindicate their assertion that their receipts are not in excess of the statutory limitation—that their ticket and freight charges are not unreasonable in amount.

But first I will devote my time to the consideration of the case of the Central Pacific Railroad Company. The Central Pacific Railroad Company was not directly incorporated by the Congress of the United States as was the Union Pacific Railroad Company, but was brought under the wings of the law of the original charter act by virtue of one of the sentences of the ninth section of the act of July 1, 1862. The sentence reads:

> The Central Pacific Railroad Company of California, a corporation existing under the laws of the State of California, are hereby authorized to construct a railroad and telegraph line from the Pacific coast, at or near San Francisco, or the navigable waters of the Sacramento River, to the eastern boundary of California, upon the same terms and conditions, in all respects, as are contained in this act for the construction of said railroad and telegraph line first mentioned, and to meet and connect with the first-mentioned railroad and telegraph line on the eastern boundary of California.

Provision is made in the following act for the extension of the Central Pacific Railroad eastward from the eastern boundary of California until it shall have met the rails of the Union Pacific Railroad Company.

I have here the original articles of the association of the Central Pacific Railroad Company, which I will annex in an appendix to my speech. The length of the road as then contemplated was to be about one hundred and fifteen miles, and the amount of the capital stock is fixed at $8,000,000. The date is the 27th of June, 1861. Amended articles of association of the Central Pacific Railroad of California, which I will also place in the appendix, were filed with the secretary of state on the 8th day of October, 1864—about three months after the passage and approval of the amendatory Pacific railroad act by the Congress of the United States. In the preamble to these articles it is stated that it has been ascertained that the capital stock is less than is necessary, and $20,000,000 is set down as the sum required "to complete, operate, and maintain the railroad of said company." It is not necessary to dwell upon this great enlargement of the capital stock as indicative of the rising expectations of this company. A great enlargement, and yet how small the amount as compared with the subsequent claim of cost!

But it may be well at this time to call attention to the fact in the history of this enterprise—notorious on the Pacific coast, but probably little known at any period beyond our borders; the fact of popular accusation, so to speak—that it was charged that the intention of the incorporators or directors and principal owners in the Central Pacific Railroad Company originally was simply to build a railroad line into the mountains a distance sufficient to feed what was known as the Dutch Flat wagon-road, a transmountain coach-path, intending to go no further in this railroad business. Certain it is that the least practicable and the most expensive of three well-ascertained routes over the Sierra Nevadas was adopted by this company; a selection, by the way, which in itself constituted a violation of the Pacific Railroad law. Certain it is that a route could have been adopted—that by the Feather River, through Plumas County—on which there would have been lower grades, far less tunneling, and no requirement whatever for snow-sheds. Certain it is that the Central Pacific Railroad Company or the directors in control took of the bonds which were solemnly dedicated to aid in the construction of one continuous line from tide water on the Pacific coast to the Missouri River, and hypothecated them in order to purchase and control an interest in the railroad from Freeport, on the Sacramento River, to the town of Folsom, in Sacramento County—a railroad extending in the direction of the State of Nevada, and which it was announced would be and constitute the first section of a rival transmountain railway. It would hardly be pertinent at this moment and in this relation to also mention the fact that some of these same sacredly appropriated bonds of the United States Government were used by the management of the Central Pacific Railroad Company for the purpose of raising money with which to buy up all the coal-oil in the State, the price of that household necessity rising immediately after this purchase 50 per cent. in the markets of California. Whether these facts come in by relevant right or are dragged in by main strength, it doth appear from this recital that the spirit of this management which I am here to arraign was exemplified at the very outset of its history in the Commonwealth which I have the honor to represent.

Now, the Central Pacific Railroad, with the aid of local subsidies as well as authoritative promise of national grants and loans, began work in 1862 at the city of Sacramento. There has been much eulogistic and fulsome talking and printing about the alleged "audacious enterprise," and, indeed, about the "self-sacrificing" valor exhibited in this beginning at this particular date. We who ask Congress to carry out the letter and spirit of the original charter act and pass a bill fixing the rates of fare hear, among other accusations before committees and before individual legislators, that we are seeking to destroy the business interests or to unrighteously cut down the business profits of men who are entitled to the greatest possible kindness and consideration, to the highest degree of respect, as bold and even patriotically hazarding men, because they did not wait as did the Union Pacific Railroad Company management for the passage of the act of 1884; but so early as the winter of 1862, threw the first shovelful of dirt on the surveyed line of a transmountain route, by the side of the waters of the Sacramento.

Why, Mr. Speaker, there was a local demand for a transmountain road, with passenger and freight traffic specifically enumerated, person for person, pound for pound, between the capital of our State and the centers of the silver districts of Nevada. This was sufficient to justify in the mind of the most careful business man the "venture" about which there has been so much of honeyed declamation, so many pages of overwrought and "unearned" newspaper eulogy. And besides, remember that to which I have already alluded: there were enormous

local contributions and substantial promises of actual stock subscriptions which would justify unto men of moderate courage in such matters the inauguration of the undertaking.

There has been so much sniveling on the one hand and lickspittle laudation on the other in regard to the wonderful "bravery," the "broad-minded recklessness" with which the renowned saints and orphans of the Central Pacific Railroad Company entered upon the construction of their road that once for all upon a permanent and long-enduring record I purpose to put the facts which will shame this whole miserable business out of countenance. The management of the Central Pacific Railroad Company originally entered upon a legitimate enterprise, which from the moment of practical inception was justified and stimulated to an extent that created a confidence and a rational and sure expectation of success beyond that having reference to any similar enterprise ever planned or undertaken in the United States of America. There was no risk in it; and I do protest, in order that I may have a clear and candid audience at this place and time and elsewhere, that Leland Stanford and Charles Crocker and C. P. Huntington are, under no possible review of this history entitled to be placed on the pension-list of the American Government. They have had a "fat thing" from the beginning, and they knew it would be so; as the president of the corporation once told me in person, and as the affidavit of Mr. Rodgers of the Placer County board of supervisors, which was placed in the archives of this House and taken therefrom without receipt, unmistakably determines.

And I do say that of all pieces of public impudence, of long and long-endured manifestation, the claim of these men for title to supreme honor and thanksgiving on account of having "given" the Government the credit in money that enabled the country to witness the building of the road is a piece that can not be resisted, but is unapproachably stupendous.

I shall not go into a full analysis of the Pacific railroad acts. I suppose they are familiar to most of the members of this House, and they should be read over by every member who desires to be thoroughly instructed with respect to the history and the atrocities committed by the corporations acting under them.

I call attention here to the fact that in the location of the "western base of the Sierra Nevada Mountains" the line was drawn to within a few miles of the city of Sacramento, so that treble the number of bonds should be issued—three times as many bonds as were set apart and agreed to be loaned for construction in the valley—in the name and on behalf of the Central Pacific Railroad Company. I do not now inquire into the morality of that proceeding, nor is there need to quote it now as further proof of the grasping and dishonest spirit of this management. But there is the fact, which has its obvious bearing when you are considering the propriety of passing a bill reducing the rates of fare on the one continuous railroad line from the Missouri River to the Pacific Ocean, authorized and endowed by the Congressional acts of July 1, 1862, and July 2, 1864. The history of this organization from the very beginning is a history of rapacity and greed, oppression and outrage.

From $8,000,000 the capital stock goes up to $20,000,000. Then this was not to be a Dutch Flat wagon-road feeder, but an actual connecting portion of a transcontinental railway. And after repeated surveys and unnumbered publications of estimates unquestionable, after a great many earnest consultations by the board of directors, at which every accessible item of information was duly considered, $20,000,000 was fixed as the limit required.

Whether you consider this leap from eight to twenty millions as proof or mere indication of a change in purpose with respect to the ultimate length of the railroad, or a change in estimate as to the actual cost—the new calculation resulting from more accurate surveys or the discovery of cost on previously determined route where there had been no real measurements and precise estimates—is not important. But it is desirable that you should bear in mind that at the date mentioned the capital stock was increased as stated, and then fixed at no greater sum than $20,000,000.

The leap was considerable; but the last amount now seems petty as compared with the present claim of the owners for the cost price of the road from San Francisco to Ogden.

The question is as to whether under the eighteenth section of the original Pacific railroad act there has been during any year since the completion of the road in 1869 an income sufficient to warrant the Congress of the United States in reducing and fixing the rates of fare upon the Pacific railroads, forming one continuous line from the Missouri River to the Pacific Ocean, and authorized and subsidized under the acts of July 1, 1862, and July 2, 1864. But bear in mind that it is not necessary to make out an absolute and conclusive demonstration of the fact that such income has been derived, but only, I repeat, to present a *prima facie* case on which by law the power of the courts may be and shall be invoked—to give unto every actual or intending patron a right of inquiry and adjudication in the premises. With this purpose clearly in view, a sketch of a portion of the financial history of one or both of these corporations is proper and necessary. I speak now, of course, with respect to original cost and current expenditures and rates.

It has been said that it is impossible to arrive at the actual outlay by the contractors for the building of either the Central Pacific Railroad or the Union Pacific Railroad, since both were built under contracts made by the directors of the companies with themselves. But I think we can sufficiently approximate to more than meet the requirements of this situation. And speaking with reference to the deceiving and fraudulent contracting within the circle of the management and ownership, I desire to call attention to the articles of association of the contract and finance committee, which I shall also place in the appendix to my speech.

Before going into the question as to the actual cost by the contractors, let me call attention to the aid which the Central Pacific Railroad Company received from the United States, and from the State of California, and from county governments:

From the State of California, interest on $1,500,000 of bonds for thirty years	$3,150,000 00
From San Joaquin County	350,000 00
From Santa Clara County	350,000 00
From Placer County	100,000 00
From city of Placerville	250,000 00
From city and county of Sacramento	300,000 00
From city and county of San Francisco	650,000 00
From Tuolumne County	50,000 00
From Calaveras County	50,000 00
From lands in San Francisco, Sacramento, and Oakland	7,750,000 00
From land grant (lands sold—see report)	5,002,162 95
From land grant still unsold (see report), at same rate per acre as lands sold, 10,588,781 acres at $4.85	51,355,587 85
From land granted to the Western Pacific, and which they surrendered to Charles McLaughlin when turned over to the Central Pacific the road and property of the Western Pacific, 1,100,000, also worth $10 at least an acre	11,000,000 00
Total value	80,357,750 80

And while I am on this subject, let me show to you the land grant, absolute and entire, to the Union Pacific Railroad Company:

Value of lands sold	$17,960,100 80
Value of lands unsold, estimated at the same as that for which the lands disposed of were sold	65,092,500 00
Total from lands alone to the Union Pacific Railroad Company	83,052,600 80
Making a total of aid to both Pacific railroad companies	163,410,350 60

Now, this estimate does not include the United States subsidy bonds, because these may one day be paid by the companies. I have confined myself to gifts made to what now constitute the Central Pacific and Union Pacific Railroad Companies; and I shall hereafter, if I have your indulgence, be able to show to you that from whatever just standpoint you consider the cost of construction, the absolute gifts of these companies have been far more than enough to build 1,779 miles of road—from Omaha to Sacramento.

But, right now, in this very connection, I will draw your attention again to the fact that Judge Dillon, in his argument recently made before our Committee on Pacific Railroads, claimed that the main line of the Union Pacific cost $90,000,000, but admitted that the Wilson report on the Credit Mobilier scheme and transaction had shown that the cost did not exceed $50,000,000. So that the aid in lands given to the Union Pacific Railroad Company in lands alone is over $33,000,000 in excess of the highest possible asserted cost of the main line.

Taking the Central Pacific Railway Company in the same way, and what is the result? You find that the reported cost of the road—seven hundred and thirty-seven miles, from Sacramento to Ogden—is $103,414 per mile. (See Armstrong's report, June 30, 1882.) This would aggregate $76,216,118, or $4,141,632 less than the value of gifts made to this company—by this estimate the calculation alone leaving that surplus to be applied to the building of other roads.

Bear in mind that these statements do not include the subsidy bonds of the United States issued in behalf of this enterprise. And for the sake of convenient juxtaposition their amount might well be restated here:

To the Central Pacific Railroad Company		$25,882,120
To the Western Pacific division		1,970,560
These making a total of		27,855,680
To the Union Pacific Railroad Company	$27,236,512	
To the Union Pacific, Kansas division	6,303,000	
Making a total of		33,539,512
Making a grand total issue of		61,395,192

What did the Central Pacific Railroad actually cost? I will give you data on which to rest judgment as to the propriety and justice of enacting into law such bills as I have introduced and had referred to the Pacific Railroad Committee of the House. Time will not suffice for me to enter into an analysis of the process of deduction; and I am clearly of the opinion that no such extended speech and publication on my part will be required or is desirable. Each Representative for himself, upon the basis of figures which I shall submit, will, I think, be able at once or speedily to determine from the sums submitted what his duty is in the premises.

I will first give you a table of the various estimates of cost of the construction of this railroad per mile. Commissioner Armstrong in his report for 1883 puts the cost per mile at $121,665.27. He also makes an estimate of $103,414.38. Mr. Judah estimated that it would cost $53,751 per mile.

For this last estimate I will refer the House to the report of Railroad Commissioner Foote, of California. In the same report it is shown that the first fifty miles in the Sierra Nevada Mountains cost only about $64,429 per mile. When you make a comparison from this with the six hundred miles in Nevada and Utah, which were constructed at a far less sum, you will see that by this data alone there is foundation sufficient for the legislation proposed. And Charles Crocker, one of the directors of the Central Pacific Railroad Company, admits that the first eighteen miles of the Central Pacific Railroad Company cost only $400,000, or $22,222 per mile. The United States Government gave a subsidy of $120,000 for the first seven miles and $528,000 for the next eleven miles, or over $640,000 on the total of eighteen miles, which Charles Crocker says was constructed for $400,000.

Now, in comparing for the purpose of finding the reasonable expenditures and actual cost of building the Pacific railroads, and to approximate to that which must have been the true cost, look at the outlay for the construction of another road by these same parties, or under similar circumstances, taking into consideration the engineering and other obstacles to be overcome in the building of each.

In the building of railroads there are certain elements, or, if you please, factors, which if present or absent greatly enhance or reduce the cost of construction. These elements or factors are—

First. Cuts and embankments.
Second. Tunnels.
Third. Length of trestles.
Fourth. Curvatures and tangent lines.
Fifth. Grades.

Now look at the cost of the Southern Pacific Railroad, which was built by Crocker, Huntington, and Stanford. Mr. Commissioner Armstrong, in his report for 1882, says, at page 257, that the Union Pacific Railroad cost $86,371.07 per mile, that the Central Pacific Railroad cost $103,414.38 per mile, and that the Southern Pacific Railroad cost $81,874.65 per mile.

Looking at the same report, at page 255, and you have the grades per mile, the total number of tunnels, &c. From this it appears that the Central Pacific Railroad, with over 1,400 miles of road, had 8,102 feet of tunnels to make, while the Southern Pacific Railroad, with only 714 miles, had 15,247 feet of tunnels to make. That is to say, the Central Pacific averaged as near as may be estimated, five feet eleven inches of tunneling per mile, while the Southern Pacific averaged over twenty-one feet five inches per mile. (See pages 254 and 255 of Mr. Armstrong's report for 1882.) Now, if Charles Crocker and Company can build a road like the Southern Pacific for the sum of $81,874.65 per mile, tell me precisely why they could not build the Central Pacific, which had less than one-fourth the tunneling, for a very largely reduced cost, making all allowance that you fairly should make for difference in the cost of material, of implements, for labor and excavations.

By the same report, and on page 255, you find that the amount of bridging and trestling-work per mile on the Southern Pacific Railroad was fully as much as on the Central Pacific. And so also as to the culverts.

Now, having called attention to a few of these elements of cost, namely, tunnels, bridges, trestles and culverts, and having shown that the reported cost of the Southern Pacific per mile is $21,539.73 less than the reported cost of the Central Pacific, though the number of culverts and bridges and trestles were about the same in each, and though the tunnels, by feet measurements, were not one-fourth as much on the Central Pacific as on the Southern Pacific, let us look at the comparison of cost from another side.

The line of the Central Pacific Railroad from Reno, Nev., to Ogden, Utah, is 580.32 miles; from Roseville to Redding, 151.60 miles; from Lathrop to Goshen, 146.08 miles; from Niles to San José, 17.54 miles; the Oakland, Alameda, Melrose, and Fruitvale road, 16.69 miles; Sacramento to Banta (about), 64 miles; Niles to Melrose (about), 14 miles; and side-tracks for turnouts, 203.26 miles; making a total of 1,293.89 miles.

There is but a very small portion of this number of miles which may not be said to be nearly on a dead level.

The building of the Southern Pacific road via the Tehichipa Pass and the boring of the tunnel at San Fernando constituted one of the greatest engineering feats of the age. The Central Pacific had but one range of mountains to cross, to wit, the Sierra Nevadas. And here I would direct notice to Senate Executive Document No. 1, part 5, wherein, at page 518, Commissioner Armstrong calls attention to the comparatively favorable opportunities for building near this pass. While the Central Pacific had but one range of mountains to cross, the Southern Pacific had three ranges, as set forth at page 523 of the same volume that has just been referred to; to wit, the Sierra Nevadas, the Sierra Madre or Coast Range, and the San Gorgonio Pass.

Having shown that the Central Pacific had not the same physical and engineering obstacles in the way as the builders of the Southern Pacific had to encounter, may I not (for the purpose of showing what should have been the cost of the Central Pacific) insist that the average grade per mile is a true and just basis on which comparisons of cost per mile can be made? That is to say, I can claim for this argument that the cost per mile may increase in the same ratio as the grade per mile increases; and that the cost per mile should decrease in the same ratio as the grade decreases. It is supposed that cuttings, borings, and fillings or embankment will in a very large degree be indicated by the grade.

Now, look at Commissioner Armstrong's report for 1882, page 255, and you find that the heaviest grade of the Central Pacific is 116 feet per mile, while the heaviest grade of the Southern Pacific is 232.32 feet per mile. You also observe that the average grade of the Central Pacific is 13.6 feet per mile, while the average grade of the Southern Pacific is 68 feet per mile, or five times as great as that of the Central Pacific. Taking this fact into consideration in connection with the statements already made and authenticated as to the length of tunnels, trestlework, &c., is it not fair to assume that since the grade per mile of the Southern Pacific is five times as great as that of the Central Pacific, in reason the cost per mile of the Southern Pacific would also be five times as great as the cost per mile of the Central Pacific?

Conceding this, and you find that as the Southern Pacific cost $81,874.65 per mile with an average grade of 68 feet, the Central Pacific, with an average grade of 13.6 feet per mile, or one-fifth of the grade of the Southern Pacific, cost one-fifth as much as the cost of the Southern Pacific, which would make the cost of the Central Pacific $16,374.80 per mile.

Having arrived at this standpoint, I will from this basis show the whole cost of the Central Pacific: Cost per mile, $16,374.80; cost from Sacramento to Ogden, a distance of seven hundred and thirty-seven miles, $12,079,227; cost of whole line of road as now consolidated with other companies and so embracing 1,404 miles, $22,990,021.92.

Recall to mind the fact that after careful and extended observation and some considerable experience in railroad building the Central Pacific Company raised their capital stock to only $20,000,000, probably only about twice as much as the actual cost of the road as far as Promontory, the point to which that company actually completed the work of construction. All these things are significant. This company was greedy and grasping from its birth; but it grew and developed enormously in its gormandizing faculties and capacity.

Look at this again from another point to see if it is unjust or in any wise incorrect. The estimate presented shows that the Central Pacific should have cost only $16,374.80 per mile. Now, in an affidavit which I have had copied from the State records at Sacramento, and which I will now have read, E. H. Miller, on the 24th day of March, 1881, swears that the Central Pacific is worth only $10,535.96. And this is the grand total, including not only franchise, roadway, road-bed, and rails, but rolling-stock also.

Here is the copy of the affidavit of E. H. Miller, jr., filed with the State board of equalization, showing the value of the Central Pacific Railroad to be but $10,535.96 per mile all told, or $5,838.81 less than I have generously estimated the actual cost of construction to be:

The Central Pacific Railroad Company makes the following statement in relation to its property subject to taxation in the State of California owned by it for year ending on the first Monday of March, A. D. 1881, and of all property used in operating or repairing its railway in this State during such year and its actual value. The entire length of railroad of said company in California is 602.22 miles, operated in the following counties of said State, with the length of railroad in each county:

	Miles.
San Francisco County	4.00
Alameda County	83.52
Santa Clara County	8.50
San Joaquin County	56.75
Sacramento County	41.00
Placer County	112.75
Nevada County	30.25
Sierra County	2.15
Yuba County	15.87
Sutter County	10.00
Butte County	45.00
Tehama County	40.54
Shasta County	18.80
Stanislaus County	22.63
Merced County	36.75
Fresno County	61.06
Tulare County	12.65
Total	602.22

ROLLING-STOCK.

Actual amount in detail of rolling-stock in use on and property used in operating and repairing the line of railway of said company in this State during the year ending the first Monday in March, 1881, and the value of the same, respectively:

No.	Kind.	Value.
122	Locomotives ($5,200)	$634,400
12	Sleeping-cars ($3,000)	36,000
87	Passenger-cars ($1,400)	121,800
65	Emigrant and smoking cars ($1,000)	65,000
32	Baggage, express, and mail cars ($800)	25,600
44	Caboose ($700)	30,800
1,629	Box freight-cars ($400)	651,600
1,290	Flat freight-cars ($250)	322,500
360	Dumps, hand, section, and all other cars ($71.66)	25,800
	Total value	1,913,500

The following is a description of the entire length of the railway of said company in this State, beginning at one of its termini, and thence following the

roadway and right of way for said railway, describing it by metes or bounds, or other description sufficient to identify it, through each county, giving the points of entrance and exit to and from each county it traverses, to the other termini in the State.

Beginning at Fifth street between Townsend and King streets, San Francisco, running thence northeasterly through South Beach blocks, 20, 15, 165, 159, and 9, to the freight ferry-slip at water front. Also beginning on south line N. P. block 408, through blocks between Kentucky and Illinois streets, to Channel street, thence across Channel street to block 165 S. B. survey, being a distance of about two miles, more or less. Also beginning at W. line of Alameda County, thence easterly on Long Wharf through First and Seventh streets, to near E. line of Brooklyn; also from Seventh street Oakland (spur track), to town of Alameda, continuing from depot in Brooklyn, easterly to Niles, thence through Alameda Cañon to line of San Joaquin County near Midway, thence through Stockton, Lathrop, and Lodi to S. line of Sacramento County at Dry Creek, thence continuing through Sacramento, Placer, Nevada, and Sierra Counties, to W. line of State of Nevada. Also from San José to Niles; also from Lathrop, running southeasterly course through Stanislaus, Merced, and Fresno Counties to Goshen, in Tulare County. Also beginning at Roseville, in Placer County, running thence in a general northerly course through Yuba, Sutter, Butte, and Tehama Counties, to the town of Redding, in Shasta County, containing in the aggregate 602.22 miles of way, roadway, and road-bed.

The following shows the value of said property on the first Monday of March, aforesaid, meridian, the gross earnings of the entire railway, and the proportionate annual gross earnings of the same in this State, as near as practicable for the year ending first Monday in March, 1881, and all the property of every kind, situate in this State, owned by said company, and its value:

	Miles.	Value per mile.				Total value.
Franchise	602.22		04	15	13	$25 00
Roadway	602.22	$1,682	14	18	42	1,013,019 50
Road-bed	602.22					
Rails	602.22	5,676	36	68	76	3,418,421 60
Total	602.22	7,358	55	02	31	4,431,466 10
Rolling-stock		3,177	41	02	10	1,913,500 00
Grand total	602.22	10,535	96	04	41	6,344,966 10

Annual earnings for the year ending January 1, 1881:
Annual gross earnings for entire railway, 2,644.95 miles.....$20,508,112 88
Proportionate annual gross earnings of railway in the State..... 12,119,482 69

STATE OF CALIFORNIA,
City and county of San Francisco, ss:

I, E. H. Miller, jr., being duly sworn, deposes and says that he is the secretary of the Central Pacific Railroad Company, the principal place of business of which company is in the city and county of San Francisco, State of California; that the foregoing statement is in all respects correct and true.

E. H. MILLER, JR.

Subscribed and sworn to before me this 24th day of March, 1881.
[SEAL.] CHARLES J. TORBERT,
Notary Public in and for the city and county of San Francisco, State of California.

Mr. A. M. Towne, general superintendent of the Central Pacific Railroad Company, states that for taxable purposes the whole of the Central Pacific and Southern Pacific is worth only $23,485,629, taking in a distance of 2,021 miles of road, which is an estimate of only about $11,600 per mile, or $4,774.80 less than the sum that I have conceded expense of construction might have reached.

From these statements, one under oath, you can not only see that the estimates of value made by the officers of the company are much less than the amounts which I have indicated to be the actual cost, but you will observe that the low estimates quoted from officers' statements were placed by the officers on a road or roads continually improved since the original construction by the annual expenditure of considerable sums of money.

Look at this in still another light and see what the result is.

The bonded debt of the Central Pacific, on the line from Sacramento to Ogden, is as follows:

First mortgage	$19,505,000
Land grant	10,000,000
Additional land grant	1,500,000
California State aid	1,500,000
First mortgage	6,378,000
United States subsidy	25,885,120
Total	$64,768,120

Now add bonds of city and county, $1,000,000, and you have a total of $65,768,120.

Now subtract from this the cost of seven hundred and thirty-seven miles, from Sacramento to Ogden—at $16,374.80 per mile—amounting to $12,079,227, and you have a balance profit from bonds of $53,688,893.

Let us see whether this is a fair statement.

We will assume that the bonds named were sold at par, and that the road did not cost over $16,374.80 per mile, and we thus find that Stanford, Crocker, Hopkins, and Huntington made a profit on the one transaction of $53,688,893. With this little profit they could proceed (having the aid of $23,000,000 more in bonds), and increase the mileage of the Central Pacific from 737 miles to 1,404 miles, and by lease to 3,041.71 miles, besides building several lines not included in the record to which I refer; while as a final "aid" they secured $58,000,000 of paid-up stock of the Central Pacific.

And in this connection I draw attention to the fact that in 1860 Mark Hopkins, one of the directors of the Central Pacific Railroad Company, was worth but $14,300. In the year 1878 he died worth over $30,000,000, he having a one-fourth Central Pacific Railroad Company interest or thereabouts. The inventory in support of this statement is on file in the probate court of the city and county of San Francisco.

Let the list be read at this point in my remarks.

The inventory of Mark Hopkins's estate, now in the clerk's office of San Francisco, shows that he owned of stock as follows:

Central Pacific Railroad Company, 102,812.
Southern Pacific Railroad Company, 79,750.
California Pacific Railroad Company, 24,644.
Sacramento and Placerville Railroad Company, 4,095.
Amador Branch Railroad Company, 1,498.
Berkeley Branch Railroad Company, 222.
Stockton and Copperopolis Railroad Company, 586½.
Los Angeles and San Diego Railroad Company, 350.
Market Street Railroad Company, 1,712.
Potrero and Bay View Railroad Company, 1,250.
Capital Savings Bank, 153.
Home Mutual Insurance Company, 60.
Pacific Life Insurance Company, 20.
Western Development Company, 12,491½.
Mission Bay Bridge Company, 598.
O. & O. S. S. Co., 10,000.
Colorado S. Nav. Company, 1,111.
Wells, Fargo & Co., 2,718½.
Rocky Mountain Coal, 1,817.
Ione Coal, 8,000.
Oakland Water Front, 7,294.
Capital Gas Company, 2,387½.
Donner Lumber Company, 108.
Omaha Gold Mining Company, 1,050.
Richelieu Gold Mining Company, 530.
Riverside Railroad Company, 20.
Also bonds as follows:
Southern Pacific Railroad, $5,176,000.
Central Pacific Railroad, $1,460,500.
California Pacific Railroad, $45,000.
California and Oregon, $105,000.
S. F. O. and A. Railroad, $100,000.
Berkeley Branch Railroad, $22,000.
Amador Branch Railroad, $150,000.
Sacramento and Placerville Railroad, $558,000.
California State Aid, $2,610.
Sacramento City, $700.
United States bonds, $129,375.
Los Angeles Bridge Company, $2,500.

Also $271,784.09 cash; $909,209.88 real estate; $2,719,728.90 debts due estate; $566,133.26 bills receivable; $247,945.34 furniture; $9,781 horses, &c.

In addition he is credited with one-fourth interest in 103,851 shares Central Pacific, and 3 Mission Bay Bridge; $46,725 Sacramento County bonds; $533 United States bonds; 154,000 Central Pacific; $40,000 California Pacific Railroad Company; 4,000 Sacramento Valley Railroad, and $365,915.15 claims against Western Development and Pacific Improvement Companies.

Let us give a glancing estimate at the Union Pacific's actual cost. The Union Pacific has in a little over 1,800 miles of road—taking the total of mileage—1,654 feet of tunnels, that being eight-ninths of a foot to the mile. The Southern Pacific, with 714 miles in 1882, had 15,247 feet of tunnels, or over twenty-one feet and five inches to the mile. Taking all this into consideration, as well as the nature of the country through which the Union Pacific passes, and it will hardly be contended that it could have cost more than the Central Pacific, which I have set down at $16,374.80 per mile. On this basis the cost from Omaha to Ogden, a distance of 1,042 miles, would be $17,062,541.60. And for 1,820 miles, or the whole line of the Union Pacific, the cost would be $29,802,136.

The Union Pacific Railroad Company was organized to build from Omaha to Ogden, only 1,042 miles, but by consolidations with two other companies it has come to own 1,820.09 miles within its own corporation, and has built besides 2,872 under twenty-two companies. Out of the aid given for the building of the 1,042 miles, this company has built and acquired 4,892 miles, under twenty-five companies in all, the maintaining of which is charged against the original company.

It may be presumed, and doubtless will be agreed, that the best possible presentation of argument against the passage of such bills as I have introduced is to be found in the pamphlet copy of the report of the remarks of John F. Dillon, counselor, who appeared last February before our Committee on the Pacific Railroads in behalf of the Union Pacific. I will refer to and endeavor to reply to the salient points in Mr. Dillon's argument.

On page 27 he says that the company has an outstanding indebtedness in land-grant mortgage of $10,400,000. This is not true, since on December 31, 1882, the president's report, at page 9 of financial statements, shows that the amount of land bonds then unpaid was only $4,670,000, and that to meet this amount there was due on sales of lands $4,617,401.03, leaving only $52,598.97 to be met. And to pay this amount of $52,598.97 the company had (page 13) 9,129,000 acres of land unsold, worth, at the same average as former sales, over $36,516,000. So that the company from its land grant practically owed but $52,598.97, since all the rest of the bonds had been paid off, or had applicable an amount whereunto to pay, with the exception of this small sum. Instead, therefore, of the inference being as he tries to show, the company had practically $36,460,000 worth of land, from the

sales of which the $27,000,000 as bonds can be paid without even trenching on the income from traffic. This is cited in order to show his audacious statement of pretended facts.

If he is not willing to allow the receipts from the whole line of road and from all sources to be taken into consideration in computing net charges, then of necessity the disbursements which he claims must be disallowed, and his table on page 30 will present a different appearance.

The items to strike out would be: Land grant, $323,610; Omaha Bridge, $221,000; new construction and equipment, $4,247,189.78; as also the item of $1,630,080, which would leave the net earnings $9,759,326.19, or nearly 20 per cent. on the cost of $50,000,000 to which he refers.

By reference to President Dillon's report, on pages 12 and 13 (financial statement), I find that the receipts for sales of Union Pacific and Northern Pacific land grants to December 31, 1882, were $17,960,100.80, with a balance unsold of 14,465,000 acres; which at the same rate of sale will bring $65,092,500, making the value of the lands granted $83,052, or an amount in excess of the present funded debt. And the amount added to $44,605,282.57, the amount in stocks and bonds of other companies, &c., as shown by page 2 of financial statement, in Union Pacific annual report to company, would about wipe out all of the debts of the company, leaving the stock account out of consideration.

In order, however, to ward off the passage of such acts as my House bills 99 and 1803, the company, instead of applying surplus receipts to reducing debt, has used them in buying up competing lines or acquiring them by consolidation or lease. So, also, the surplus has been used in building so-called feeders, many of which were not needed and were losing investments. I shall annex to my speech a list of these side lines for convenient reference.

The president of the Union Pacific, Sidney Dillon, reports to the stockholders for transactions ending December 31, 1882, as follows:

Gross earnings for the year		$22,823,884 24
Operating expense and taxes		10,727,049 28
Surplus earnings		12,096,834 96
Interest and dividends from investment securities		2,211,099 35
Total surplus earnings		14,307,934 31
Payments:		
Interest on bonds	$4,976,203 93	
Discount, interest, and exchange	172,722 31	
Sinking funds	442,000 00	
Amount due the United States on business of the year	2,097,189 90	
Premiums paid in bonds redeemed and losses in securities disposed of	18,923 16	7,707,039 03
Balance applicable to dividends		6,600,895 01
Stock dividends, 7 per cent.		4,260,788 00
Surplus for the year (over all)		2,340,107 01

This is from the Union Pacific report to stockholders, page 6. At the bottom of the same page is found in italics:

The gross earnings of the Union Pacific system, including branch lines, amounted to $30,363,927.75 for the year 1882.

By looking at page 7 of the same annual report (for 1882) you find the gross earnings named in foregoing table to be:

From transportation of passengers	$5,197,730 01
From transportation of freight	15,402,167 37
From transportation of mail	746,515 61
From transportation of express	748,932 30
From miscellaneous earnings	728,538 95
Total	22,823,884 24

Again, in page 24 of the financial tables, same report, I find the operating expenses are—

Conducting transportation, including superintendence, dispatches, clerks, station service, station expenses, station repairs and furniture, repairs of tenement houses and hotels, train service, train expenses, advertising, books, printing and stationery, telegraphic expenses, loss and damage, foreign agencies, use of cars, and incidentals		$2,392,498 72
Motive power, including superintendence and clerks, locomotive service, fuel and water expenses and repairs, fuel for locomotive, oil, tallow and waste, repairs of locomotives, repairs of shops and machinery, fuel for engine houses and machine shops, also incidentals		3,775,888 47
Maintenance of cars, including superintendence and clerks, repairing cars, car shops and sheds, watchmen, and incidentals		957,943 44
Maintenance of way, including superintendence and supervision, repairs of track, removing snow and ice, renewal of rails and ties, repairs of bridges, fences, crossings, and guards, and telegraph, engineering, protection of river banks, wrecking, and incidentals		2,638,635 74
General expenses:		
Taxes	$487,786 54	
General expenses	474,296 97	
		962,883 51
		10,727,049 28

You will observe that in this every possible item of expense is included pertinent or otherwise to the running or maintaining of the road. Also, that the company had to keep the road in repairs, paid running expenses and interest added to the sinking funds, and still had over all $6,600,895.01 surplus earnings to be applied to dividends; and this, too, only from the general income. They had still a further income, as seen at page 17 of the report, where Mr. Sidney Dillon makes a summary statement under the heading, "Operations for 1882." He says that it will be seen by the financial statements that the surplus general income, after payments of fixed charges of Government requirements and of 7 per cent. dividend to stockholders, amounted to $2,340,107.01, which is equal to 3.845 per cent. on amount of capital stock.

Surplus land and trust income, $1,088,495.60, which is equal to 1.788 per cent. on amount of capital stock; surplus income used for sinking fund, $442,000, equal to .756 per cent. on amount of capital stock; surplus special United States income accounts, $116,440.37, which is equal to .191 per cent. on amount of capital stock; total additions to surplus for 1882 in excess of dividends of 7 per cent., $3,987,042.98.

So that, taking the words out of their own mouths, they are convicted of making a net profit over all charges of 13.55 per cent. on the amount of the capital stock of the company.

There seems to have been a fear that the net earnings would be too great; hence large sums of money have been expended in permanent improvement which can not occur each year, and which should not be charged to operating expenses, all in one year.

Thus, at page 11, President Dillon says that 16,854 tons of steel rails were laid, 690,637 new oak, cedar, and pine ties, to replace old; six iron truss-bridges built; ninety pile bridges built; thirty-seven miles of new side-track constructed.

Again, at page 18, he says:

The policy of securing for the company and its stockholders by a judicious investment of its means and earnings, as before stated, not only the tributary business resulting from branch lines, but also the annual profits of their operation and the income from the lucrative investments in them has been fully vindicated. In carrying out this policy it has been necessary at times to make considerable temporary advances or investments. But this has been done without inconvenience to the finances of the company * * * A large portion of the annual surplus earnings of the company has been applied to improving the line of railway, thereby lessening operating expenses, and to the creation of tributary lines and in promoting local business, and has partially matured its fruits during the past year.

In this connection it may be well to call attention to those so-called tributary lines, as seen by page 12 of the report. They are:

CONNECTING RAILROADS.

The lines of railroads connecting with the Union Pacific Railway and operated under its control were extended during 1882 as follows:

Utah and Northern; Oregon Short Line; Laramie, North Park and Pacific; Omaha and Republican Valley; Greeley, Salt Lake and Pacific; Manhattan and Blue Valley; Denver, South Park and Pacific. Total miles extended during year, 380.

And again, in same page:

The aggregate length of connecting railroads operated in the interest of your company (Union Pacific) in January 1, 1883, amounted to 2,872 miles, as follows:

Here follows a list of the above-described roads, and also the following:

Omaha, Nebraska and Black Hills; Colorado Central, Echo and Park City; Carbondale Branch; Junction City and Fort Kearney; Salina and Southwestern; Golden, Boulder and Caribou; Denver and Boulder Valley; Saint Joseph and Western; Central Branch Union Pacific and leased lines operated by the Pacific Railroad; Kansas Central; Manhattan, Almy and Burlingame; Manhattan and Northwestern; Salt Lake and Western, and Nevada Central.

I say that it now appears, even by the reports made by President Dillon to the stockholders, that the Union Pacific on the fictitious cost was able to earn net 13.55 per cent. on the capital. But Judge Dillon in his argument admits tacitly that the road, instead of costing $90,000,000, cost not over $50,000,000. Hence there was a stealing of $40,000,000, which was proved by the investigations of the Wilson committee. Thus it transpires that the net earnings are over 17 per cent. on cost.

Now, what is the cost as shown by the court records?

Pretended cost	$90,000,000
Less stealing, as shown by Wilson committee, being difference between bonded cost and cost to Credit Mobilier	40,000,000
Balance	50,000,000
Less stealings by officers of Credit Mobilier, as shown in Hazard *vs.* Durant, 11 R. I. Reports, and Durant *vs.* Hazard, United States Supreme Court	15,000,000
Balance	35,000,000

So that the net income is nearer 40 per cent. than 3 per cent.!

Mr. Dillon can not segregate the earnings arbitrarily, for the act of 1862 says that "whenever the net earnings of the entire railroad and telegraph line shall," &c. And if by consolidations, &c., the receipts are increased it goes to the credit of the original company, since the others are merged in it and have ceased to exist.

Then what would be the "cost" of these roads as contemplated by this act? The amount of money actually and in good faith paid in by the stockholders. This is the only true basis. And in taking this into consideration, you must of necessity cast aside all watered issues of stock and all pretended offsets from profits in building. It is clear that the company can not be allowed to pay interest on its indebtedness, and add a sinking fund to pay off such debt in time, and then include that debt as a part of the cost of the road.

The company in 1882 paid off $1,153,000 of its bonds, besides paying interest and adding to the sinking fund. In time this sinking fund

will be large enough to wipe out the debt, since the amount included as annual expenses includes also this object. The Union Pacific will then own the road free of debt. And the actual cost will then plainly appear to be only such sums as the stockholders have been out of pocket, or rather their absolute investment, howsoever obtained.

Whatever money was paid in, originally, for construction of the road, that is the cost. You can not under the law provide for the payment of principal and interest of a debt, and then at the same time and all along ask for 10 per cent. more upon the capital alleged to have been invested.

The land grant of the Union division was originally $10,400,000 in amount, less $5,730,000 paid off to December 31, 1882. This leaves a balance of $4,670,000 unpaid. But the company sold of this grant lands and town lots of the value of $4,617,400.03 in contracts, which amount will wipe out the land-grant bonds, except about $52,500.

After making the above deductions there were left on December 31, 1882, in this division 9,129,000 acres, worth about $30,000,000. This amount will in time be realized.

No one could be more fully or painfully conscious of the fact of the dry and extremely prosaic nature of such statistical papers as I have had to submit on this occasion. But the propriety and necessity for their introduction will not be denied or questioned; and I hope that they will have a careful reading when they shall have been published, as under all the circumstances I believe they are sufficiently conclusive for the purposes which I have announced, and which on behalf of the people whom I especially represent I have kept constantly in view.

In the first place, it was desirable and necessary in my judgment to make such general preface of statement and argument as I had the honor of submitting to the House Committee on Pacific Railroads on the 15th of February last. And in some sense my remarks addressed directly to the House may be considered as supplementary to the preface referred to. A sketch of my remarks before the committee, which I was obliged to print altogether at my own expense, will be furnished any member of the House or any reader of the RECORD who may desire them and who shall apply to me for a copy.

The defiance of the Pacific railroad monopolies, against whose outrageous and extortionate prices we are contending, whose passenger and freight rates we desire to have reduced and fixed and established by law of Congress, rests mainly on our alleged inability to discover or to even guess at the actual cost of construction of their roads. I submit again that in the light of what I have here made known there is sufficient and more than sufficient of reason and of right given unto us to enact into law such bills as I have presented to this Congress.

But these grasping monopolies have the coolness to claim that their charges are not unreasonable. Effrontery could not go beyond this!

I believe that I would be giving a full and satisfactory showing upon this point if I simply presented the comparison of receipts and charges on passenger trains on roads enumerated in the table which I shall shortly submit.

The deceit that is practiced by the Central Pacific Railroad in bringing in its commutation charges for travel on the Oakland Ferry route should be kept in mind when reading the "average rates" set down under that caption. I will not allow you to forget that.

I really need add but a few illustrations. Each one can multiply them for himself as he inquires and ascertains the charges for passenger transportation on lines radiating from any central point east of the Missouri River. It will be found, I assert, that the ticket prices on the Union and Central Pacific Railroad Companies for through passage are from two to three times as great as on any routes east of the Missouri River where anything like near half the amount of distance is in the basis of calculation.

The price of a first-class ticket from Washington to Chicago is less than $20 ($17.50 for a first-class single trip and $21 for a round-trip ticket). At the estimate of $20 per passage from here to Chicago, the price of a first-class ticket from Omaha to San Francisco should not exceed $45. My bill would permit a charge for the latter distance of $54. The Pacific railroads demand at the Omaha and San Francisco offices for transportation of the 1,800 separating miles, $95. At all intervening points where there is no competition the local rates run from 7 to 10 cents per mile. And this over roads built by the price of the people's land and the loan of the people's bonds; roads on which, taking everything into consideration, the fare should be as cheap as on any iron highway on the face of the globe.

I will give some specimen charges for passenger transportation, showing the unreasonableness of the present exaction and the very moderate reduction as compared with ticket prices on other roads, which my bill—House bill No. 99—proposes.

The rates stated and compared will be for long distances. Still greater and grosser extortions than those exhibited exist with respect to local traffic—the movements between adjoining towns or stations, &c. There, I repeat, the maximum of 10 cents per mile is often adhered to if there be no competition, and fractions of miles are counted as integers.

But let me first have read a comparison of rates and charges on passenger trains according to reports in 1883, thus establishing the "unreasonable" and extortionate charges of the Union Pacific and Central Pacific Railroad Companies.

Comparison of rates and charges on passenger trains, according to reports in 1883.

Name of road.	Run by passenger trains.	Passengers.	Passenger earnings.	Net earnings per mile from all sources.	Rates.				Operating expenses to total earnings.
					Highest.	Through.	Average.	Lowest.	
	Miles.	*Number.*	*Dollars.*	*Dollars.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Per ct.*
Boston and Albany	1,805,924	7,524,138	3,364,143 09	6,017 54	2.12	2.09	1.99	0.88	70.00
New York Central and Hudson River Railroad Company	5,448,929	10,308,979	8,501,208 51	.....	2.00	.....	1.80	.....	.....
Fitchburg	825,091	2,959,423	896,854 88	2,955 14	2.10	1.95	1.71	0.75	77.00
Boston and Lowell	929,665	2,789,785	881,038 25	4,345 25	2.18	1.80	1.67	0.90	70.00
Boston and Maine	1,129,107	5,984,000	1,688,900 84	4,867 10	0.54	1.82	1.95	0.99	65.00
Eastern	1,297,043	6,604,087	1,905,056 60	3,776 09	3.00	1.50	1.88	0.82	68.00
Boston and Providence	598,841	4,128,299	959,088 36	6,456 10	2.90	2.10	1.96	1.10	72.00
New York and New England	1,297,838	4,536,082	1,362,630 93	2,406 76	2.39	2.02	2.09	.....	72.00
Old Colony	1,493,221	6,593,471	2,265,377 88	2,529 90	2.50	2.30	2.00	0.80	71.00
New York, New Haven and Hartford	1,923,997	6,397,385	3,790,773 98	10,922 65	2.54	2.20	1.81	0.58	62.00
New York and Erie	3,546,055	6,784,195	.....	.....	.....	.....	1.941	.....	.....
New Jersey Central	2,510,263	9,239,211	.....	.....	.....	.....	1.861	.....	.....
Delaware, Lackawanna and Western	2,208,258	6,070,329	.....	.....	.....	.....	2.22	.....	.....
Pennsylvania	5,097,229	10,372,894	.....	.....	.....	.....	2.374	.....	.....
Chicago and Alton	1,550,018	1,666,991	.....	.....	.....	.....	1.95	.....	.....
Chicago and Northwestern	3,999,667	6,754,717	.....	.....	.....	.....	2.52	.....	.....
Louisville and Nashville	.....	.....	.....	.....	.....	.....	2.71	.....	.....
Chicago, Milwaukee and Saint Paul	.....	.....	.....	.....	.....	.....	2.58	.....	.....
Chicago, Rock Island and Pacific	.....	.....	.....	.....	.....	.....	2.51	.....	.....
Lake Shore and Michigan Southern	.....	.....	.....	.....	.....	.....	2.16	.....	.....
Central Pacific	3,022,368	7,688,514	8,777,342 50	3,154 66	10.00	5¼	2.92	(*)	62.50
Union Pacific	.....	981,420	6,693,177 92	.....	(†)	5¼	3.30	.....	74.00

* Oakland Ferry. † About.

NOTE.—The passenger earnings in this table include all income reported as the result of earnings of passenger trains. Items relating to New England roads are from Massachusetts reports.

In this table the comparison of passenger earnings includes also receipts for mail, express, baggage, &c. And these amounts have been added also in the case of the Union Pacific and Central Pacific, instead of the mere item of fares reported by the Union Pacific as $5,197,799.96, and by the Central Pacific $7,474,216.12. Bear in mind that the Central Pacific brings its "average" down by counting in 5,896,159 passengers that merely crossed the Oakland ferry, largely on commutation tickets. In like manner the Union Pacific rates shave rates in competition for some distance with the Burlington and Quincy, which coercingly helps the management in the public appearance on an average rate showing.

It should always be borne in mind that a reduction of fares—passenger and freight—on the Union and Central Pacific Railroads operates as a reduction of passenger and freight fares on the Southern Pacific Railroad. Forget it not. It is expressly so provided in the Texas Pacific Railroad bill, which passed Congress in 1871. Section 15 of that act reads:

Provided further, That the rates charged for carrying passengers and freight per mile shall not exceed prices which may be fixed by Congress for carrying passengers and freight on the Union Pacific and Central Pacific Railroads.

The distance from San Francisco to Ogden is eight hundred and ninety-five miles. That is estimating the number of miles by the longest route. By the route now taken by the overland trains via

Benicia there is a saving in distance of about forty miles. There is some cheating by the railroad company in its published tables on this very account. But with characteristic liberality I will take the aggregate of miles as eight hundred and ninety-five. Now, for a first-class passage from San Francisco to Ogden the Central Pacific Railroad Company charge $56. For traveling the same distance on the New York Central, supposing its lines to be extended under New York jurisdiction for the same distance, the charge would be less than $18—less than one-third the amount charged by the Central Pacific Company—and that for much better accommodations and more than twice the speed. Does the difference in amount of patronage in favor of the New York Central road, which was built by private capital, justify any such enormous addition to the cost of travel?

Under the provisions of my passenger-fare bill the cost of a first-class ticket from San Francisco to Ogden would be $26.85, a reduction of $29.15. By my bill a second-class ticket for the same distance would cost $17.90. A third-class ticket would, under the provisions of my bill, cost $13.42½.

The estimated distance from Ogden to Omaha is 1,032 miles, making an aggregate from San Francisco to Omaha (by the longest rail route from San Francisco to Sacramento) of 1,927 miles. By the route now traveled by the locomotive the distance is 1,875 miles. For a through ticket the charge is, as I have already stated, $95—the railroad companies having within the past few months been good enough to make a reduction of the enormous sum of $5, a concession to popular appeal respecting which the flunky newspaper organs of the monopolies have not yet ceased to vibrate.

At New York Central prices the charge for this distance, at highest rates, would be $38.54, or, taking into the sum the actual distance traveled, it would be $37.50. Taking the average rates of the New York Central, the charge for a first-class ticket from San Francisco to Omaha would be $34.69. Taking the average rate of the Rock Island and Pacific (and why should not through rates on the Pacific railroads be as low as average charges on the Rock Island road?) the charge would be $48.27. Under the operation of my bill the price of a through ticket from San Francisco to Omaha would be $57.81, or a difference as against the present charge of $37.19. Still, it will be observed that my reduction would leave the price nearly $10 more than the average rates of the Rock Island and Pacific, and $20 more than the price according to the highest rates on the New York Central.

For a second-class ticket from San Francisco to Omaha, under the provisions of my bill, the price would be $38.54—the same sum, it will be observed, that would be charged for a first-class ticket according to the highest rates of the New York Central. For a third-class through ticket the price, under my bill, would be $28.90½.

The price of a first-class ticket from San Francisco to Reno, Nev., is $12.05. There is no second-class ticket sold for this distance, as I am informed by a letter from W. D. Phillips, ticket agent at Reno, dated February 12, 1884. Under my bill a first-class ticket from San Francisco to Reno, a distance of three hundred and six miles—a section of the Central Pacific Railroad on which there is a vast amount of travel—would be $9.18; while a second-class ticket for the same distance would cost $6.12, and a third-class ticket would be sold for $4.59.

I call the attention of this House, as I shall desire the especial attention of my constituents, to these figures.

Would you believe it? The Central Pacific Railroad Company charge the same amount for a ticket from Reno to Omaha that they charge for a ticket from San Francisco to Omaha—$95 first class, $75 second class, and $50 third class. Under the terms of my bill the prices would be respectively $48.63 first class, $32.42 second class, and $24.31 third class. As has already been stated or indicated, from Reno to Ogden the road-bed is for a great portion of the distance laid on what may be termed a dead level. And yet to illustrate the rapacity of this company and to show the excellence of my measure, I draw notice to its effect upon ticket charges from Reno to the terminus in Utah.

The present charge from Reno to Ogden is $44 first class, $40 second class, and $30 third class. Under my bill the ticket price would be, respectively, $17.67 first class, $11.78 second class, and $8.83½ third class.

The distance from Reno to Winnemucca is one hundred and sixty-nine miles; and for that distance the charges under my bill would be, respectively, $5.07 first class, $3.38 second class, and $2.53½ third class. These are certainly prices to which the people are entitled upon a road built by the people's money and the proceeds of the people's land—over a route the greater portion of which is as level as the floor immediately in front of the Reporter's desk.

The distance from San Francisco to Los Angeles by the Southern Pacific route is four hundred and eighty-two miles. The first-class ticket charge now is $20. And in this connection I will mention that the charge for a ticket from San Francisco to the station opposite Bakersfield, a distance of only three hundred and fourteen miles, is $17. When Mr. Charles Crocker was on the witness-stand before the California railroad commissioners last year, he was asked with respect to this extortion: why there was such an exorbitant sum asked for a ticket to travel three hundred and fourteen miles when $20 was the price of a ticket of the same class for a distance of four hundred and eighty-two miles. He blasphemously referred his questioner to God Almighty. There spoke the spirit of these defiant monopolists who have grown fat on the gifts of a generous people, whom they have repaid for their generosity by extortionate tolls; who expect to continue their course in greed and rapacity by persevering in the path of corrupting legislators, judges, and jurors—supported in their infamous career by owned and leased lines of journalism throughout the land.

Under my bill tickets of the three classes from San Francisco to Los Angeles would be $14.46, $9.64, and $7.23. To Bakersfield the charge would be, respectively, $9.42, $6.28, and $4.71.

From San Francisco to the town of Modesto, taking the Railroad Gazette estimate of miles, the ticket prices would be $3.42, $2.28, and $1.91. This would be less than present round-ticket charges for a first-class fare; while second-class accommodations (which in Europe are even better, all things considered, than are afforded by our Pacific railroad magnates in their best division) would be extended to every point on the road. Modesto, I should remark for the information of those who are not familiar with our California railroad geography, is within a few miles of the point of regular water competition, while it is located adjacent to the banks of a river that is navigable during many months in each year.

Probably I have given illustrations enough—cramped as I am for space on this occasion. And, of course, it is the simplest matter of calculation. But there is persuasion and argument in the printing of the figures. I hope that every future reader of my speech who lives along the line of these iron highways or in their vicinity, necessarily a patron, will not fail to make his own calcu'ations, as I feel sure that he will thereby be stimulated to renewed exertions in behalf of this cause of practical reform, which I long ago espoused and in behalf of which I now earnestly appeal to the all-powerful Representatives of the American people in Congress assembled.

Inquiry has already established the fact that with respect to the charges for the transportation of goods, the "unreasonableness" has been even more stupendous than that which has characterized the demand for passenger conveyance. Immediately prior to my appointment for consultation with the Committee on Pacific Railroads I applied through friends in San Francisco at the central office of the Central Pacific Railroad Company for a copy of the freight schedules of that organization. My messenger was informed, as I myself had been informed before him, that the freight schedules of the company were for the information of the employés and not for general publication. It may have been observed that in my bill providing for a reduction of freight charges (House bill 1803) I provide for the posting of freight schedules of convenient description at each and every station along the route.

When I came to address your committee I stated and regretted my inability to present the latest freight schedule of our California company, whereupon one or more of the attorneys for the monopolies promised that such a record should be immediately forthcoming for the inspection of members of this House. I have not as yet been supplied with a copy, but I presume that my friends in the committee have been furnished with one or more, according to the assurance given.

As to the actual and relative height of the charges for freight transportation: what of that? My bill proposes a reduction of 30 per cent. It will not be denied—it has not been and can not with any degree of conscience be denied—that where there is no competition on the line of this route the freight charges of the Union and Central Pacific Railroads are fully twice as much as on roads east of the Missouri River—distance and grade and cost of construction all being fairly taken into consideration. Indeed, the claim has been made boldly and emphatically before our State Legislatures that these roads were entitled to charge twice as much for the same distance as any of the Eastern roads. Still, the claim is reiterated that the charges are "reasonable."

But if this House should think that 30 per cent. is too great a reduction at the outset—a main and most desirable object now being to establish the right of the Government to make such reductions—I shall not object, if I can get my bills up out of this Committee on Pacific Railroads, to a subtraction of one-third of my cutting. That is to say, I shall not object to an amendment providing for an abatement of only 20 per cent. upon the freight-schedule prices in existence on the day when this session of this Congress assembled.

With respect to this let it be stated—for a general confirmation as to justice and propriety: one of the majority of the railroad commission in California, which is said to be under the control of the Central Pacific Railroad management, is reported to have proposed within twelve months (the record at my command at this moment does not give the exact date) an average reduction of over 20 per cent. How, then, could the Central Pacific Railroad Company be heard to complain of such a law by Congress enacted?

Moreover, subsequent to the introduction of my passenger-fare and freight-fare bills, with the preamble to which I have drawn especial attention, a bill, copying substantially the same introduction and unnecessarily adding the argument of right which grows out of it, was offered in this House and in the Senate. It was introduced in the House by a member residing in a State through which the Union Pacific Railroad and many of its branches are built, and who, it may

be presumed, at that time fairly represented the intelligent wish of his constituents. It was introduced in the Senate by a gentleman who also represents a State largely traversed by the Union Pacific Railroad, and for whom similar respect for the demands of the people of his Commonwealth may be assumed. This bill so copied had a section of declaration—one section declaring that from and after passage and approval of the same freight charges should be reduced on the Pacific railroads 50 per cent. without regard to classification.

Now, of course this bill did not and never could amount to anything in a practical point of view. Perhaps it was never intended that it should. I say this without any disrespect to the introducers. But the fact remains that two gentlemen, who are supposed by their location to be themselves already, by the instructive action of a great majority of their constituents, well informed and earnestly urged to action in behalf of right and justice in the premises, did follow my introduction with such a presentation, calling for 20 per cent. greater abatement of charges than is nominated in my legislative proposition.

Mr. Speaker, there is no Senator or Representative from any State or Territory—and I speak not to challenge them but with confidence to utter for them—through which these roads do pass who will dare to get upon this floor and oppose such measures as these. If anything is said from such sources it must be in favor of the passage of bills of this character; so that, for this among other reasons, the only way in which these railroad monopolists can prevent this species of righteous legislation is to adopt the policy and plan presented in a sentence by Colin P. Huntington in one of his letters to David D. Colton: "Kill it in the committee." How kill it, Mr. Speaker? Smother it. Glut the committee with other bills about other matters. Distract the attention of the honorable gentlemen who compose the committee, and who are anxious and zealous to inquire into the propriety and expediency of recommending such measures as these, if they can only get time to look at them; and as, perchance, the happiest scheme of all in this relation, send down upon that committee bills which shall affect directly or indirectly these passenger railroad corporations in any or every other possible manner, save in the line of reducing the charges for transportation which are by these great monopolists, corrupters, and oppressors imposed upon the people of this country.

Not satisfied with charging an exorbitant sum for the transportation of through and local freights, the Central Pacific Railroad Company are accustomed to charge the patron who resides along the line of the railroad east of the city of Sacramento for what is known as an "advance," a sum sufficient to pay the cost of transportation of westward-bound freight from San Francisco or Sacramento back to the point of delivery. To illustrate: take a car-load of goods which are to be delivered in Winnemucca, in the State of Nevada. I select this point because there are bills of lading or consignee papers in the records of this House already having reference to impositions at that locality of the character described. The consignee at Winnemucca is charged for transporting his car-load of goods to San Francisco and back again to Winnemucca, even though the actual nominal delivery is made immediately upon the arrival of the freight-car containing his property at his place of business! Evidence on this subject will be found on pages 183 to 186, inclusive, of the Appendix to the CONGRESSIONAL RECORD, volume 11, part 3, for 1880–'81.

This process is worked at all angles. I hold in my hand three papers which I received from Thomas McConnell, of Elk Grove, Sacramento County, California. They are dated, respectively, Sacramento, June 28 and July 2, and August 13, 1883, and are numbered 470, 505, and 796. The "charges advanced" for wool consigned from Winnemucca to Boston, Mass., are $205.60, $205.90, and $243.40. In other words, Mr. McConnell is charged for shipping his wool from Winnemucca to Boston the same as though the wool had been brought to Sacramento and thence dispatched to its ultimate destination.

While the freight-fare bill which I have introduced is not specially, in any of its express terms, adapted to the curing of this evil or stopping this outrage, I could contend that the practical effect and outcome of administration under this bill as a law would be to destroy all this class of impositions. At the same time I desire to have it understood that I did not wish to trespass upon the legislative ground, so to speak, of any other and former Representative in Congress.

In my remarks before the committee, to which I would like to direct the notice of all who are or may become earnestly engaged in the consideration of this subject, I stated, I think, clearly the reasons which induced me to offer the particular kind of a bill for freight regulations on the Pacific railroad which I have before me. I am far from disparaging any other Representative's work in the premises. But I do insist that propositions such as these are direct, and deserve first and foremost and final attention at this session of Congress. Over and over again let it be said, until no man can claim to have misunderstood the indisputable announcement: the people want reasonable passenger and freight fares upon their iron highways. And above all places where they are entitled to expect and to call for such reasonable charges, and nothing over, the Government-subsidized railroads of this land are the lines on which the summons should fall and force a "reasonable" tariff.

I have spoken elsewhere of apparently interminable disputes and wrangles over figures upon figures the moment you enter upon specific nominations of prices for freight-carriage, as against the excessive tolls set down by the railroad magnates. This is a horizontal cut that deserves respectful recognition because it takes these monopolists at their word, and touches their one single treasure-house of profits. They tell you that they understand all about the proper discrimination in freight-charges: fairly and justly considering the nature and the value of the goods transported. I suggest and submit: at the beginning, take them at their word. Assert the existing, the too-long slumbering power of the National Government over the railroads built by the loan of the people's bonds and the gift of the people's land; shave off 20 or 30 per cent. on their own schedule charges. Then let them come forward, if they wish to, and show, if it is possible, a single instance where the reduction is unreasonably large. At all events let us go forward from this aggressive action, studying facts and effects with a view, if possible, if reasonable, to still greater subtractions, with perhaps nicer discrimination begotten of our own later and more minute inquiries and discoveries and demonstrations.

The people endowed these roads with the just and firm expectation of reasonable passenger and freight fares on them. That expectation is manifested in the terms of the charter act. And in the wisdom of legislation that did exist at the time of the enactment of the original incorporation bill there was expressly reserved the right of control and reduction in this department. And the right existing on the one hand, while the wrongs—but faintly indicated—exist and have long existed on the other hand, there is by the coincidence and the conjoining a demand resting upon the consciences and the enlightened judgments of the Representatives of the people of the United States. I respectfully call for consideration for such bills as these. I ask attention to the fact that they have been put aside in the committee-room, while measures subsequently introduced—as to the merits or demerits of which I am not now about to speak—were taken up and made subjects of contemplation and of action. I am not deceived about this matter, and I am resolutely determined the people of this country shall no longer be deceived. It is important that the Treasury of this nation should be saved from loss; it is more important, and in such relation it is most important, that highways built by the people's contributions, over which the chartering law places the people's Representatives, should afford the people the best possible facilities of conveyance for the lowest reasonable sum.

Citizens in every section have an interest directly in this subject. Mutually we stand interested before and in the halls of legislation. A trip to Europe, with the finest luxuries of civilization for less money (and with as much dispatch) than you can journey across your own continent, on dry land all the way, on roads which for two-thirds of the distance were constructed by your own contributions! California and Oregon are rapidly becoming, in proportion to their area and in some respects out of all proportion to their acreage, the greatest grain and fruit and wine growing sections of the world. You, needing, not for luxury but to supply necessities of civilized life, the products of our wonderful soil—developing and delivering in unrivaled abundance unto the most delicious perfection, under our "glorious climate." You anxious to visit us and look upon the magnificent outer limit of your mighty Republic, with its wonders of nature which belittle all that was ever seen before or that elsewhere can be beheld. We anxious to have you come: come with your wives and children if possible; the best among you, come and abide. As strangers and pilgrims, yet fellow-citizens, or as permanent dwellers, welcome to our borders! Are there not reasons innumerable springing up, upon careful and far-reaching reflections, which conspire and concentrate to make us heartily in unison with respect to these propositions? Shall they be brought out of the committee at this or at the coming session of Congress? I put it to you, O men in whom your country has lodged the power to reply. There is such a thing as public sentiment within this Chamber. I told my immediate constituency that if I introduced reasonable measures upon these subjects no committee should smother them in their closets if I could possibly prevent that Huntingtonian method of killing. And I intend to the uttermost to endeavor to keep good my plighted word.

Self-admonished of the unusual length to which my remarks have already been extended, and well satisfied that there is no necessity for the promotion of my present purpose that I should go into detail of statement or illustration, paragraph by paragraph, with respect to the unreasonableness of the freight charges of the Pacific roads that were built with the aid of the people's money and the gift of the people's land, I shall here principally content myself with referring to the schedule of transcontinental charges that will be appended to my speech when published in the official RECORD. More than three-fourths of the amount charged is exacted by the Pacific railroad companies, which cover less than two-thirds of the distance. Surely it will be sufficient at this time to state the fact that the party conventions of the States of California and Nevada have for more than ten years last past presented to the people a plank in their platforms by the terms of which the Central Pacific Railroad Company has been arraigned for excessive freight charges; and legislative and other candidates were pledged to do all in their power in their respective offices to abate the extraordinary and oppressive tolls. In my own Commonwealth the two parties have vied with each other on more than one occasion to see which

would present to the people the severest and consequently the most satisfactory emphasis of instruction and pledge in this concededly most important particular.

Had I the space I would like to present something like a sketch of the history of California politics, of California party promises with reference to this, with us, all-absorbing question of railroad transportation charges.

By every warrant and justification that can come from a practically unanimous sentiment of a great State, which I as a Congressman at large represent, I respectfully serve notice of appeal upon this body of Representatives. I beg you to hear my people and give ear of audience and of anxious desire to respond to their reasonable petition.

May I be pardoned for a word of almost personal privilege interjected here? Nearly twenty years ago, when a citizen and State senator in Nevada, I foresaw the rising might of this reckless and relentless and corrupting and tyrannical monopoly. I spoke of my foreboding from the seat to which my county had sent me. I did what I could under the circumstances at that time to secure legislative expression from that State, which would so operate as to prevent the monopoly that was threatened—at least so far as the people of the Pacific States were concerned. That matter is upon the enduring record.

The debauching influences which these unscrupulous Central Pacific Railroad incorporators have since so banefully exercised soon began to be felt and to excite general public recognition and alarm. With increasing strength of money and employment that demoralizing, that afflicting influence has been extended. As a consequence there have been numerous and earnest efforts by the good people of our coast, in the two States which I have named—more particularly in the State of California—to disenthrall and to emancipate both in a business and in a moral sense. Organization after organization, as well as man after man, has been captured by these abominable creatures, after there had been a demonstration of ability to work out some good palliating results. And to-day in the metropolitan city where I reside there are shameful exhibitions of that moral turpitude that finds its illustration in recreancy to party pledge; as indeed there are at almost every town of considerable importance upon the Pacific coast. But the mass of the people are true and firm, up to the line of their enlightenment and their understanding upon this subject. And, God helping me, I intend to represent the masses of the people; and I claim that I am so doing at this moment in the making of this address to my fellow-members of this House of Representatives.

There need be and there will be no conflict of jurisdiction or of action developed by the operation of such measures as I have introduced—no conflict with the fair and just and legitimate proceedings of State boards of commissioners in any of the Commonwealths through which this continuous line of railway, built by the people's contributions, finds its passage. Be you assured there will be no jealousy on this account between the acting parties indicated or included, or the voters whom they respectively represent. I must leave to each hearer's and reader's own reflections—if I may use that word with respect to a matter that seems so obvious—questions such as these. They need no argument or assurance. There is harmony of hope and expectation all along the one continuous line, among the people who have immediately to do with the business management and control of the Pacific railroads named in my bills.

As these monopolists have delighted and still desire to fumble and frolic and distract and confuse and delay and demoralize and defeat by arithmetical calculations, that, to say the least, are far within the mark that is put down in these proposals for legislation, so will they endeavor to stir up all manner of petty envies, so they will not hesitate at making any bold statements of untruth which in their judgment or the judgment of their agents and emissaries are adapted to prolong into weariness the consideration of this momentous issue, suggesting side and irrelevant and less important topics for debate and division, or meeting the live and most essential questions of reform with falsehoods of every type and slanders of every hue.

In our State conventions the resolutions have been clear and explicit. The honest delegates have ceased to make them general; the secretly-bound convention members dare not leave them enigmatical, as once or at first they may be said to have been. It appears that we have not arrived at that stage in our national life when the leaders of either one of the two great political parties of the past and present deem it wise or expedient to explicitly mention these subjects in the national convention platforms. But I hesitate not to say that the party whose Senators and Representatives in this Congress voted with practical unanimity for the passage of these measures would be absolutely certain of overwhelming victory at the polls in November of this year. I will not forbear to state that if a majority of the Representatives of my own party on the floor of this House and in yonder Chamber should unmistakably indicate hostility to this kind of proposed legislation there would not be a shadow of a shade of reasonable hope or expectation for Democratic success in this Presidential campaign. I think that I speak advisedly. These subjects must be given a place, without evasion or equivocation, in the national platforms of the two great organizations that now exist, or a party by another name will rise in the land, which without being led aside to consider other worthy topics of reform will present this, prominent and isolated, and win a national triumph upon it. I say this without boasting for my cause or assuming too much for my judgment and conviction as to the future.

I came here to speak, because the masters of monopoly and their attorneys in my Commonwealth for once slumbered in their watch, and knew not of my popular strength in the interior of my State. I shall not return, nor ever again have influential office elsewhere. In the language of our illustrious party leader and ex-President-elect of the United States, Samuel J. Tilden, I can say with appropriate paraphrasing that on the 4th of March, 1885, I shall but submit to the will of the railroad and telegraph monopoly tyrants of the land in considering my public official life forever closed. The which I do herewith admit and proclaim, because it contributes to establish the disinterestedness of my present appealing, soliciting, warning, and, as I sincerely trust, patriotic utterance in this presence and before all the people of the Republic.

APPENDIX A.

Central Pacific Railroad Company of California.

ARTICLES OF ASSOCIATION.

First. The name of this association shall be the Central Pacific Railroad Company of California.

Second. The number of years the same shall continue is fifty years.

Third. The amount of the capital stock of this company shall be $8,500,000, divided into shares of $100 each.

Fourth. The names of nine directors to manage the concerns of the company are—

Leland Stanford, of Sacramento.
Charles Crocker, of Sacramento.
James Bailey, of Sacramento.
Theodore D. Judah, of Sacramento.
L. A. Booth, of Sacramento.
C. P. Huntington, of Sacramento.
Mark Hopkins, of Sacramento.
D. W. Storey, of Dutch Flat.
Charles Marsh, of Nevada.

Fifth. The places from and to which the proposed road is to be constructed are the city of Sacramento and the eastern boundary of the State of California.

Sixth. The counties into and through which this road is intended to pass are Sacramento, Placer, and Nevada.

Seventh. The length of the road, as near as may be, is one hundred and fifteen miles.

Eighth. The names of five commissioners to open books of subscription to the stock are B. F. Moore of Dutch Flat, E. G. Waite of Nevada, Edward J. Brickell of Illinoistown, E. McLaughlin of Grass Valley, Samuel Cross of Sacramento.

Ninth. We, the undersigned, do hereby subscribe to the above articles of association our names and the amounts of the stock taken by us, respectively, in said Central Pacific Railroad Company of California.

Subscribers' names.	Residence.	No. of shares.
James Bailey	Sacramento	150
Mark Hopkins	do	150
C. P. Huntington	do	150
Charles Marsh	Nevada	50
Theodore D. Judah	do	150
D. W. Storey	Dutch Flat	50
N. W. Blanchard	do	10
C. Cole	Sacramento	10
John F. Moore	do	5
R. H. Russell	do	5
N. L. Drew	do	5
William G. English	do	10
Charles G. Hooker	do	10
Milliken Bros	do	10
Lord, Holbroon & Co	do	10
Lucius A. Booth	do	10
E. J. Buckell	Illinoistown	40
B. Buckell	do	20
B. F. Moore	Dutch Flat	10
A. T. Mathewson	do	5
E. L. Bradley and R. M. Trim	do	25
E. G. Waite	Nevada	10
John Williams	do	10
T. Ellard Beans	do	10
J. N. Larue	do	10
E. McLaughlin	Grass Valley	10
William Loutzenheiser	do	5
Leland Stanford	Sacramento	150
C. Crocker	do	150

STATE OF CALIFORNIA,
City and county of Sacramento, ss:

Be it remembered that on this 27th day of June, 1861, personally appeared before me, the undersigned, a notary public in and for said city and county, Leland Stanford, Mark Hopkins, and C. P. Huntington, three of the directors of the within-named Central Pacific Railroad Company of California, and being by me duly sworn, say that the stock to the amount of at least $1,000 for every mile of the railroad intended to be built by said company, to wit, an amount of stock exceeding $115,000, has been in good faith subscribed by the members of said company, and that 10 per cent. on the amount of stock subscribed as aforesaid has been actually in good faith paid in cash to Mark Hopkins, the treasurer appointed by the directors named in the within articles of association, and that the subscribers of said articles of association are all known by some one of said ——— to be the subscribers thereat, and to be the persons so represented.

LELAND STANFORD.
MARK HOPKINS.
C. B. HUNTINGTON.

Hereby certify that the foregoing affidavit was duly subscribed and sworn to by said Leland Stanford, Mark Hopkins, and C. P. Huntington by and before me the day and year aforesaid. In testimony whereof I have hereunto set my hand and official seal this 27th day of June, A. D. 1861.

[SEAL.] E. P. SWIFT, *Notary Public.*

APPENDIX B.

Amended articles of association of the Central Pacific Railroad Company of California.

Whereas it has been ascertained that the capital stock of the Central Pacific Railroad Company of California is less than is necessary to complete, operate, and maintain the railroad of said company, and that it will require at least $20,000,000 for that purpose; and

Whereas the State of California, by an act entitled "An act to authorize the incorporation of the Central Pacific Railroad Company of California, and other matters relating thereto," approved April 17, 1863, authorized and empowered the said company to make and file amended articles of association in the manner therein prescribed; and

Whereas the board of directors of the said company have deemed it necessary and proper to amend the articles of association of the said company:

The said board of directors, at their regular meeting held on the 1st day of October, 1864, adopted the following as the amended articles of operation of the Central Pacific Railroad Company of California, to wit:

Article first. The name of this association shall be the Central Pacific Railroad of California.

Article second. The number of years that this association shall continue is fifty, commencing from the date of the original articles of association of this company, to wit, the 27th day of June, 1864.

Article third. The amount of the capital stock of the company is increased to and shall hereafter be $20,000,000, which shall be divided into 200,000 shares of $100 each.

Article fourth. The number of the directors to manage the affairs of this corporation shall be seven. The names of the present directors of this company are: Leland Stanford, C. P. Huntington, Mark Hopkins, Edwin B. Crocker, E. H. Miller, jr., of Sacramento, Cal.; A. P. Stanford, San Francisco, Cal.; Charles Marsh, of Nevada, Cal.; D. W. Storey, of Dutch Flat, Cal.; Lucius A. Booth, of Virginia City, Nev.

Article fifth. This association is organized for the purpose of constructing, operating, and maintaining a railroad with the necessary and proper branches and extensions. The route of the railroad proposed to be constructed, operated, and maintained by this company as selected by this company is from and to the following points, to wit: From the city of Sacramento, in Sacramento County, California, to the eastern boundary line of the State of California at or near the place where the said line crosses the Truckee River and running through Roseville at the junction of said railroad with the California Central Railroad, and by or near to New Castle, Auburn, Neilsburg, Illinoistown, Gold Run, Dutch Flats, Bear Valley, Crystal Lake, Summit Valley, and Downer Pass, together with such branches and extensions of the said railroad as the board of directors of this company may at any time deem necessary and proper to construct, operate, and maintain, and which this company is or may be authorized to construct, operate, and maintain by the laws of the State of California or other States or Territories or the acts of Congress of the United States now in force, or which may hereafter be enacted.

Article sixth. This association is also organized for the purpose of constructing, operating, and maintaining, owning, selling, or disposing of a telegraph line along its railroad with the branches and extensions thereof and such branches and extensions of said telegraph line as the board of directors of this company is or may be authorized to construct, operate, and maintain under and by virtue of the laws of the State of California and of the States and Territories and acts of Congress of the United States now in force or which may hereafter be enacted.

Article seventh. The counties of the State of California into or through which the said line of railroad from Sacramento to said place on the eastern boundary line of said State is intended to pass are Sacramento, Placer, and Nevada.

Article eighth. The length of the said railroad from Sacramento to the said place on the eastern boundary line of the State of California is as near as may be, one hundred and fifty miles.

In testimony whereof, we, constituting a majority of the board of directors of the said Central Pacific Railroad Company of California, under and by virtue of the laws of the State of California and on order of the board of directors of said company, adopting the said amended articles of association, have hereto signed our names and caused the corporate seal of said company to be hereto affixed, the 6th day of October, 1864.

LELAND STANFORD.
MARK HOPKINS.
E. B. CROCKER.
CHARLES MARSH.
A. P. STANFORD.
C. P. HUNTINGTON.
E. H. MILLER, JR.

[SEAL.]

STATE OF CALIFORNIA,
County of Sacramento, ss:

We, Leland Stanford, president, and E. H. Miller, jr., secretary of the said Central Pacific Railroad Company of California, hereby certify that the foregoing amended articles of association of the said company were duly and unanimously adopted by the board of directors of the said company at a regular meeting thereof held on the 3d day of October, 1864; and we do further certify that the said amended articles of association were duly approved, adopted, ratified, and confirmed by the vote of the holders of the majority of the capital stock of the said company, at the annual meeting of the stockholders of said company, held on the 8th day of October, 1864.

In testimony whereof we have hereunto set our hands and affixed the corporate seal of the said company, this 8th day of October, 1864.

LELAND STANFORD,
President C. P. R. R. Co. of Cal.
E. H. MILLER, JR.,
Sec'y C. P. R. R. Co. of Cal.

Filed with secretary of state October 3, 1864.

OFFICE CENTRAL PACIFIC RAILROAD COMPANY OF CALIFORNIA.

Whereas the company is duly authorized to locate, construct, and continue its road eastward in a continuous completed line until it shall meet and connect with the Union Pacific Railroad; and

Whereas this company is now engaged in the work of thus locating, constructing, and extending its line of railroad east of the eastern boundary line of the State of California, and intend to continue the same eastward until it shall meet and connect with the said Union Pacific Railroad; and

Whereas it is ascertained that the amount of the present capital stock of the company of $20,000,000 is less than is necessary for the construction, completing, equipping, appointing, and maintaining of the road of the company when it shall be thus extended and completed so as to meet and connect with the said Union Pacific Railroad; and

Whereas it is ascertained that an increase of said capital stock of not less than $80,000,000, making the whole amount $100,000,000, is necessary for such completion, and the operating and maintaining of the road of the company as thus extended: It is therefore,

Resolved and ordered, That the capital stock of this company be increased to the said sum of $100,000,000.

Resolved and ordered further, That the third article of the amended articles of association of this company, bearing date the 6th day of October, 1864, be amended so as to read as follows, to wit:

"Article third. The amount of the capital stock of this company is increased to and shall hereafter be $100,000,000, which shall be divided into 1,000,000 shares of $100 each."

Resolved and ordered further, That the foregoing preamble, resolutions, and orders be submitted to a vote of the stockholders of the compay at their next annual meeting.

OFFICE CENTRAL PACIFIC RAILROAD COMPANY OF CALIFORNIA,
Sacramento, July 18, 1868.

STATE OF CALIFORNIA,
County of Sacramento, ss:

Mr. Leland Stanford, president, and E. H. Miller, jr., secretary of the said Central Pacific Railroad Company of California, hereby certify that the foregoing preamble, resolutions, and orders were unanimously adopted by the board of directors of said company at a regular meeting thereof had at the office of said company on the 13th day of July, 1868; that the same were submitted to a vote of the stockholders of said company at the regular annual meeting thereof held at the office of the company on the 14th day of July, 1868, and all stockholders voting at said annual meeting voted in favor of the same; that the holders of more than three-fourths of the capital stock of said company voted at said election, and voted in favor of said preamble, resolutions, and orders; and that said amendment to the articles of association of said company has been duly approved and now forms a part of the articles of association of said company.

Witness our hands and the corporate seal of said company, this 18th day of July, 1868.

[Seal C. P. R. R. Co.]

LELAND STANFORD.
E. H. MILLER, JR.

Filed by secretary of state July 23, 1868.

APPENDIX C.

[No. 2024.]

Articles of Association of the Contract and Finance Company.

[Through which Central Pacific Railroad directors contracted with themselves.]

Article first. The persons whose names are hereto subscribed hereby form and organize themselves into a corporation under and in pursuance of an act of the Legislature of California entitled "An act to provide for the formation of corporations for certain purposes," approved April 14, 1853, and the acts amendatory of said act, or supplementary thereto.

Article second. The name of said corporation shall be the "Contract and Finance Company."

Article third. The said corporation is formed for the purpose of engaging in and carrying on the business of constructing, purchasing, leasing, selling, holding, maintaining, operating, and repairing of railroads, wagon and transit roads, steamboats, vessels, telegraph lines, and rolling-stock of railroads; the purchasing, holding, hypothecating and selling of bonds and stocks issued by railroad and other companies or corporations; and also of iron and other material for railroad and telegraph lines; the borrowing and loaning of money, the express and stage business, and any and all other kinds of business connected with or pertaining to railroads and telegraph lines and the transportation of persons and property, on land and water, and the purchasing, holding, leasing, and selling of real estate of all kinds.

Article fourth. The business of the said company shall be conducted and managed and the corporate powers of said corporation shall be exercised by a board of three trustees, who shall be stockholders of the said company, who shall hold their office for the term of one year and until their successors are elected. The names of the trustees to manage the concerns of the company for the first three months are W. E. Brown, Theodore J. Milliken, and Benjamin R. Crocker.

Article fifth. The officers of said company shall consist of a president, secretary, and treasurer, and such others as may be established by the board of trustees. The offices of secretary and treasurer may be held by one person. The president must be a member of the board of trustees.

Article sixth. The amount of the capital stock of the said corporation shall be $5,000,000, and the same may be increased by the board of trustees whenever they may deem that the business of the company requires it. The capital stock of the company shall consist of 50,000 shares of $100 each.

Article seventh. The time of the existence of said company shall be fifty years.

Article eighth. The principal place of business of the said company is hereby located at the city of Sacramento, in the State of California, but the board of trustees may at any time, when they deem proper, change the principal place of business of the said company to the city of San Francisco, in the State of California.

We the undersigned, the stockholders of the said Contract and Finance Company, hereby certify the foregoing eight articles are the articles of association of the said company.

In testimony whereof we have hereunto signed our names this 28th day of October, 1867.

W. E. BROWN.
B. R. CROCKER.
THEO. J. MILLIKEN.

STATE OF CALIFORNIA,
County of Sacramento, ss:

I, E. D. Shirtland, county clerk in and for said county, do hereby certify the within and foregoing to be a full, true, and correct copy of the articles of association of the Contract and Finance Company, and the same are of record and on file in my office, and that said articles now filed in my said office on this 28th day of October, A. D. 1867.

Witness my hand and the seal of the county court of said county this 28th day of October, 1867.

[SEAL.] E. D. SHIRTLAND, *County Clerk.*

Filed in secretary of state's office by John H. Parnell, deputy clerk, October 28, 1867.

Bills creating commissions of inquiry will do no good.

Having concealed or destroyed the books of this directors' contracting company, the arrogant Central Pacific Railroad managers snap their fingers at former legislative attempts to secure a reduction of their extortionate tolls. Nothing but a direct law, like as bills 99, 1803, will bring them to judgment.

The Western Development Company was organized December 15, 1874, by Frank S. Douty, John Miller, Edward C. Wright, Frank C. Ross, and Henry K. White, clerks in the office of the Central Pacific Railroad Company.

It was the successor of the Contract and Finance Company, and had a nominal capital of $5,000,000, divided into 50,000 shares.

Its object was to carry on construction, manufacturing, mining, mercantile, mechanical, banking, and commercial business in all branches.

Succeeding the Western Development Company came the Pacific Improvement Company, organized November 2, 1878. Capital, $5,000,000, with 50,000 shares.

	Shares.
J. H. Strowbridge	100
F. S. Douty	100
Arthur Brown	100
W. E. Brown	100
B. R. Crocker	100

Were the incorporators, all of them being connected with the Central Pacific, and all except the last in the company's office.

APPENDIX D.

A GRACIOUS ADMISSION—SURPLUS REDUCED BY BUILDING SIDE LINES, ETC.

Mr. A. N. Towne, superintendent of the Central Pacific, graciously admits the right of Congress to legislate on this subject, in his letter to the board of railroad commissioners for California, wherein he says:

> Congress has reserved to itself full and complete jurisdiction over the regulation of freights and fares upon both the roads in question (the Central Pacific and the Union Pacific) and has already in a measure exercised such jurisdiction.

See report of Commissioner Foote in report of board to governor of California, at page 102.

As to this subject and what may be fair charges, see Harris *vs.* Parkwood, 3 Taunton, 264; Oppenheimer *vs.* Russell, 2 Res. and Pul., 42; Ashmore *vs.* Wainright, 2 Queen's Bench, 837; Fitchburg Railroad *vs.* Gage, 12 Gray, 395; McDuffen *vs.* Railroad, 52 New Hampshire, 430; Johnson *vs.* Railroad Company, 16 Florida, 623; Holford *vs.* Adams, 2 Duer, 471; Streeter *vs.* Railroad Company, 45 Wisconsin, 383; the Granger cases, 96 United States, 155, 164, 179, 180, 181; Shield *vs.* Ohio, 95 United States, 319.

And as to the elements of fair charges, see Pickford *vs.* Greno Junction & Co., 10 Mees & W., 399.

Thus the Union Ferry Company, owning several ferries between New York city and Brooklyn, is limited by the laws of the State of New York by being required to pay all amounts of income over the annual charges and limited percentage of dividends to certain public charities.

Notwithstanding the low rates of fare, the income of this company is far in excess of the expenses and the amount requisite to pay the dividend limited by law. But in order to use up a large amount of this surplus income the ferry company spends annually large sums in expensive boats, slips, ferry-houses, &c., since they fear a reduction of rates.

Following the example of this Union Ferry Company, the Central Pacific and Union Pacific Railroad Companies have used a large part of their assets and surplus earnings in buying or building lines of road not contemplated by the company at the start or by the act of Congress, thus using the assets and earnings of these roads in channels other than those contemplated by Congress. I claim that since the assets and earnings of these roads have been used in building other lines, thus materially reducing the surplus which should have been used for reducing indebtedness, the total income from all sources must be taken into consideration in determining the act under the act of 1862, and that, too, whether it came from the main line, branch lines, or leased lines.

Thus in Executive Document No. 83 of the first session of the Forty-eighth Congress you see that in 1882 some of these lines were run at a loss, while in 1883 there was a profit. (See pages 9 and 10.)

In 1882, then, there being a loss, the Union Pacific Company had to stand it, thus reducing the net income. Then why may not the profit for 1883 go to net income?

Had the Union Pacific used its funds and credit in getting rid of the debt and improving the condition of its main line, from Omaha to Ogden, of 1,042 miles, instead of consolidating with and leasing other lines of road built out of the funds and credit of the Union Pacific, Mr. Sydney Dillon could not have said that the company owned 1,820.9 miles of road and operated 2,872 miles more, making in all 4,693.3 miles (see annual report for 1882, pages 1 to 12), but the funds of the Union Pacific would have been proportionally increased or its funded debt diminished (see also list of roads).

Had the Central Pacific used its funds and credit honestly in defraying the cost of building and equipping its road from Sacramento to Ogden, 737 miles, Charles Crocker, vice-president of the Central Pacific, could not state in his report for 1882 that the company operated 1,217.87 miles of road owned and 2,830 leased, making, with the Southern Pacific and other roads named in the list given, about 6,000 miles practically owned by the Central Pacific; but the funds of the Central Pacific could have been proportionately increased and its debt diminished. (See Central Pacific Railroad report, 1882, page 23.)

Had such a course been pursued the net income from each of these roads would now be nearer 100 per cent. on the honest cost than 10 per cent.; but Huntington, Stanford, Crocker, and Hopkins, who, in 1860, were worth less than $120,000, would not now control 6,000 miles of railroad and have over $120,000,000 besides.

APPENDIX E.

THE OCTOPUS.

The following will show list of roads owned by the Central Pacific or the Union Pacific, or in which a portion of the directors are the same.

And first as to the Union Pacific:

THE UNION PACIFIC SYSTEM.

1. Union Pacific, } Consolidation of Union Pacific.
2. Kansas Pacific, } Consolidation of Union Pacific.
3. Denver Pacific, } Consolidation of Union Pacific.
4. Julesburg Branch.
5. Omaha and Republican Valley.
6. Omaha and Nebraska and Black Hills.
7. Saint Joseph and Western.
8. Marysville and Blue Valley.
9. Echo and Park City.
10. Utah and Northern.
11. Colorado Central.
12. Denver, South Park and Pacific.
13. Lawrence and Emporia.
14. Junction City and Fort Kearney.
15. Solomon Railroad.
16. Salina and Southwestern.
17. Denver and Boulder Valley.
18. Golden, Boulder and Caribou.
19. Kansas Central.
20. Salt Lake and Western.
21. Oregon Short Line.
22. Greeley, Salt Lake and Pacific.
23. Carbondale Branch.
24. Nevada Cental.
25. Manhattan and Northwestern.
26. Manhattan, Albany and Burlingame.
27. Central Branch Union Pacific.

The foregoing are all run by the Union Pacific and expense charged to the Union Pacific.

These roads are all under the care of one or more of the directors of the Union Pacific. (See Poor's Railroad Manual for 1883.) They are the Dillon and Gould roads.

28. Canada Southern.
29. Utah Central.
30. Utah and Nevada.
31. Texas and Pacific.
32. Memphis and Little Rock.
33. International and Great Western.
34. Missouri, Kansas and Texas.
35. Missouri Pacific.
36. Saint Louis Bridge Company.
37. Saint Louis, Iron Mountain and Southern.
38. Saint Louis and San Francisco.
39. Sedalia, Warsaw and Southern.
40. Saint Louis, Salem and Little Rock.
41. Chicago, Saint Paul, Minneapolis and Omaha.
42. Sioux City and Pacific.
43. Delaware, Lackawanna and Western.
44. Erie and Pittsburgh.
45. New York, New Haven and Hartford.
46. New York, Lackawanna and Western.
47. New York and New England.
48. Delaware and Hudson.
49. Central Railroad of New Jersey.
50. Manhattan Elevated.
51. Chicago and Canada Southern.
52. Michigan Central.
54. Cincinnati, Indianapolis, Saint Louis and Chicago.
55. Wabash, Saint Louis and Pacific.
56. Chicago and Northwestern.

THE CENTRAL PACIFIC SYSTEM.

1. Central Pacific. } Consolidated with Central Pacific.
2. California and Oregon. } Consolidated with Central Pacific.
3. San Francisco and Oakland. } Consolidated with Central Pacific.
4. San Francisco and Alameda. } Consolidated with Central Pacific.
5. San Francisco and Bay. } Consolidated with Central Pacific.
6. San Francisco, Alameda and Stockton. } Consolidated with Central Pacific.
7. Western Pacific. } Consolidated with Central Pacific.
8. Yuba Railroad. } Consolidated with Central Pacific.
9. Marysville. } Consolidated with Central Pacific.
10. San Joaquin Valley. } Consolidated with Central Pacific.
11. Southern Pacific of California. } Consolidated with Southern Pacific.
12. San Francisco and San José. } Consolidated with Southern Pacific.
13. Los Angeles and San Pedro. } Consolidated with Southern Pacific.
14. Southern Pacific Branch. } Consolidated with Southern Pacific.
15. California Southern. } Consolidated with Southern Pacific.
16. Santa Clara and Pajara Valley. } Consolidated with Southern Pacific.
17. Colorado Steam Navigation Company.
18. California Steam Navigation Company.
19. Western Development Company, small line.
20. Los Angeles and San Diego.
21. Southern Pacific of Arizona.
22. Southern Pacific of New Mexico.
23. Sacramento and Placerville.
24. Stockton and Copperopolis.
25. Los Angeles and Independence.
26. Amador Branch.
27. Barkeley Branch.
28. Northern Railway.
29. San Pablo and Tulare.
30. California Pacific.
31. Galveston, Harrisburg and San Antonio.
32. Pacific Improvement Company (bridge).
33. Chesapeake and Ohio.
34. Chesapeake and Ohio and Southwestern.
35. Kentucky Central.
36. Morgan's Louisiana and Texas steamship and railroad lines.
37. Texas and New Orleans.
38. Louisiana Western Extension Company of Texas.
39. Louisiana Western Extension Company of Louisiana.
40. Louisiana Central.
41. Elizabethtown, Lexington and Big Sandy.
42. Market Street Railroad (San Francisco).
43. Potrero and Bay View Railroad (San Francisco).
44. California Street Railroad (San Francisco).

CENTRAL AND UNION COMBINED.

1. Pacific Mail Steamship Company.
2. Occidental and Oriental Steamship Company.
3. Western Union.
4. Atlantic and Pacific.

RECAPITULATION.

1. Companies merged into Union Pacific and charged in expenses	27	
2. Companies controlled by same directors as Union Pacific	29	
	—	56
3. Companies owned by Central Pacific	16	
4. Other companies controlled by Central Pacific under lease and owned by its directors	17	
	—	33
5. Controlled by Central Pacific and Union Pacific jointly		4
6. Other companies in which Huntington has a controlling interest		12
Total		105

APPENDIX F.

THE EXTRAVAGANT ESTIMATE EXPOSED.

In the report made to the stockholders of the Central Pacific Railroad Company for the year 1882 it is shown or alleged that the cost of construction alone of the 1,217.87 miles of road in use was $137,963,157.88. To illustrate the extravagance of this estimate, I will compare this item of cost with the same class of expenditures with the New York Central and Hudson River Railroad up to September 30, 1881. The Central Pacific Railroad Company did not have to pay land damages, but rather the reverse. And it should also be noted that, with the exception of crossing the Sierra Nevada Mountains, the Central Pacific had no grading or masonry work of any account, while the New York Central from Albany west had a great deal of both, and a still larger proportion on the Hudson River line.

The cost of construction of the New York Central and Hudson River Railroad to September 30, 1881, is recorded as follows: Grading and masonry, $19,863,581.56; bridges, $2,620,150.23; superstructure and rails, $30,438,458.92; engineering and agencies, $3,004,981.17; total construction 1,995.43 miles of single track, main line $55,927,171.88; Rochester and Lake Ontario Railroad, $150,000; Buffalo and Niagara Falls Railroad, $658,921.56; Saratoga and Hudson River Railroad, $2,000,000; Syracuse Junction Railroad, $732,295.57; Junction Buffalo Railroad, $219,900. Total construction of 339.11 miles, branches $4,159,119.13; total cost of 2,334.50 miles single track, $60,986,291.01.

Now, it will be seen from these figures that the charge of the Central Pacific to construction account in 1,217 miles of single-track road through a country which for the most part is nearly on a dead level, is over 225 per cent. more than the New York Central charged to construction account of double the number of miles of single-track road. Reducing the roads to the same number of miles of single track, and taking the construction account of the New York Central as a basis, and you find that the Central Pacific Railroad Company have charged nearly five times as much for construction per mile of road as is charged by the New York Central. And this, notwithstanding the fact that the Hudson River portion of the road from New York to Albany of one hundred and forty-four miles (which reduced to single track would be 375.53 miles) is built nearly the whole distance either through solid rock, requiring expensive blasts, or on trestles projecting out on the Hudson River, while the line from Albany to Buffalo and branches runs through mountains and valleys, crossing many streams, requiring heavy grades, much blasting, long cuts and embankments, and numerous buildings. The Central Pacific had none of these obstacles to meet, except in one portion of one hundred and fifty miles over the mountains.

If, then, with all the obstacles which the New York Central had to contend with that company can construct its road for $25,733 per mile, why can not the Central Pacific do at least as well, it having none or few of these obstacles to overcome?

The New York Central's first lines were built when it cost much more for railroad construction than at the time the Central Pacific was built, without making any calculation as to the extraordinary relative reduction in cost owing to the employment of Chinese laborers.

APPENDIX G.

RIGHT CONCEDED.

I submit, that the claim that Congress has a right to pass such bills as I have introduced, cutting down fares on the Union and Central Pacific Railroads, has been virtually conceded by these very companies when applying themselves for legislation favorable to their interests. I refer in proof of this to the following acts, altering or amending the original bills:

Act of July 12, 1862 (12 U. S. Stat., page 538).
Act of March 3, 1863 (12 U. S. Stat., page 807).
Act of July 2, 1864 (13 U. S. Stat., page 356).
Act of March 3, 1865 (13 U. S. Stat., page 504).
Act of July 3, 1866 (14 U. S. Stat., page 79).
Act of February 24, 1871 (16 U. S. Stat., page 430).
Act of May 6, 1870 (16 U. S. Stat., page 121).
Joint resolution March 3, 1865 (13 U. S. Stat., page 573).
Joint resolution May 7, 1866 (14 U. S. Stat., page 355).
Joint resolution May 21, 1866 (14 U. S. Stat., page 356).
Joint resolution July 26, 1866 (14 U. S. Stat., page 367).
Joint resolution December 20, 1867 (15 U. S. Stat., page 245).

Congress has also passed acts affixing penalties under the original act, as follows:

Act of June 12, 1866 (14 U. S. Stat., page 60).
Act of June 15, 1866 (14 U. S. Stat., page 66).
Act of June 25, 1868 (15 U. S. Stat., page 79).
Act of June 20, 1874 (18 U. S. Stat., page 111).
Act of June 22, 1874 (18 U. S. Stat., page 200).
Act of June 19, 1878 (20 U. S. Stat., page 169).

Congress has also passed the following appropriation bills, which should be cited in this connection and for the same purpose already indicated:

Act of April 30, 1878 (20 U. S. Stat., page 44).
Act of March 3, 1873 (17 U. S. Stat., page 508).
Act of March 3, 1871 (16 U. S. Stat., page 525).
Act of March 3, 1875 (18 U. S. Stat., page 453).
Act of June 16, 1874 (18 U. S. Stat., page 74).
Act of March 3, 1870 (20 U. S. Stat., page 420).
Act of March 1, 1881 (21 U. S. Stat., page 375).
Act of June 20, 1882 (22 U. S. Stat., page 120).
Act of August 2, 1882 (22 U. S. Stat., page 185).
Act of August 15, 1882 (22 U. S. Stat., page 250).

With respect to the Southern Pacific Railroad, see also:

Act of Congress of July 25, 1868.
Act of Congress of March 3, 1871.
Resolution of June 28, 1870.

APPENDIX H.

AN UNDENIED PREAMBLE SHOWING EXTORTION.

Preamble to joint resolution of the Legislature of the State of Nevada.

Joint resolution to the Congress of the United States in relation to discrimination in fares and freights.

Whereas the people of the State of Nevada have long suffered and do now suffer under the impositions and exactions of the Central Pacific Railroad Company, which, besides retarding enterprise, injures the business and prosperity of the people of this State, and amounts to the most enormous, unjust, and oppressive tax ever laid upon the industry of a people. The said railroad company exercises over the persons and property of others an almost absolute power, vicious and tyrannical, destructive of the rights of persons and of property, and opposed to common justice, as well as to every principle of civil and constitutional liberty known since the days of Magna Charta; and

Whereas it is proper that the truth should be known concerning this corporation and its transactions, the following facts are herein stated: The people of Palisade, distant four hundred and thirty-five miles east from Sacramento, have to pay for freight on flour (fourth-class freight, per published special-rate tariff of Central Pacific Railroad) per car-load the sum of $282 from Sacramento, while the people of Toana, one hundred and twenty-nine miles farther east, pay freight on flour per car-load, according to the printed special rate, the sum of $275 per car-load, while the merchant having a contract for some so-called competitive point with this railroad company pays freight on the same article, to wit; flour, per car-load, only $200. The merchant at Toana having a special contract pays $82 per car-load less freight than the merchant at Palisade, although, as before mentioned, the carriage is one hundred and twenty-nine miles more.

The goods delivered at Palisade or Battle Mountain, distant respectively four hundred and thirty-five and three hundred and eighty-three miles from Sacramento, have a freight charge of $480 per car-load, while at Toana the freight amounts to $275 per car-load to persons having special contract rates for so-called competitive points, the greater service being performed for the less amount. Persons shipping wool or other products from Palisade, Battle Mountain, Elko, or other points in this State to the Eastern States have to pay local rates to Sacramento, thence freight at through rates back over the same road to the point of destination, the shipper being often compelled to pay freight at local rates for a distance of over five hundred miles, a service useless and unnecessary even if rendered.

The same unjust discrimination is practiced by this railroad company against the people of this State in the rates of freight upon goods shipped from points east of this State. The freight on a box of eggs from Ogden to Toana costs one man $3.35 per box, and the same number of eggs in the same sized box and of the same weight costs another man 65 cents; a hundred pounds of squashes costs one man in freight $1.36, while it costs another 55 cents. Hams and case goods cost one man $2.04, while they cost another but 55 cents. The distance from Ogden to Toana is one hundred and eighty-three miles.

The same unjust discrimination is also practiced by this railroad company in passenger fares. A ticket from Omaha to San Francisco costs $100, while a ticket from Omaha to Palisade, being six hundred miles nearer, costs $95. A person desiring to go East is charged within a fraction of the full fare through and from San Francisco to the point he desires to reach, although he may ride over one-third or less of the line of the Central Pacific Railroad. More appalling examples of injustice than are shown by the above instances, selected from among a myriad of kindred transgressions, are hard to conceive.

* * * * * * *

STATE OF NEVADA,
Secretary's Office, ss.:

I, Jasper Babcock, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original preamble which passed the Nevada Legislature February 10, 1881, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office in Carson City, Nevada, this 12th day of February, A. D. 1881.

[SEAL.] JASPER BABCOCK,
Secretary of State,
By J. J. CHESLEY, *Deputy.*

APPENDIX I.

THE RIGHT OF INQUIRY.

It is a fact that the directors of the Union and Central Pacific Railroad Companies made contracts for the building of these roads with contracting companies or firms of which they were also members and directors, and in which contracts they had a large beneficial interest inimical to the interests of the stockholders and bondholders or creditors, of which last class the United States was one, it having guaranteed certain bonds.

This being the case, the United States has a right, on the ground of being a creditor if on no other, to inquire into the nature and fairness of these construction contracts. And the best way to institute the inquiry is under such bills as I have introduced—

First. That the directors of these companies were and are the voluntary and express trustees of the stockholders.

English cases: Field on Corporations, sec. 172–174; Flanagan *vs.* Great Western Railway, 7 L. J. (Ex.); Parker *vs.* McKenna, 11 Moak's Notes, 456; Imperial Merchant Credit Association *vs.* Coleman, 6 Moak's Notes, 418; Aberdeen Railway *vs.* Blakie, 1 McQueen, 46.

Twin Lick Oil Co. *vs.* Marbury, 1 Otto, U. S. Sup. Ct., 588; Railroad Co. *vs.* Durant, 5 Otto, U. S. Sup. Ct., 576; Jackson *vs.* Ludding, 21 Wallace, 616; W. A. and F. R. R. Co. *vs.* A. and W. R. R. Co., 19 Grattan, 592; Wright *vs.* Oroville Manufacturing Co., 40 California, 27, 28; Wilbur *vs.* Lynde, 49 California, 392; City of San Diego *vs.* R. R. Co., 44 California, 112, 113, 116; E. and N. A. R. R. Co. *vs.* Poor, 59 Maine, 278; Bart *vs.* Bridgeport Spring Co., 42 Conn., 26; Hoffman Coal Co. *vs.* Cumberland Co., 16 Maryland, 456; Cumberland Coal Co. *vs.* Parish, 42 Maryland, 601; Simmons *vs.* Vulcan Oil Co., 61 Pa. St., 209; McElhinney's Appeal, 61 Pa. St., 193; Hazard *vs.* Durant, 11 R. I., 199; Heath *vs.* Erie R. R., 8 Blatchf., 347; Heath *vs.* Erie R. R., 12 Blatchf., 293; Board & Co. *vs.* S. M. and B. R. R. Co., 50 Ind., 97; G. C. and S. R. R. Co. *vs.* Kelly, 77 Ill., 426; Stuart *vs.* Lehigh Valley R. R. Co., 38 N. J. Law, 521; Cumberland Coal Co. *vs.* Sherman, 30 Barb., 553; Abbott *vs.* American Hard Rubber Co., 33 Barb., 578; Star Ins. Co. *vs.* Palmer, 41 N. Y. Sup. Ct., 267.

The above apply with equal force as to the relations between officers of these companies and the creditors.

Second. The contracts for the building of these roads being made by the directors with themselves and for their individual benefit, are fraudulent and contrary to public policy, and therefore unlawful and void.

Perry on Trusts, section 207; Kerr on Fraud, sections 150, 155, 157; Story's Equity Jurisprudence, volume 1, section 321, and note to section 323; Hill on Trusts, star page 159; Field on Corporations, 174, 175, 176, 268, 273; Angel and Ames, section 233, note; Story on Agency, page 242, section 210, and notes.

English cases: Morse *vs.* Royal, 12 Ves., jr., 373; *Ex parte* Lacy, 6 Ves., jr., 625; York Buildings Co. *vs.* Mackenzie, 4 Appeal Cases, 401; Aberdeen Railway Co. *vs.* Blakie, 1 McQueen, 461; Great Luxemburgh R. R. Co. *vs.* Magenny, 25 Beavan, 586; York and Midland R. R. Co. *vs.* Hudson, 16 Beavan, 485; *In re* Madrid Bank, 2 L. R. (Eq.), 1; *In re* Anglo-Greek Steam Co., 2 L. R. (Eq.), 216; *In re* Campharphy, 5 Central Law J., 44; Twycross *vs.* Grant, 5 Central Law J., 138; Bruson *vs.* Henthorn, 1 Y. and Coll., 326; Ernest *vs.* Nichols, 3 Jurist (N. S.), 919; Bowes *vs.* City Toronto, 11 Moore (Pe.), 463.

Michond *vs.* Girod, 4 Howard, 503; Twin Lick Oil Co. *vs.* Marbury, 1 Otto, 588; St. John's Church *vs.* Church, &c., 45 Barb., 356; Abbott *vs.* Am. Hard Rubber Co., 33 Barb., 593; Butts *vs.* Wood, 37 N. Y., 318; Cumberland Coal Co. *vs.* Sherman, 30 Barb., 553; Hoffon S. Coal Co. *vs.* Cumberland Co., 16 Md., 465; Daron *vs.* Fanning, 2 Johns. Ch., 252; Blake *vs.* Buffalo Cr. R. R. Co., 56 N. Y., 485; Hoyle *vs.* P. and M. R. R. Co., 54 N. Y., 316, 329; Gardner *vs.* Ogden, 22 N. Y., 327; Bliss *vs.* Mateson, 45 N. Y., 22; Fulton *vs.* Whitney, 66 N. Y., 548; Curkey *vs.* Bond, 34 Barb., 285, 36 Barb., 427; Hawley *vs.* Cramer, 4 Cow., 717; Torry *vs.* Bank of Orleans, 9 Paige, 650; Van Epp *vs.* Van Epps, 9 Paige, 241; Bruce *vs.* Quinn, 2 Sanford Ch., 146; B., N. Y. and E. R. R. Co. *vs.* Lampson, 47 Barb., 533; Star Ins. Co. *vs.* Palmer, 41 N. Y. Sup., 267; Dobson *vs.* Rany, 3 Sandf. Ch., 62; Hough *vs.* Harvey, 71 Ill., 74; G. C. and S. R. R. Co. *vs.* Kelly, 77 Ill., 426; Follansbee *vs.* Killreth, 17 Ill., 522; Lockwood *vs.* Mills, 39 Ill., 608; W. A. and F. R. R. Co. *vs.* A. and W. R. R., 19 Grattan, 592; Stuart *vs.* Lehigh Valley R. R., 38 N. J. (Law), 521; Hoburt *vs.* Hamell, 1 Harrison (N. J.) 81; Page *vs.* Naglee, 6 Cal., 241; King *vs.* Wise, 43 Cal., 629; San Diego City *vs.* San Diego R. R., 44 Cal., 106; Andrews *vs.* Pratt, 44 Cal., 309; Wilbur *vs.* Lynde, 49 Cal., 290; Post *vs.* Russell, 36 Ind., 64; Courd *vs.* Reynolds, 44 Ind., 519 and 50 Ind., 97; People *vs.* Township, &c., 11 Mich., 223–7; Flint *vs.* F. and P. M. R. R. Co., 14 Mich., 477; Sheldon *vs.* Rice, 39 Mich., 301; Clute *vs.* Barron, 2 Mich., 192; Ingerson *vs.* Starkweather, — Mich., 217; Guernsey *vs.* Cook, 120 Mass., 501; Peckitt *vs.* School Dist., 25 Wis., 552; Shankhy *vs.* Taylor, 1 Bond., 142; Goodwin *vs.* Whitewater, 18 Oh. St., 169; Faucett *vs.* Faucett, 1 Bush, 511. *In re* Taylor Orphan Asylum, 36 Wis., 553; James *vs.* James, 55 Ala., 525; Wright *vs.* H. School Dist., 6 Central Law J., 378; S. L. and N. S. M. Co. *vs.* Jackson, 5 Central Law J., 317; N. S. P. Co. *vs.* Erlanger, 4 Central Law J., 510; E. and N. A. R. R. Co. *vs.* Poor, 59 Maine, 278; Cox *vs.* A. Sarm, 6 Central Law J., 398; Barley *vs.* Robinson, 1 Grattan, 4; Merriam *vs.* Russell, 39 Tex., 285; Hazard *vs.* Durant, 11 R. I., 196; Ashurst's Appeal, 60 Penn., 309; Rice's Appeal, 70 Pa. St., 168; Platt *vs.* Longworth, 27 Ohio. St., 195; Pressley *vs.* Ellis, 48 Miss., 579; Billings *vs.* Billings, 110 Mass., 228; Arnold *vs.* Brown, 24 Peck, 96; Dorsey *vs.* Dorsey, 3 H. & J., 427; Korn *vs.* Shaffer, 27 Maryland, 90; Paire *vs.* Vickney, 37 Maryland, 485; Keightler *vs.* Savage Manf. Co., 12 Maryland, 416; Freeman *vs.* Harwood, 49 Maine, 191; Peyton *vs.* Enos, 16 La. An., 135; Richardson *vs.* Spencer, 18 B. Mon., 465.

Many of the above cases will be found in Zim's Leading Cases on Trusts. Some of the above will be found at pages 1, 43, 77, 87, 125, 177, 181, 373.

APPENDIX J.

HUNTINGTON & CO.'S "ANTI-MONOPOLY" RECORD.

C. P. Huntington and his compeers have "gobbled" the following railroad companies:

	Miles.
10 companies in Central Pacific	1,404.00
6 companies in Southern Pacific	956.00
1 company in Southern Pacific of Arizona	385.00
1 company in Southern Pacific of New Mexico	170.00
1 company in Galveston, Harrisburg and San Antonio	855.00
1 company in Monterey	15.12
1 company in Santa Cruz	21.50
1 company in Sacramento and Placerville	48.50
1 company in Los Angeles and Independence	16.83
1 company in Los Angeles and San Diego	27.60
1 company in Northern Railway	124.80
1 company in California Pacific	115.44
1 company in Stockton and Copperopolis	49.00
1 company in San Pablo and Tulare	46.34
1 company in Amador Branch	27.20
1 company in Berkeley Branch	4.00
1 company in Chesapeake and Ohio	661.00
1 company in Chesapeake and Ohio and Southwest	398.00
1 company in Kentucky Central	184.00
1 company in Elizabethtown, Lexington and Big Sandy	130.60
1 company in Morgan's Louisiana and Texas	206.00
1 company in New Orleans and Texas	450.00
1 company in Texas and New Orleans	116.00
1 company in Louisiana Western Extension (Texas)	7.00
1 company in Louisiana Western Extension (Louisiana)	105.00
1 company in Louisiana Central	52.00
40 Total, absolutely controlled	6,566.04
1 Saint Louis	724.75
2 Atlantic and Pacific	537.70
—	1,262.45
43 companies	7,828.49
Railroad companies (as above)	43

Street railroad companies:

California Street Railroad, Market Street Railroad, Fifth Street Railroad, Potrero and Bay View Railroad, San Francisco 4

Steamship companies:

1. Pacific Mail, New York to San Francisco, Australia, and Japan.
2. Occidental and Oriental, San Francisco to Japan.
3. Morgan Line, Texas to New York.
4. Colorado Steam Navigation Company.
5. California Steam Navigation Company.

Bridges:

1. Colorado River bridge.
1. Rio Grande River bridge.

APPENDIX K.

Special through-freight tariffs to San Francisco, Sacramento, Marysville, San José, Stockton, and Oakland, Cal.

From—	Rate per hundred pounds.							
	First class.	Second class.	Third class.	Fourth class.	Class A.	Class B.	Class C.	Class D.
New York	$6 00	$5 00	$4 00	$3 00	$2 50	$2 00	$1 75	$1 50
Cincinnati and Indianapolis	5 31	4 25	3 19	2 65	2 39	2 12	1 86	1 59
Chicago and Saint Louis	5 00	4 00	3 00	2 50	2 25	2 00	1 75	1 50
Omaha	4 50	3 75	2 75	2 25	2 00	1 85	1 70	1 50

CLASSIFICATION—NOTE IMPORTANT CHANGES.

[NOTE.—"D 1" indicates double first-class rates; "1½" one and one-half times first-class rates, and "3 to 1" three times first-class.]

A.

Acids	2
Advertising, almanacs, circulars, pamphlets, and posters	4
Agricultural implements (owner's risk), in less than car-loads, as follows:	
Reapers, mowers, harvesting-machines, thrashers, plows, feed-cutters, and harrows	1
Agricultural implements—Continued.	
Metal appurtenances of agricultural implements, iron-work, and castings, of reapers and mowers, when K. D., in small quantities, apply machinery rates.	
Seed-drills, corn-planters, cultivators, shovel-plows, fanning-mills, horse-rakes, and similar light bulky machines	1½
Do., knocked down	1
Plows and harrows, knocked down and boxed	4
Agricultural implements, named above, in car-loads of 20,000 pounds	A
Albums	2

Alcohol, in cans, boxed	A
Alcohol, whisky, high wines, and pure spirits, in wood, owner's risk of leakage	B
Alcohol, whisky, high wines, and pure spirits, in wood, shipped under valuation, $1 per gallon	C
Ale and beer, in glass or stone, packed	4
Ale and beer, in wood, owner's risk of leakage	A
Ale and beer, bottled or in wood, owner's risk of leakage, in car-loads of 20,000 pounds	B
Alum, in barrels	D
Ammunition, fixed	1
Anchors	D
Anchovies	4
Andirons	4
Antimony	4
Anvils and anvil-dies	D
Apples, dried	4
Apple-parers	4
Argols	4
Artificial flowers and feathers	D 1
Asbestus	D
Augers, post-hole, boxed	4
Axes, without handles, in boxes	C
Axes, on handles	4
Axle-grease	B
Axles, carriage and wagon	C
Axles, car	D
Axle-clips	4

B.

Backing	C
Bacon, in boxes, barrels, or casks	4
Bacon, in sacks	3
Bacon, hams, and all cured and salted meats when not in regular packages, same as bulk meats.	
Bags, paper	C
Bags and bagging, cotton, compressed, in bales, released	2
Bags and bagging, burlap, compressed, in bales, released	4
Bags and bagging, gunny, compressed, in bales, released	B
Baking-powders	A
Bark, extracts	4
Barley, pearl	4
Barometers	1
Barrels, empty	1
Barrels, knocked down or set up, in car-loads of 20,000 pounds	D
Barytes	D
Base balls and bats	3
Baskets, willow	D 1
Baskets, splints, nested	1
Bath boilers, iron, rubber-coated, as machinery, boxed	2
Bath-bricks	C
Bath-tubs	1
Bath-rims	1
Bats	1
Bats, compressed	2
Beans	4
Bed-plate of an engine, as machinery.	
Beef and pork (mess), in barrels	4
Beef-tongues, as ham and bacon.	
Bee-hives, prepaid	2
Beer (see ale).	
Beeswax	4
Bedsteads and bunks, iron	1
Bed-slats, wooden, in bundles or packages	C
Bells, less than 100 pounds each	4
Bells, 100 pounds or over, each	3
Bellows, blacksmith	2
Belting, rubber	4
Belting, owner's risk, released from chafing	A
Belting, leather	3
Belting, leather, released	4
Benzine	A
Benzine, owner's risk of leakage and fire	C
Bird-cages, boxed	D 1
Billiard-tables, boxed, owner's risk	2
Billiard-tables, complete, including slate or marble, car-loads of 20,000 pounds	3
Billiard-tables, wood work of separate, without slate and marble	1½
Binder's boards	D
Bitters, in glass, owner's risk	4
Bitters, in glass, owner's risk, in car-loads of 20,000 pounds	C
Bitters, in wood, same as liquors.	
Blacking, in boxes and barrels	C
Blacking, liquid	C
Black lead, barrels and boxes	C
Blackboards, in racks and boxes	4
Bladders and sausage skins	1
Blankets in bales, released	2
Bleaching-salts	C
Blinds	1
Blowers	2
Blue vitriol, or bluestone	D
Blueing, liquid	4
Bobbins, wound	1
Bobbins, spools	A
Boats, not over twenty-six feet long	D 1
Boats, in sections	1
Boiler felting	3
Boiler flues, copper or brass	4
Boiler flues, iron	D
Boilers, not more than twenty-six feet long	1
Books	1
Books, blank	3
Boots and shoes, leather, strapped	1
Boots and shoes, leather, not strapped, $1 above first-class	
Bottles, empty, in crates or boxes, owner's risk	D
Bottles, druggists', fancy and nursing	A
Box stuff, in packages	C
Brackets, bronze, brass or fine metal	2
Brackets, wood or iron	4
Brandy-peaches	5
Brass kettles	2
Brass, castings, sheet, wire, nails, and tacks	4
Brimstone	D
Bristles	D 1
Bristol board	A
Britannia-ware	1
Bronzing powder	1
Brooms	1
Broom-corn, compressed	3
Brushes	2
Buckets, nested	2
Buck-saws and frames	4
Buckwheat	4
Buffalo robes	1
Buggies, taken apart and all parts boxed in tight cases, completely inclosing them	1½
Buggies, taken apart and inclosed in open boxes, crates, or skeleton frames	D 1
Buggy bodies, in the white, in crates	D 1
Buggy reaches, in the white	4
Bulbs and roots (must be prepaid)	1
Bulk meats	1
Bulk meats, car-loads of 20,000	3
Bungs, wood or iron	B
Burial cases, metallic	3
Burial cases, wooden	2
Burr blocks and millstones	4
Butter	2
Butter tubs	4
Butts, hickory	C
Butts, hinges, hooks, and staples, (if specified on receipt as such)	B
Buttons, pins, needles, hooks and eyes, buckles, and corset clasps	1

C.

Candles	D
Canned fruits and vegetables	D
Canned fish and meats	D
Canvas, in cases	1
Canvas, in bales	1
Canvas, in bales, owner's risk of chafing, released	2
Caps, percussion	1
Capstans	C
Cards, playing	4
Cardboard	A
Carpets, in cases	1
Carpets, in bales	1½
Carpets, in bales, owner's risk of chafing, released	1
Carpet lining	3
Carpet-sweepers	2
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in tight boxes completely inclosing them, if not too large to be loaded in a box-car	1½
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in tight boxes completely inclosing them, if too large to be loaded in a box-car	D 1
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in open boxes, crates, or skeleton frames, or covered with tarpaulin, if not too large to be loaded in a box-car	D 1
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in open boxes, crates, or skeleton frames, or covered with tarpaulin, if too large to go in a box-car	3 t 1
Carriages, omnibuses, street-cars, buggies, and stages, released, in car-load lots, estimated at 20,000 pounds	3
Carriage castings	4
Carriage springs	B
Carriage and coffin trimmings, silver-plated	1
Car-wheels	D
Car-springs, rubber or steel, boxed	C
Car-springs, rubber or steel, in bundles, released	C
Car-springs, rubber or steel, in bundles, not released	A
Castor oil, in cans, boxed	A
Celery salt	4
Cement, plaster, and stucco, in barrels	D
Chains	C
Chalk	4
Cheese	2
Chests of personal effects	1
Chicory	4
Chinaware and porcelain, boxes or casks	2
Chocolate and cocoa	4
Churns	1
Churns, boxed or racked	2
Cider, same as liquors.	
Cigars, packed in cases	D 1
Cigars, in cases, corded, sealed, and strapped	1
Cigar-molds	4
Citron	4
Clocks and weights	4
Clothes-pins, boxed	C
Clothes wringers and horses	4
Clothing, in cases	1
Clothing, in bales	1½
Clothing, in bales, owner's risk of chafing, released	1
Coal-oil or petroleum, at owner's risk of leakage and fire	D
Coal-scuttles, nested	2
Cocoa and straw mattings and mats	4
Cocoa-nut, desiccated	4
Cod-fish, desiccated	4
Cod-liver oil	4
Coffee, in sacks	4
Coffee-mills, common, small, for family use	B
Coffee-mills, fine grocers', with fly-wheels	2
Coffee extracts	4
Cologne spirits, in wood, same as liquors.	
Coloring	4
Condensers	2
Condensing-tubes, iron	D
Comfortables, as dry goods.	
Composition for roofing	D
Concentrated lye	C
Condensed milk	D
Confectionery	1
Copper—wire, nail, sheet, bolts, rods, rivets, and tacks	4
Copper, ingot	B
Copper bottoms, tubes, and pipes	4
Copper vessels	2

Copy-books, either impression copying books, or copy-books used in schools ... 3
Copying-presses ... A
Cordage ... 4
Cork and corks ... 1
Corn and corn-meal ... 4
Corn and corn-meal, in car-loads of 20,000 pounds ... D
Corn starch, prepared as food ... A
Corner irons, or castings for trunks ... B
Cornices, zinc or galvanized iron ... 1
Cotton, compressed ... 3
Cotton, uncompressed ... 1
Cotton-waste ... 4
Covers ... 1
Cove oysters ... D
Cow-bells ... 4
Crackers ... 1
Cranberries, owner's risk only ... 3
Crayons ... 4
Cream of tartar ... 4
Crockery, in casks and crates ... A
Crockery, in boxes and barrels ... 3
Croquet sets ... 3
Crowbars ... C
Crucibles, black lead ... 4
Crucibles, clay ... A
Currants, in casks (original packages) ... A
Currycombs ... 4
Cutlery, pocket and table ... 2
Cutters, for cutting out boot and shoe soles ... 4

D.

Dates ... 4
Demijohns ... 1
Dental and surgical instruments ... 1
Dry good, in cases ... 1
Dry goods, in bales ... 1
Dry goods, in bales, at owner's risk of chafing, released ... 2
Doors ... 2
Dressing-cases ... 1
Dried fruit, not otherwise specified ... 4
Drill-frames ... 1
Drugs and medicines ... 4
Drums, including all kinds, children's and musicians' ... D 1
Dumb-bells ... 4
Dye-stuffs, not otherwise specified ... 4

E.

Earthenware ... B
This rate applies only on common dark earthern or stoneware of domestic manufacture. All whiteware should be rated as crockery.
Earth paints ... D
Egg-beaters ... 4
Eggs, owner's risk ... 2
Emery ... 4
Emery-wheels, paper and cloth ... 4
Emigrant movables, including live-stock, man in charge to pay emigrant fare from Council Bluffs (must be prepaid) ... A
Enameled cloth, as dry goods.
Engines, steam and portable ... 2
Engines, steam and portable, car-loads, 20,000 pounds ... 4
Envelopes ... 4
Essential oil ... 1
Excavators ... 1½
Excavators, car-loads, 20,000 ... A
Excelsior ... 3
Excelsior, cooking utensils ... 1
Extract of beef ... 4

F.

Facing sand ... 3
Fans, in boxes ... 1
Fancy goods not otherwise specified ... D 1
Farina ... 4
Faucets, brass or iron ... 4
Faucets, plated ... 1
Feathers, in bags ... 1½
Feather-dusters ... 1
Felt ... 1
Figs ... 4
Files ... 4
Fire-arms, boxed ... 1
Fire brick and clay ... B
Fire-works ... 1
Fire-extinguishers, boxed ... 2
Fish, pickled ... 3
Fish, pickled, released ... 4
If the difference between billed and correct weights is not more than 5 per cent., it will be considered the result of shrinkage in transit and no correction will be made.
Fish, dried and salted, boxed ... 4
Fishing rods and tackle ... 1
Flavoring extracts ... 4
Flax ... 3
Florida-water ... 4
Flour, buckwheat or other ... 4
Fluting-irons ... 4
Fluting-machines ... 2
Fly-paper ... 4
Fulling-mills ... 1
Forges ... 2
Forks, hay and manure ... 4
Forks, wooden, grain ... 2
Fountains, automatic, well boxed ... 1½
Fountains, automatic, well boxed, owner's risk, released ... 1
Fruit butter ... 4
Fruit-jars, empty, owner's risk ... A
Fruit juice, not otherwise specified ... 4
Fruit jellies ... 4
Furnaces for heating, same as stoves.
Furnaces for smelting, as machinery.
Furnishing goods ... 1

Furniture, except chairs, as follows:
Set up, not boxed, not taken except in car-loads of 20,000 pounds.
Set up, well boxed ... 1
Knocked down, not compact, well boxed ... 2
If in bundles, knocked down, flat and compact, finished ... 2
Finished or upholstered, knocked down, flat and compact, well boxed ... 3
Black walnut, or other valuable wood in the white, not upholstered, knocked down, flat and compact, well boxed ... 4
Same, crated or in bundles ... 3
Not black walnut, or other valuable wood, in the white, not upholstered, knocked down, flat and compact, well boxed ... B
Same, crated or in bundles ... A
School-desks, knocked down, flat, well boxed or racked ... A
Chairs, set up, if completely boxed ... 1½
If set up in racks, released ... D 1
Upholstered, knocked down and well boxed, including ordinary upholstered chairs, barbers' and dental chairs, and iron-framed, invalid, and easy chairs ... 1
Not upholstered, made of black walnut or other valuable wood, knocked down, flat, and compact, if finished, well boxed ... 3
If finished, crated ... 2
If finished, in bundles, at owner's risk ... 1
If in the white, well boxed ... 4
If in white, crated or in bundles ... 3
Not consisting wholly or partially of black walnut or other valuable wood; cane seated; knocked down, flat and compact, if finished and well boxed ... B
If finished and crated ... A
If finished in bundles, at owner's risk ... 4
If in the white, well boxed ... C
If in the white, crated or in bundles ... B
Any or all of the above-described chairs, with or without other furniture, in car-loads of 20,000 pounds ... B
Common kitchen wood-seated chairs, knocked down, flat and compact, in either car-loads or smaller lots, if finished, well boxed ... C
If finished, crated ... B
If finished, in bundles, at owner's risk ... A
If in the white, well boxed ... D
If in the white, crated or in bundles ... C
Iron theater-chairs ... 3
Furniture and chairs, consisting in part of black walnut or other valuable wood, will take the same rate as if consisting wholly of such wood.
Furniture and chairs having one or more coats of oil, shellac, varnish, paint, or other similar preparation, will take the rates provided for finished chairs.
The rates provided for chairs and furniture "in the white" will be applied only to chairs and furniture coming strictly under that designation.
Boxes must be tight and completely inclose the freight to entitle it to the rates provided for freight "well boxed." Open boxes will be considered same as crates.
Chair frames, iron, reclining ... 3
Furniture, including school, released, in car-loads, 20,000 pounds ... B
Furniture castings ... 4
Furs ... 1
Fuse ... 1
Fuse, car-loads ... 3

G.

Galvanized ring-bolts, ship's clews, belay pins ... B
Gang-plow irons ... 4
Gambia ... 4
Garden seeds ... 2
Gas fixtures and burners, boxed ... 2
Gas stoves, released ... 4
Gasoline ... A
Gasoline, owner's risk of fire and leakage ... C
Gas-pipe, iron ... D
Gelatine ... 2
Ginger ... 4
Ginseng ... A
Glass chimneys, in boxes and barrels ... 5
Glass, plate, not over 6 feet long, released ... 1
Glass, plate, over 6 feet long, released ... D 1
Glass, rough ... D
Glass signs ... 1
Glass garden-vases or flower-pots ... A
Glassware, except chimneys and globes ... A
Glass, window, not over 3 feet long ... D
Glass, window, over 3 feet long ... 4
Glaziers' triangular points ... 1
Glue ... 4
Glycerine, less than 5,000 pounds ... 4
Glycerine, 5,000 pounds or more ... B
Granite iron-ware, same as hollow-ware.
Grass and clover seed ... 3
Grass and hemp matting and mats ... 3
Grindstones ... D
Grist-mills, iron, as machinery.
Gum, chewing ... 1
Gums, copal and shellac ... 4
Gum-kowrie ... 4
Gunpowder and other explosives not taken by special contract.
Gun-stocks ... 4
Gun-wads ... 1
Guttering, copper and tin ... 4

H.

Hair, in sacks ... 1
Hair, compressed or in rope ... 2
Hair-oil ... 1
Hair goods, imitation ... 1
Hair, human ... D 1
Hair-cloth, in cases ... 1
Hair-pins ... 1
Hames ... 4
Hams, same as bacon.
Hammers and hatchets ... 4
Hammocks ... 1
Handspikes ... C
Handles, broom or mop, without heads ... D
Handles, ax and pick ... B
Handles, drop, brass, and ebony, used for bureaus, &c ... 4

Handles, plow, in the rough	4
Hardware, not otherwise specified	4
Harness, in boxes	1
Harrow-teeth	4
Hassocks and ottomans	1
Hats and caps, men's, straw, fur, or wool, in cases, strapped	1½
Same, not strapped	D 1
Hats, ladies', in case, strapped	1½
Same, not strapped	D 1
Hay-knives	4
Hay-presses	2
In car-loads, machinery rate.	
Head-lights	2
Hearses, see vehicles.	
Hemp carpet	2
Hemp in bales	3
Hempseed	3
Herring and bloaters, in boxes	‖
Herrings, in kegs. (See fish, pickled.)	
Hobby horses, knocked down	3
Hobby horses, set up	1½
Hoes and rakes	4
Hollow-ware, released	4
Hominy and grits	4
Hominy and grits, in car-loads of 20,000 pounds	D
Honey	4
Hoop-skirts	1
Hoop-skirt wire	A
Hops, compressed	4
Horse-collars	1
Horse-nails, in bags	A
Horse-nails, in boxes	B
Horseshoes	D
Horse-posts	A
Horse-powers, tread-mill	1
Horse-powers, circular	2
Hose-reels, knocked down and compactly boxed	2
Hosiery, as dry goods.	
Household goods and personal effects, packed in trunks, prepaid	D 1
Household goods, not new furniture, well boxed, released, must be prepaid.	1
Household goods, car-loads of 20,000 pounds, must be prepaid	A
Hydraulic jacks and handles	4

I.

Ice-cream freezers	1
Indigo	2
Ink, in glass or stone, owner's risk	B
Ink, printing or other, in wood	C
Ink, printing, in cases	C
Ink-stands of crystal glass	1
Irish moss	2
Iron beams, columns and girders, not over 27 feet long	B
Iron and coal facings	B
Iron, bar, band, or boiler	D
Iron.—All sheet or plate, band or hoop iron thinner than No. 12 (Birmingham wire-gauge) will take the rates provided for hoop and sheet iron. No. 12 plate and band iron and all thicker grades, when shipped at owner's risk of injury from wet, will take Class D rate. No. 12 Birmingham wire-gauge is the number applied to iron twelve one-hundredths of an inch in thickness. Iron thinner than this is described by a higher number.	
Iron and steel, shoes and dies	D
Iron, furniture, carriage, wagon, and plow castings	4
Iron castings, not otherwise specified	2
Iron casters	4
Iron crowbars	C
Iron head-rests, photographers' use	3
Iron, hoop or sheet, except Russia or imitation	A
Iron, hoop or sheet (except Russia or imitation), released, at owner's risk of rust	C
Iron, malleable castings	4
Iron nuts and bolts, washers, and boiler-rivets	B
Iron rivets, other than boiler-rivets	4
Iron bolts, carriage, door, &c.	4
Iron pipes and tubes	D
Iron-pipe fittings	B
Iron railing	A
Iron roofing	B
Iron shafts, wrought, not over 27 feet long	3
Iron shutters	B
Iron vault fronts, linings, and facings	A
Iron, galvanized	4
Iron, galvanized, released	B
Iron garden vases and ornaments, owner's risk, released	A
Iron railroad chairs, spikes, splices, and bolts, taken only by special contract.	
Iron wedges, in cases	C
Ironware, granite, same as hollow-ware.	
Irons, soldering, well boxed	4
Iron screw-plates and dies	4
Iron safes, weighing three thousand pounds each, or less	4
Over three thousand pounds, and not exceeding six thousand pounds each	3
Over six thousand pounds, each	2
Iron sinks	4
Iron tubs, galvanized	1
Iron tubs, galvanized, nested	4
Isinglass	2
Ivory	1

J.

Jar rings	4
Japanned ware	1
Japanned tins, boxed	A
Jack-screws	4
Jute and jute butts	4

K.

Knitting-machines	2

L.

Ladders, not over fifteen feet long	1
Lampblack, casks or barrels	4
Lamp globes and shades	2
Lamps, lanterns, and fixtures	2
Lamp-posts, iron	B
Lard	4
Lasts, boxed	4
Lawn-mowers	2
Lead, bar and sheet, in boxes	C
Lead bullets	4
Lead pipe, in casks	C
Leather	2
Leather belt-lacing	2
Leeches	4
Lemons and oranges, owner's risk, prepaid	2
Lemon peel	4
Lentiles	4
Licorice	4
Linen sets and collars, as dry goods.	
Life rafts	D 1
Lignum vitæ	A
Lime water, in wood	4
Liquors, in glass, owner's risk of leakage	4
Liquors, in wood, owner's risk of leakage	A
Liquors, $1 per gallon valuation	C
Lithographic stones	2
Live plants and trees, boxed, prepaid	1
Live-stock, at estimated weights, as follows	1
Horses, mules, and horned animals, not valued at over $100 each—one, 2,000 pounds; two, 3,500 pounds; three, 5,000 pounds. Each additional animal, 1,000 pounds. Stallions, 4,000 pounds each.	
The same when valued at more than $100 each, add to the rate 5 per cent. of the increased valuation.	
Hogs, sheep, lambs, and calves, actual weight, but not less than three hundred pounds each.	
Live stock (except blooded horses) shipped by special contract, in car-loads of not less than 20,000 pounds	3
At the above rate the owner is to enter into a contract agreeing to feed, water, and take care of the stock at his own expense, and assuming all risk of injury or damage that the animals may do to themselves or each other.	
In consideration of the above agreement, one man, in charge of the stock, will be passed free with a shipment of two or three car-loads; two men with four, five, or six car-loads; over six car-loads, three men.	
No pass will be given with the shipment of one car-load, and no return passes will be given in any case.	
Whenever the owner or man in charge requests or requires the use of a whole car for his animals, he will be charged the full car-load rate, though he has but one animal.	
For blooded horses in car-loads, valued at over $2,000 to the car-load, add 5 per cent. of the increased valuation to the car-load rate.	
Contracting agents are notified that the Pacific roads will not accept fictitious valuations, but the actual cash value of the animals must be stated.	
Locks, exclusively of iron	B
Locks, iron, with brass bolts and keys	4
Locks, pad and prison	4
Locomotives and tenders, narrow gauge, on cars, taken only by special contract.	
Locomotive tires	C
Looking-glasses, not over 6 feet long, released	1
Looking-glasses, over 6 feet long, released	D 1
Logwood	C
Lumber, hard and soft, less than car-load, not exceeding 16 feet in length	A
Lumber, car-loads of 20,000 pounds	C

M.

Macaroni and vermicelli	4
Machinery, coarse, not boxed, not otherwise specified	2
Machinery, fine, boxed	2
Machinery, fine, not boxed, not otherwise specified	1
Machinery, in car-loads of 20,000 pounds	4
Machines, wood-working	2
Mahogany	A
Mallets and handles, wooden, boxed	4
Manila, in bales	3
Mantels, iron and slate marbleized, including grates, not boxed, released	3
Mantels, boxed	4
In car-loads, same as stoves.	
Maps, boxed	1
Map-rollers	4
Maps, not mounted on cloth and not on rollers	3
Marble, wrought, owner's risk, (if lettered must be prepaid)	B
Marble, unwrought, owner's risk	D
Marble dust, in barrels	D
Mast hoops	4
Matches	4
Matches, in car-loads of 20,000 pounds	B
Match-safes, bronzed iron	4
Mattresses and spring beds and bottoms	1½
Mattresses, wire and spring beds and bottoms, knocked down or rolled together so as to form a compact package	2
Mats and rugs, not otherwise specified	1
Medicines, patent	4
Meat choppers	3
Merchandise.—Shippers are requested to give full description of contents of packages. All articles described as merchandise will be charged double first-class rates.	
Metallic cartridges	1
Metallic soda-bottle tops	3
Meters	2
Miller hooks, buffers, links, pins, and other attachments, truck-frames, equalizers, brake-shoes, and railroad draw-bars	4
Millinery and straw goods	D 1
Mills, bark, cider, feed, corn, and paint	2
Mineral waters, in glass or stone, packed, owner's risk, prepaid	4
Mineral waters, in wood, owner's risk of leakage, prepaid	C
Mince-meat	2
Molasses, owner's risk leakage	C
Monuments and headstones, cast zinc	A
Monuments and headstones, cast zinc, released	B
Money-drawers, in nests or boxed	4
Mops, in bundles	4
Moss, in barrels	1
Moss, pressed in bales	‖

Moss and excelsior, when used as packing to protect furniture, same rate as the furniture. This applies only when in sufficient quantities to protect, and no more, and does not include hair or feathers.	
Moldings, either wood, iron, papier-maché, or gilt	4
Mower knives and sickles	4
Musical instruments not otherwise specified	1
Mucilage and mucilage bottles, with caps and brushes	3
Mustard seed, in bags or casks	4
Mustard, ground	4

N.

Nails, in boxes	B
Nails and spikes, cut, in kegs	D
Nails, iron and brass shoe	4
Nails, yellow metal	4
Naphtha	A
Naphtha, owner's risk of leakage and fire	C
Narrow-gauge cars, taken only by special contract.	
Nets, fishing	1
Newspaper files	1
Nickel-plated goods	1
Nutmegs	2
Nuts, in barrels, boxes, or bags	3

O.

Oakum, in bales	B
Oars	4
Oil-cloth, floor, boxed, not over 12 feet long	B
Oil-cloth, floor, boxed, over 12 feet long	2
Oil-cloth table covers, as dry goods.	
Oil, in glass, owner's risk	4
Oil, not otherwise specified, in cans, boxed, or in barrels and casks, owner's risk of leakage	B
Oil-stones	4
Oil-tanks, in crates	1½
Oil-tanks, completely boxed	1
Organs, church	1½
Oysters in shell, in barrels, owner's risk, prepaid	4
Ox bows and yokes	4
Ox-goads	4

P.

Packing, rubber and other	A
Pails, nested	2
Paintings and pictures, owner's risk, valued at not over $200 per package.	1
Paintings and pictures valued at over $200 per package, not taken.	
Paints in boxes, not otherwise specified	B
Paints, assorted cakes of water-colors	1
Paints, in glass, boxed	4
Paints, white lead or zinc, dry or in oil, in kegs or cans, boxed	C
Empty kegs with a car-load of white-lead	C
Paper collars, cuffs, and bosoms, boxed	1
Paper collars and cuffs, flat and compact	3
Paper, gilt, fancy writing, or note	1
Paper, drawing, mounted on cloth	1
Paper medicated	4
Paper, posters	4
Paper, tissue	B
Paper, blotting	B
Paper, blotting, printed	3
Paper, flat in boxes, not ruled or printed	A
Paper, printed or ruled	3
Paper, news, printing, in bales or bundles	C
Paper, news, printing, in bales or bundles, released	D
Paper, hangings, in boxes	A
Paper, roofing and building, uncolored	A
Paper, building, tinted for inside walls, &c.	A
Paper, carpeting, or imitation oil-cloth	3
Paper, straw, wrapping	D
Paper, wrapping, manila, and hardware	C
Paper, for covering trunks	A
Paper, paper goods, and paper ware, not otherwise specified	1
Pasteboard	A
Paraffine and spermaceti	A
Pease	4
Pedestals, cast iron	A
Peg-scrapers	4
Pen-racks	1
Perfumery	3
Pepper	3
Photographic goods	1
Photographic card-board	A
Phosphorus, not taken.	
Pianos, organs, and melodeons, boxed	1
Piano stools, boxed	2
Pickles, preserves, and sauces	4
Picks and mattocks, iron, boxed	C
Picture frames, boxed	1
Pigs' feet and sausage	3
Pill-boxes	4
Pipes, clay	4
Pipes, other	1
Pitch, owner's risk	D
Plaster of Paris ornaments, released	1
Plated ware	1½
Plow-beams, iron, steel, or wood	4
Plow-beams, in the rough	B
Plow castings	4
Plow-points	4
Plumbago	C
Pocket stoves	2
Pork, dressed, owner's risk, prepaid	3
Portmanteaus, satchels, and valises, boxed	1
Potash, in boxes, barrels, or casks	C
Potatoes	4
Potted ham	4
Poultry, dressed, owner's risk, prepaid	1
Poultry, live, car-loads, 20,000 pounds	3
Less quantities not taken.	
Printers' cases, racked	4
Printers' iron frames	3
Printing presses	3
Prunes, in casks (original packages)	A
Prunes, boxed	4
Prunes, canned in liquid, hermetically sealed	D
Prunes, when packed dry, in tin cans, not hermetically sealed, or if in glass jars	4
Prune juice	C
Pulleys and blocks	4
Pumps, hand, released	4
Pumps, steam or hydraulic	2
Pump-valves	4
Pumicestone	4
Putty	D

Q.

Quicksilver, in flasks	4
Quicksilver flasks, empty	4
Quicksilver flasks, car-loads	D
Quilts	1

R.

Rags, in bales	4
Rags, in sacks	2
Raisins, strapped	4
Rattan, reeds, and willows	1
Razor-strops	2
Refrigerators and water-coolers	2
Regalias	1
Resin, owner's risk	D
Retorts, clay	3
Retorts, clay, owner's risk, released	A
Ribbons	1
Rice	C
Rice starch	A
Rollers, as machinery or castings, to be judged by inspection.	
Roofing, felt	A
Ropes, exceeding one inch in diameter	C
Ropes, one inch or less in diameter. (See Cordage.)	
Rubber boots, shoes, clothing, and goods not otherwise specified	4
Rubber hose, in bales	4
Rubber hose, in cases	B
Rubber hose, in bales, released	A
Rubber caps	C
Russia sheet-iron, or imitation	1
Russia sheet-iron, or imitation, released, owner's risk of wet	2

S.

Saddlery	1
Saddlery hardware	4
Saddles	1
Sad-irons	B
Safes, milk and cheese	1½
Same, at owner's risk chafing	1
Saleratus	A
Salts, epsom, in barrels	A
Saltpeter	A
Sal-soda	A
Sand, except "facing"	4
Sandpaper	4
Sardines	B
Sash cords	4
Sash weights, boxed	D
Sash, doors and blinds, car-loads of 20,000 pounds	B
Sauerkraut	4
Saws, on board	2
Saws, boxed	4
Saw-frames	4
Scales and scale beams, boxed	A
School slates, boxed	B
Scrapers, road	4
Scrapers, car loads, 20,000 pounds	A
Screws	4
Scythes	4
Scythe-snaths	4
Scythe-stones	4
Seed, not otherwise specified	2
Seed-sowers	1
Sewing-machines, boxed	2
Sewing-machines, knocked down and boxed	4
Sewing-machines, in racks	1
Sewing-machines, wood work, when separate, in boxes	2
Sewing-machine heads, when separate, in boxes	2
Sewing-machines (castings of), when separate, in boxes	B
Parts of sewing-machines when all shipped together may come forward with the castings and wood work, packed in separate boxes, at fourth-class rate.	
Shawls, as dry goods.	
Sheep-shears	4
Sheep soap	4
Sheet music	1
Shipping tags	A
Ship and boot spikes	D
Shoe-thread	1
Shoe pegs and nails, iron or brass	4
Shoe-findings	1
Shot, in kegs and boxes	C
Shovels and spades, at owner's risk	4
Show-bills, advertising	4
Show-cards	1
Show-cases, owner's risk	D
Shuttles	1
Sickles	4
Sieves and rims	1
Silk goods, in boxes	2
Skins, sheep, goat, or deer, &c.	
Skiving-machines, as machinery.	
Slate-pencils	1
Slate, roofing, car-loads of 20,000 pounds	D
Sledges, with handles	4
Sledges, without handles	C
Snuff, boxes and barrels	2
Soap, common, lots of 5,000 pounds or over	D
Soap, common, lots less than 5,000 pounds	B
Soap, fancy, castile or imitation castile	4

Soap (except castile or imitation), when in bars, same as common soap.	
Soapstone	3
Soda, in kegs and boxes	A
Soda, caustic	C
Soda fountains	1
Spectacle-glasses and optical goods	D
Spelter and solder	B
Spices	3
Spirits turpentine, in barrels or casks, owner's risk of leakage	C
Sponges	1½
Sponges, compressed in bales	1
Spring-bars, in the white	4
Springs, rubber, as car-springs.	
Springs, steel	B
Springs, wire, in boxes or casks	4
Squares	4
Stamped ware (articles each made from a single piece of metal without solder)	B
Stair-rods	2
Stamps, for stamping impression, for office use	2
Starch	D
Stationery	1
Statuary, owner's risk, valued at not over $200 per package	1
Statuary, valued at over $200 per package, not taken.	
Staves, headings, and shooks	4
Staves, headings, and shooks, car-loads of 20,000 pounds	D
Steam gauges and indicators	2
Steam-drums, as machinery.	
Steel, cases and bundles	B
Steel wedges	4
Steel shanks, for boots and shoes	4
Stirrups	4
Stoneware. (See earthenware.)	
Stoves, ranges, registers, radiators, and reservoirs, released	4
Stoves, ranges, registers, radiators, reservoirs, stove furniture, and hollow-ware, in car-loads of 20,000 pounds, owner's risk of breakage	B
Stove pipe and elbows, in crates or boxes	1
Stove-castings, bundles, released	4
Stove-castings, in boxes	B
Stove-polish	C
Straw-boards	D
Straw, sawdust, and tan-bark, used to protect property in box-cars	D
Sugar	C
Sugar-cane	1
Sugar, maple and lemon	3
Sugar, grape	A
Sulphur, flour of	4
Sulphur, roll	D
Sumac	A
Swords	1
Sirup, released, owner's risk of leakage	C
Sirup, maple, owner's risk of leakage	3
Sirups and coloring, in wood, not molasses	3

T.

Tacks	A
Tallow	B
Tar, owner's risk	D
Tassels, cord, &c.	1
Tea	1
Teazles	1
Telegraph instruments	1
Telegraph insulators	4
Telegraph-battery material	4
Telegraph cable	4
Thread	1
Thread cabinets	1
Tiling, marble or slate	D
Tiling, earthen, fancy	4
Tin-foil	4
Tin pans and covers, nested	A
Tin-plate	D
Tin plates, nested	B
Tin, pig or bar	C
Tin tubes and pipes	1
Tinned spoons	4
Tin-waiters, boxed	A
Tinware, boxed	1
Tinners' trimmings	4
Tire-benders	4
Tobacco, manufactured	2
Tobacco, manufactured, released	3
Tobacco, leaf, domestic	3
Tobacco, leaf, domestic, released	B
Tobacco, leaf, foreign	3
Tool-chests, mechanics'	2
Tools, edge	4
Toothpicks	4
Tow	4
Towel-racks	4
Toys, boxed	1
Traps, animal	4
Trucks	3
Trunks, empty or filled, released	D 1
Trunks, when completely boxed, rate on actual contents.	
Truss hoops, not too large to be loaded in box-car	3
Tubs, nested	2
Turbine-wheels	A
Twine, in cases or barrels	3
Twine, in bales	2
Twine, in bales, owner's risk chafing, released	3
Twine, fish-net, linen	1
Type or type-plate, in boxes	4
Type-writers, as fine machinery.	

U.

Umbrellas, boxed	1
Underwear, as dry goods.	

V.

Varnish, owner's risk of leakage	B
Vases, China, bronze or Bohemian glass, as chinaware.	
Vault lights	D
Vegetine	4
Vehicles of all kinds, not boxed, set up, owner's risk of chafing, fire, weather, and breakage, at estimated weights, as follows:	
Stage-coaches, omnibuses, hearses, carriages, hacks, and extra large wagons or sleighs, 5,000 pounds each	1
An ordinary two-horse express wagon, buggy, or sleigh, 3,000 pounds each.	
A one-horse buggy, chaise, cab, cart, wagon, or sleigh, with top, 2,500 pounds each.	
Same, without top, 2,000 pounds.	
A gig or sulky, 1,500 pounds.	
An ordinary one or two horse wagon or buggy, without top, cart or sleigh, taken apart, so as to be loaded in a box-car, 1,500 pounds each.	
A two-horse peddler's wagon, 3,000 pounds.	
A one-horse peddler's wagon, 2,500 pounds.	
Fire-engines, hand, each, 4,000 pounds.	
Fire-engines, steam, each, 8,000 pounds.	
Hose-carts, each, 1,500 pounds.	
Street-cars, one-horse, 6,000 pounds.	
Street-cars, two-horse, 8,000 pounds.	
Fire-engines and fixtures, hook-and-ladder trucks, in car-loads of 20,000 pounds	3
Velocipedes, knocked down, boxed	1
Verdigris	4
Veneering, boxed	4
Vinegar	C
Violins and cases, boxed	1½
Vises	A

W.

Wadding	1
Wagons, children's, set up	D 1
Wagons, children's, knocked down and boxed	3
Wagons, common, in pieces	1
Wagon fellies, spokes, and hubs	B
Wagon rims and bows, bent	4
Wagon rims and bows, bent, released	B
Wagon whiffletrees	B
Wagon single and double trees	B
Wagon and carriage wheels, poles, and shafts	1
Wagon poles and shafts, rough	4
Wagons—ordinary farm wagons—without springs, car-loads of 20,000 pounds	A
Smaller lots, taken apart, wheels and poles taken off, actual weight	1
Spring wagons, car-loads of 20,000 pounds, not released	3
Car-loads, of 20,000 pounds, released, at owner's risk of chafing	4
Smaller lots. (See Vehicles.)	
Mixed car-loads of ordinary farm wagons and spring wagons will take the rate provided for spring wagons in car-loads.	
Wagons, Concord, knocked down and boxed, same as carriages knocked down and boxed.	
Wagons, Concord, set up, same as stage-coaches.	
Wagons, express, knocked down, so as to be loaded in a box-car, shall be classed same as buggies and carriages knocked down and boxed.	
Wagons, in car-loads; shippers frequently load with these wagons kegs of nails. In all such cases charge car-load rate on 20,000 pounds of wagons and tariff rate on actual weight of the nails.	
Wagon castings, not otherwise specified	4
Wagon skeins	B
Warp	2
Washboards, boxed	4
Washing-machines, boxed	2
Watch crystals	D 1
Water-closet sinks, iron	4
Water-closet sinks, crockery	3
Wax	4
Weather-strips, boxed	4
Webbing	1
Whalebone, manufactured	1
Wheelbarrows, knocked down	A
Wheelbarrows, set up	3
Whips, boxed	1
Whiting	C
Wicking	1
Willow-ware	D 1
Wind-mills	1
Wind-mills, car-loads of 20,000 pounds	4
Windlasses, as machinery.	
Windlasses, ship, same as capstan.	
Window-shades	1
Wine, in boxes and baskets	4
Wire, coppered	B
Wire, copper or brass	4
Wire cork-fasteners	4
Wire, bonnet	1
Wire cloth and netting, boxed	4
Wire goods	1
Wire, fence	B
Wire, barbed fence	4
Wire fencing	4
Wooden-ware, boxed	4
Wooden ironing-boards	4
Wood skewers	4
Wood pipe	4
Wool, compressed	2
Woolen goods, in cases	1
Woolen goods, in bales	1½
Woolen goods in bales, owner's risk of chafing, released	1
Wrenches	4

Y.

Yarn, in cases	1
Yeast-powders	A
Yeast-cakes	A
Yellow metal	D

Z.

Zinc, sheet, in casks or boxes	B
Zinc paints	C
Zinc plates, stamped and japanned	4
Zinc, slab	B

American Merchant Marine.

SPEECH

OF

HON. P. B. PLUMB,

OF KANSAS,

IN THE SENATE OF THE UNITED STATES,

Tuesday, May 6, 1884,

On the bill (S. 1448) to remove certain burdens on the American merchant marine, encourage the American foreign-carrying trade, and for other purposes.

Mr. PLUMB said:

Mr. PRESIDENT: I do not know that I ought to detain the Senate for even a moment, as the prospect now is that a vote can be had upon the pending measure before adjournment. But there are considerations of a general character which have not been touched upon in the debate that are determinate of the vote I shall give and which I will venture to present.

It is proposed by this bill to remove some burdens from ship-owners; and the Senator from Missouri [Mr. VEST] proposes an amendment permitting all who choose to buy ships in whatever place and of whatever manufacture, and that the ships so purchased shall be entitled to American register and in all respects be entitled to the privileges to which ships of American manufacture are now entitled.

So far as the subject is involved in the discussion of the question of burdens imposed by law upon ship-owners which this bill proposes to remove, and other matters of like character, nothing could be added to the intelligent and eloquent speech made by the Senator from Maine [Mr. FRYE]. Convincing as they were, however, and conclusive as to the necessity for the passage for the bill, they do not meet a view of the case which presents itself to my mind as still more conclusive.

The evil to be remedied is the decadence of our merchant marine, and the question arises how to do it? Naturally and inevitably the cause of the decadence takes first place in all the discussion, and it is sought by speculation upon such cause to find the remedy. In the enumeration of such causes, burdensome legislation, rebel cruisers, and a protective tariff are mentioned, sometimes one and sometimes all, with varying degrees of attached importance and force.

To my mind the principal cause is apart from all these, although related to one. The decline of the American merchant marine is the logical outgrowth or result of circumstances which were practically beyond control. While this decline is to be regretted, it is not so serious a misfortune as is generally believed, and it even has its compensations. The question is primarily one of profit. In a secondary way, or whichever manner it may be put, one question is that of profit and the other that of national defense. As we have not been driven to consider the question of national defense with regard to any present necessity, and have therefore been free to follow those things which are most profitable, I shall endeavor to show why, with nearly everything desirable, we have no ships.

Practically, the decline of American shipping was contemporaneous with the breaking out of the war of the rebellion. It happened also that at that time iron was beginning to supplant wood as the material for the construction of ocean ships—a process which continued until wood entirely disappeared. This change gave to the ship-builders of Great Britain an obvious advantage, but it is inconceivable that American enterprise, skill, and capital, aided by legislation, which could then have been readily had if needed, would not have been equal to the emergency if nothing cut of the usual course had occurred.

But something unusual and of wholly unexpected character did occur. The rebellion was precipitated. Both sides were practically unprepared. There were neither army, navy, forts, arsenals, nor military supplies. All had to be provided, and by a people unused to war, and under circumstances which taxed most severely the resources and patriotism of the entire people. Neither side wanted sailors so much as soldiers, nor ships so much as cannon, small-arms, and means of internal transportation.

The land and the internal waters of the country were the chief theater of the war. Each side placed in the ranks every available man and the energies, the aptitude, the ingenuity of all the remainder and all the resources of both sections were profusely put forth to maintain the armies in the field. Such armies had never been seen and none were ever so lavishly supplied. Literally every resource of the country for and against the Union was brought into requisition. It was a struggle which thoroughly enlisted the sympathies, the pride, the determination of both sections, and nothing was omitted which could strengthen friend or weaken foe.

Armies were decimated only to be re-enforced by new levies; supplies captured, destroyed, or consumed, were replaced from granary and factory. Added to the grand total of the immense consumption of all the material of a great war was the enormous destruction of property, not alone nor chiefly that of army and military supplies, but of railroads, bridges, houses, fences, towns, cities, and everything necessarily made the subject of destruction by armies; marching, countermarching, foraging, destroying, fighting, wantonness, necessity for reprisals, and by accident or design, until the value of property thus destroyed was supposed to fully equal the amount of the war expenditures proper. This continued for four years, during which period all the burdens which could be borne were imposed by taxation, and these being wholly inadequate to meet pressing necessities were supplemented by borrowing, and the Union debt alone at the close of the war was more than $3,000,000,000.

The Government paid high interest for the use of money and large premiums to those who negotiated for it; there were great profits in contracts for military supplies, which, coupled with the necessities of the situation, the inevitable tendency of all effort and investment toward the things of the war, the danger to investments on the sea by reason of confederate cruisers, the strained condition of our relations with foreign powers at times, the displacement of wooden vessels by those built of iron—all these things operated to the almost total obliteration of our maritime commerce; and the American merchant marine, which for years previously was second only to that of Great Britain, had shrunk to nothing. The ships were gone, the capital was invested elsewhere, and the aptitudes for business on the sea had been forgotten.

But why, when the war was over, the soldiers discharged, and skill and capital and enterprise had gone back to the pursuits of peace, did not the American people reclaim their old position on the ocean? The answer is obvious enough to those who will look.

There were no ships to begin with. Everything needed to be built up from the bottom. There were no adequate facilities for building iron ships, the only kind then in use. The capital of the seaboard States was largely invested in Government bonds, paying high interest and escaping taxation. Ventures on the sea had assumed new form, the competition was greater than ever before, and capital would have been slow even under ordinary circumstances to go back to its old paths. But these circumstanc were far from ordinary. The financial situation was one of disturbance; rates of interest were high. The enormous destruction of property during the war called for investment to replace it. The resources of the South were wholly exhausted and she leaned upon the North for means with which to resume business. But a more potential factor remains to be mentioned.

During the war the Government undertook the construction of the Pacific railroads. The exposed condition of the Pacific coast during the war, the wide separation of its communities from the rest of the country, the interruption to ordinary communication by means of hostile savages made their building a matter of national interest and of national defense. This was the beginning of a tendency to make investments in the West of a character and magnitude before unknown. These railroads penetrated new and almost unknown regions, developing fertile lands, mines, and great cattle ranges.

When the war closed nearly 3,000,000 men who were serving in the armies on both sides were discharged and returned to civil life. They were usually men in the prime of life, the pick of the land, physically, mentally, and morally. Going back home after discharge they found their places on the farms, at the bar, in the shops, behind the counters, in the offices, everywhere, filled by new men. It was not pleasant nor convenient nor profitable to sit down and wait for new opportunities in old communities. But a more powerful feeling operated on most of them. They had been educated by their service in the army; had played a part in the greatest drama of modern times. They had literally held the fate of a nation in their grasp.

Going out from the plow, the shop, and from the highways and byways of life, as it was before the war, they became actors in a broad amphitheater, and their horizon had widened, and their independence, force of character, and self-reliance had increased. When discharged, they had in them that spirit of adventure, that restless ambition which provoked discontent with the quiet and even currents of life in old and staid communities, and specially fitted them for frontier work, subduing the virgin soil and building up new empires.

What more natural than that a large proportion of these impatient, strong, self-reliant men should go to the new West? And so they did, from both South and North. It was the greatest and most significant hegira ever known in modern times. Kansas and Nebraska had but a fringe of settlement upon their eastern border; Dakota was uninhabited; Colorado consisted of but a handful of miners in her northern gulches; New Mexico had no white population; Montana, Idaho, and Washington Territories were scarcely inhabited, and Texas was yet a wilderness. Between the close of the war in 1865 and the year 1880 the States and Territories west of the Mississippi doubled and quadrupled their population, and then quadrupled it over again.

These men carried with them the same invincible determination and courage which had characterized them in the Army. Wherever they went they planted townships, and counties, and States. They created a demand for the railroad, for improved agricultural machinery, for household implements, and for all the appliances of modern and high civilization.

Thus every energy that had been previously concentrated to put down the rebellion was turned in the direction of filling up these places and supplying these wants. Since 1861 the American people have built

70,000 miles of railroad, the best railroads on the whole in the world. They have equipped them, too, superior to anything known elsewhere. They have opened up all the agricultural lands of this country. They have established the most complete system of transportation, enabling everything we produce to be placed upon the seaboard or wherever else it may be needed, making the plenty of one section fill the lack of another, until to-day we only know the average amount of crop without feeling a shortage in any particular locality.

There never has been such progress in a material way in the history of the human kind. With it all there has been a great and phenomenal prosperity. The only thing anybody has found wherein we lacked was simply a merchant marine. We have acquired everything else that skill, that industry, that energy could possibly give to a people.

During this time we have been operating under what is called a high protective tariff. I say nothing now concerning the wisdom of that policy, because it is beyond the necessity of discussion at this juncture. But under the operation of that or in opposition to it, whichever it may be, we have seen every single article of manufacture steadily decrease in price; everything that enters into the construction of railroads, everything that enters into the construction of agricultural implements, every article of clothing, every article of necessity of any kind or description for the use of man steadily cheapened. We have built the railroads, opened the farms, and fenced them. We have provided the farmers with machinery whereby their lands can be cultivated in such a way that notwithstanding the greater necessities of the owner, notwithstanding the higher-priced labor which cultivates them, we have driven Russian wheat, produced by cheap labor, substantially out of the markets of the world. Fifteen years ago 22 per cent. of the wheat sold in Liverpool was American and 44 per cent. Russian wheat. The conditions are now exactly reversed. That is something to have gained. It was something we needed to do, and we needed its accomplishment a great deal more than to push ourselves out on the ocean for any purpose whatever.

The ship-builders of Boston, when our vessels were driven from the ocean or they were obliged to sell them during the war, engaged in railroad building. The Nickersons, the Peabodys, the Burrs, the Speers, and men of that class, who had millions of dollars invested previously in ships, took up new enterprises in the railroads of the West, and realized more than they could have made in shipping. The people of our Eastern coast, where ships were built before the war and whose owners counted their profits in foreign ventures, were glad to drop them, and find in this new tide of emigration westward an opportunity for investment and profit on land such as had never before been witnessed.

We had not even sufficient money for such vast enterprises, but were obliged to borrow it. I do not feel more affronted at the idea of having the goods I am interested in carried in a foreign bottom than carried on a railroad the stock of which is held abroad. We borrowed money to build railroads, and obtained it from all over the world. In doing so, we have laid a needed foundation for that conflict which involves the commerce of the world; and without this foundation we should have had little chance in the struggle.

This process has gone on from time to time and we have constructed these great lines of railroad. We have filled up all the interior spaces. The railroad building of the future is to be separate and distinct from anything known in the past. Independent lines of railroad are to be built no more. The railroads of the future are to be the cross-sections and transverse lines in the shape of branches. New capital will not have to be sought hereafter as heretofore for the purpose of building lines of railroad; but the present source of supply, the capital already enlisted in railroad building, will construct the railroads of the future. That much of the work is done, and now the people who have turned their faces westward are beginning to find the necessity of other outlets; and by a natural process, as natural as that of evolution, the American people are facing the other way. We are now on the threshold, in my judgment, of a development outward, of a contest for the foreign commerce of the world for which we have been preparing, and in which, if not interfered with in some untoward way by legislation, we shall achieve as great a triumph as in the development of the internal commerce of this country.

During this time steel rails have decreased in price from $160 to $35 per ton. We are now almost at the point of competition with England. We are on the very threshold of realizing the full fruition of all we have ever hoped or claimed as the result of the policy which would build up our own industries to the exclusion of those of other nations. There is no enterprise in the world beyond the ability of the American people to compass when once they address themselves to it. There is no problem their ingenuity can not solve; there is no obstacle their courage will not overcome; there is no controversy in which they will ever engage from which they will not emerge triumphant. They have not struggled for maritime supremacy during the last twenty years. They have been content with their work of internal improvement; they have been content to develop the soil, to build up new States, new communities, new sources of agricultural and other productions, preparatory for this other strife that must ensue and for which they must be ready before they undertake to engage in it.

Now that this has been accomplished, these same forces, augmented by our great population and other attendant acquisitions, are ready to embark upon the sea. By that resistless movement which has characterized our people in their struggle with the elements of nature they are about entering upon this struggle on the ocean for the commerce of the world. We have arrived at this point now, and must determine whether we shall employ in this contest for supremacy the agencies which we have heretofore used successfully, or whether we shall at this juncture, when ready to enter upon the triumph of a new career, abandon the policy heretofore adopted and surrender all we have gained during these long years.

With steel at $35 per ton and still cheapening why should we now yield to the cry for "free ships," which simply means British ships? Why should we now enter upon the deplorable business of buying foreign ships, when we are only within a span of our ability to build them at home as cheaply as Great Britain or any other country? The Senator from Missouri says it is because of sentiment. Somebody is tired of flying the British flag or of owning a British ship under a British flag, and he wants to fly an American flag. An American flag over what? Over an American ship? Oh, no; not over an American ship, but over a ship that is American only by purchase! Every piece of rigging, every bolt, everything from the keel to the topmast is to be the production of foreign labor, except the bunting, perhaps, and I do not know but by the adoption of this policy even the bunting of which the flag was made would be of British manufacture. My friend from Massachusetts shakes his head. I believe the governor of that State owns a bunting factory.

Mr. DAWES. The late governor.

Mr. PLUMB. The late governor of Massachusetts owns the only factory in this country for making bunting.

A navy and a merchant marine which is American only by purchase does not answer to the American sentiment from which has been evolved free government and a race of people proud of their achievements and confident of their future.

Such an American navy brings vividly to mind the major-general in the opera, who bought an old baronial estate, in which were buried some generations of previous owners, and who tearfully claimed the occupants of the tombs as his ancestors, because, while he did not even know who they were, he knew they were his, because he had purchased them!

Mr. President, an American marine composed of British ships would be a complete parallel to General Stanley's performance in the "Pirates of Penzance." If the American flag is to fly, let it wave over something which is American throughout; let it not be a case of false pretenses.

The American flag should float over the product of American labor, American skill, American capital, and American soil. What humiliation it would be for the ship carrying the national ensign in foreign waters, where they are the only exponents of American power, to be obliged to confess that not in one single plank or plate did she represent anything American; that notwithstanding our possession of all natural advantages and our boasts of progress and of power, we could not build a ship, but were obliged to buy from our rivals!

But, Mr. President, matters personal have been brought into this debate to prejudice the conclusion of the Senate. We have been solicited to believe that the few who have heretofore under discouraging circumstances constructed the vessels which constitute our coastwise marine and all that is left of our ships in the foreign trade are men who are so overreaching and corrupt that it is better to buy of our foes than to enter upon a policy of naval or merchant-marine construction which might possibly give added business to these men.

I have heard these suggestions before, but I believe they are without foundation in fact. I believe the only true charge that can be brought against them is that they are American ship-builders, men of skill, of capacity, of great enterprise, and, as I believe, of unsullied character, who are building American ships out of American material on American soil, and who know by a sad and disastrous experience the burdens that rest upon American ship-builders as compared with those of other nations, and who, as is proper, bring the evidence of this before Congress, and ask that they may be given even chance in the race.

Mr. President, they are the sole evidences to-day of the skill of the American people in the direction of ship-building. Eliminate John Roach, Cramp & Sons, Harlan & Hollingsworth, and men of that stamp, and there is nothing left to show that there ever was an American ship built upon American soil by American labor, or that the American people have any capacity for enterprise of that nature. And yet these gentlemen are held up before the American Senate and the American people to be animadverted upon, for what? Nothing is charged against them concerning the manner in which they build their ships, no accusation that they differ from other keen business men who, taking the chances of business, endeavor to secure a profit. I wish there were hundreds of such firms, and I will not by any vote of mine to be given here contribute toward breaking them down. I will do everything possible to aid other men of the same kind, imbued with the same energy, the same spirit, the same skill, in engaging in the same business, so that American ship-building shall not be limited to four or five establishments, but comprise a legion, if possible.

I want an American merchant marine, but I want that American merchant marine, as I have said, composed of ships made by Americans and out of American material. Here are the representatives on this floor of an interest in the South just coming into prominence. One of the most conspicuous of them sits before me now. He knows and I know that if the process of development remains unchecked there will be built of Georgia and Alabama iron, converted into steel, on the Gulf of Mexico, within five or ten years hence, ships as cheaply constructed, so far as material is concerned, as any that Great Britain can build. Yet, after going through all this work of preparation, all these years of delay, all these years of internal development, and getting ready for this contest, we are called upon to surrender without firing a shot, to give up the whole battle, and consent that as to any and every foreign trade we enter we shall do so dependent upon Great Britain; sustain the ship-yards of the Clyde; let the ship-building of this country cease, and let all the skill, all the investment of capital, all the accumulation of plant go to ruin, so that when we may want ships as against Great Britain some of these days her market will be closed to us, and we shall have no remedy.

But it is said we lack American sailors. Mr. President, the same cause that diverted the shipping-men of Boston and of New York out of that business into railroad building has taken the material for sailors out West, too. Now the moment a boy gets of age he leaves the old home and goes West. The soil of that section is an invitation to him to make his own home and maybe his fortune. This is the chance for exercise of his individuality, and his individuality takes him West; but that is soon to become a thing of the past. Nebraska and Kansas and Iowa and Dakota and Montana, inviting as they are, are not the same fields they were fifteen years ago. They are changing every day; and within the next decade, instead of emigration going from East to West, there will be a return tide of emigration. The West will give back with interest to the East what it has taken, and the young men of New England, born in sight of the sea, in lieu of following the example of their fathers, and, as in the last twenty years, seeking investment of ambition and of capacity and of skill in the Western portion of our country, will find their chance upon the sea or in foreign countries, where they can better realize their ambition for fortune than upon American soil. Wherever they go they will be missionaries for American commerce.

We should let the processes which have brought so much of good and promise so much for the near future go on. Year by year more goods of American manufacture go into foreign markets. The capital that has built the railroads will go into new factories and into new ship-yards. More of our people are going for permanent location each year to Mexico, to South America, to all foreign lands. They will do in a measure for our commerce what British commercial agents and colonists have done for that of the mother country. This will still more stimulate the building of American ships, and to this is to be added the outward tendency of which I have spoken.

With a continent under their feet spanned by great lines of railroad, with almost every acre of the American soil thus brought within reach of the whole world—we know the capacity of every acre now under the American flag—and armed thus with the accumulation, with the results, of all these years of labor, the American people are ready now with cheaper materials and with cheaper products, that have not been cheapened by cheapening the price of labor, but by the skill and ingenuity of American mechanics, by the aptitude they have displayed, by the keenness of competition which has developed everything in the situation, we are ready now and just on the eve of entering into a serious contest with Great Britain and Germany for the commerce of the world.

Shall we carry that commerce in American bottoms? Shall we manufacture its chief instrumentalities on American soil? Will we, with all this plenitude, with all these accumulations, of wealth, rejoicing in our strength as a strong man to run a race, and believing as we do in the glorious destiny of the American people, surrender our opportunities or shall we hold them? Shall we make supreme effort to build up our commerce or will we strike it down? The Senator from New Jersey says, "Strike it down." He states he would say to American shipowners, "If you can not stand this, then away go your shops!"

Mr. President, I am not ready for that. I am sorry to hear a Senator representing a State with, comparatively speaking, no agricultural capacities, built up by a system which has enabled his people to charge higher prices to my people for things they produce, which of course we were willing to buy, say in regard to this great industry so necessary to the welfare of the American people, "If it can not stand now a particular kind of competition, then let it go down!" I would never let it go down.

I hope to see the time when ships carrying the American flag will dominate every sea—ships which are truly American. I hope never to see the time when the American Government will need to buy a single ship anywhere for purposes of defense or offense. In that one particular at least more than any other, except in the production of food, we ought to be absolutely and unqualifiedly independent of the world.

Now, who are to be benefited by "free ships?" The consumers in the West? Not at all! It is to benefit a few men on the seaboard, who now can put their money into British ships if they desire. They can take stock in British companies and buy British ships and fly the British flag. Yet to gratify their pseudo sentiment, which strikes this blow at American ship-building, it is proposed to give them the choice of what they do—to say to these men of money, we will abandon, we will dismantle our ship-yards; we will discard the opportunities to American labor and yield them to men who have enough already. Surrender all to capital! That is what it is! It is not to bestow anything to labor, neither labor in the shop nor labor on the farm, but to give it to capital. Capital on the seaboard, capital interested in the foreign trade, capital largely disdainful of the interior influence of this country, and of that which most concerns the American people! That is the issue! The proposition is plainly in the interest of foreign manufacturers of ships, of those who employ foreign labor on foreign soil. Can there be any doubt as to which side the American people will take?

Mr. President, there is one contingent which has responded to the interests and to the wishes of the Democratic party under all circumstances and on all occasions. That is the Irish contingent. If I know anything about the Irish, which I confess is not much, I imagine they will not look with any great favor upon this effort of the American Congress to elevate their old oppressors above the American people or the American Government. Think of Irish-Americans in this country, which they have fought to maintain, whose fields they have tilled, whose every calling they have occupied fruitfully—think of these men contributing to a policy which hoists the American flag only where British labor and British capital are under it!

If this sentiment surrounding the American flag is to be held so cheaply, we might hire the British Government perhaps to exhibit it for us at so much an hour! If the flag is to stand for naught, if it is to represent nothing of American skill, no American investment, nothing that is material to the American people, let us emblazon it, like the sign of "Cuticura" and "St. Jacob's Oil," at so much a yard, through the medium of some enterprising sign-painter, on the rocks and roofs, on the highways and in the byways, and on the temples of the Old World, as an advertisement that there is such thing as the American Government. The cheaper this is done the better, for according to our Democratic brethren it is only the display of the bunting they are after.

But, Mr. President, the flag is nothing in itself. Unless it stands for something why float it? But the American people believe in it as a symbol, as representative of the power, the purposes of a great and free people. Wherever, therefore, it is spread to the breeze let it have underneath it all possible that bespeaks American labor, American genius, American courage, and American manhood.

Thus flying at home or abroad it will be the emblem of hope to the oppressed of the world, a symbol of liberty and progress.

Rivers and Harbors—Maryland and Delaware Free Ship-Canal.

SPEECH

OF

HON. FETTER S. HOBLITZELL,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. HOBLITZELL said:

Mr. CHAIRMAN: The policy included in the terms of the appropriation to aid in the construction of the Hennepin Canal I deem second to none in its importance upon which this Congress is called to legislate, inaugurating, as it will, a system of internal improvements of vast interest to the producing elements of the country, agricultural, mining, and manufacturing, destined to exert a wide, beneficial influence upon our interstate and foreign commerce, and I feel that I would be neglecting a prime duty did I permit the opportunity to pass without raising my voice in its behalf, being the author of a similar measure to connect the waters of the Chesapeake and Delaware Bays.

A century ago was begun the agitation of a policy of internal improvement by roads and canals that we might hold and people our vast Western territory. To-day we are brought face to face with the consideration of the same policy as an important adjunct to the rail-and-water system of transportation intersecting our common country in the interest chiefly of agricultural development and cheaper freight rates. Our fathers, in the practice of a wise statesmanship, formulated their legislation upon the trite aphorism of "the greatest good to the greatest number," believing the theory of our Government hinged upon that principle. Measure after measure was passed by Congress looking to the perfection of such a system of roads and water ways to intersect our country, to stimulate production, build up its wealth, and at the same time cement the bonds of our Union indissolubly. Necessarily the

power to do this work was vigorously opposed by the strict constructionists of our written Constitution, but none doubted the vital importance of such a system in the development of our vast resources. Millions of the public revenue from time to time have been appropriated and expended in various States in this direction and the system treated as the established policy of the Government, so that I do not deem it necessary to engage in the discussion of the constitutional power of Congress to aid such works of internal improvement at this point in our history, after nearly a hundred years of unbroken contributions by the Government to such measures of great public necessity. But since the application of steam-power for the purpose of transportation by means of railroads the entire country, States and Territories, has become so intersected by the iron and steel rivers of commerce, moved and controlled by the cupidity of individual capital exerting corporate franchises, that the legislative power of Congress to call into action the sleeping energies of our vast water ways has been rarely exerted except by appropriation of money for the improvement of rivers and harbors. And this generosity of our Government has been so unfairly dealt with as to bring odium upon the sum annually contributed for these beneficent purposes.

Sir, the influence of corporate power, direct and indirect, upon all legislation proposing to enlarge and perfect our splendid national advantages in aid of internal commerce is too well known to be seriously denied, and the intelligent and serious consideration of such a measure as proposed by the appropriation now before the committee is difficult to obtain.

Sir, before this splendid railroad system was ever dreamed of by the wildest visionary, as I have already intimated, our fathers gave ample proof of the vital importance of these highways to the commerce of America, and they earnestly sought to develop such a plan of internal improvement by roads and canals as would lead to the development of our boundless resources and build up the wealth of our people. But the genius of steam-power brooded over the situation, and, like Minerva from the brain of Jove, this great rail system, the wonder of the age, leaped into life and action. To-day, appreciated in the length and breadth of work, it is simply marvelous. During all this season of development of rail-power, moving with the speed of the wind and the regularity of the tides, the improvement by roads and canals was abandoned to individual enterprise in the several States. But I submit that what was wise statesmanship in the infancy of our Government, before the introduction of steam, both as to roads and canals, is pre-eminently wise statesmanship now as to canals, offering as it does the only practical solution of the great railroad problem of the age—the regulation of freight charges upon railroads by forces operative in transportation and in trade, and wholly within our constitutional powers.

The best minds of the country, devoted to the thoughtful study of this object, agree that it is only upon free highways that the laws of competition and of supply and demand can operate untrammeled in their regulating power over transportation rates of charges by railroads. And our plain duty, seeking to bestow the greatest good to the greatest number, commands the immediate development of such of these water ways as will open up the largest capacity of our water communication into such a system of free highways as will bring its regulative power into the fullest action.

The advantages to flow from such a factor can be better imagined than portrayed by any words I might use to describe them.

The rich harvest of wealth reaped by railroads—almost fabulous—is a heavy tribute wrung from the tillers of our soil, the food producers of our people, the great agricultural interests of the country; and whatever cheapens the cost of transportation benefits both the producer and consumer, and, like the quality of mercy, is twice blessed. Contemplate for a single moment the wonderful food production of America as shown by the statistics of the Tenth Census, and calculate the magnitude of the saving to wealth by the reduction alone of one penny per bushel upon the freight charge for the transportation of the vast yield of our grain product for a single year. Add to this productive power the energy of this wealth so saved from year to year, and you can aggregate the total of our agricultural capacity at the end of the next decade. Do I speculate? Am I visionary when I declare that America has the golden opportunity of becoming the bread-producing power of the world, if our lawmakers act with the wisdom of statesmen?

In 1880 the whole country produced 2,666,313,534 bushels of wheat, corn, oats, and barley, while 1,511,435,711 bushels were produced by Illinois, Iowa, Wisconsin, Minnesota, Missouri, Nebraska, Kansas, Arkansas, Texas, and Dakota. This Territory, with Kentucky, Tennessee, Georgia, Alabama, Mississippi, and Louisiana, in the aggregate show 151,686,230 acres of uncultivated farm lands, inviting development defying all calculation as to its possible aggregate product when capital moves in its cultivation.

Enormous as this vast product of agriculture is, it is quite insignificant as compared with the rapid increase which has transpired from year to year. Thus in 1865 the total wheat product of the United States was 151,999,296 bushels. In 1880 the nine States and one Territory (of Dakota) exceeded the yield by 51,556,075 bushels.

The total exports of grain during the year ending June 30, 1880 (wheat flour, corn-meal, and rye flour being reduced to bushels), amounted to the large sum of 284,707,808 bushels, of which 180,304,181 bushels consisted of wheat, and 99,592,329 bushels of corn. The totals of both wheat and corn amounted to 279,876,510 bushels, and constituted 97.25 per cent. of the total exports of grain during that year. The year 1872, says Mr. Nimmo, appropriately marks the beginning of the transportation of grain by rail from points as far west as Chicago to the Atlantic seaboard, when the exports of wheat from the United States increased from 26,423,080 bushels to 153,252,795 bushels in 1880; the exports of wheat flour increased from 2,514,535 barrels in 1872 to 6,011,419 barrels in 1880; and the exports of corn increased from 34,491,650 bushels to 98,169,877 bushels during the same brief period—an increase, he declares, constituting one of the most remarkable developments of commerce ever recorded in the commercial history of this or any other country.

In the decade from 1871 to 1881, to June 30, the increase was from $428,398,908 in 1871 to $883,925,947, amounting to the aggregate of $445,527,039, an increase which was mainly due to the large export of breadstuffs, provisions and tallow, cotton and its manufactures, live animals, leather and its manufactures, and wood and its manufactures, constituting 82.12 per cent. of all the increase of domestic merchandise, as exhibited by the following table:

Commodities.	Value of exports during year ended—		Increase.
	1871.	1881.	
Bread and breadstuffs	$79,381,187	$270,332,519	$190,951,332
Provisions and tallow	41,870,254	158,328,896	116,458,642
Cotton and its manufactures	221,885,245	261,267,133	39,381,888
Live animals	1,019,604	16,412,398	15,392,794
Leather and its manufactures	1,897,395	8,088,445	6,191,050
Wood and its manufactures	12,916,542	18,600,312	5,683,770
Total increase in the export of above articles			374,059,476

Of all this increase the value of the breadstuffs, provisions, tallow, and live animals, which together amount to $332,802,768, constituting 79.5 per cent. of the aggregate, are chiefly the products of the tier of States and Territories before named.

This vast production both for home consumption and exportation to foreign countries was specially brought to the notice of Congress by the President of the United States, and on the 16th of December, 1872, the Senate of the United States passed a resolution and appointed a select committee to investigate and report upon the subject of transportation between the interior and the seaboard. That committee made a most able and elaborate report of their extended investigation into this delicate and complex subject, covering the fullest consideration of the question of freight rates and prices of cereals here and in foreign countries, the due and most natural course of our grain trade, the relative cost of transportation both by water and rail; and the conclusions of the committee are that our vast agricultural interests can not rely upon reductions in freight charges as the fruit of legitimate competition among existing railroads now operating or that may be added in the future to this branch of transporting power.

Private cupidity will always govern and control the operations of these corporate enterprises, and their immense power singly or in combination will ever be equal to the exaction of the uttermost farthing which the agricultural products of the country will bear in the imposition of their schedule of rates, illustrating and pointing the hopeless struggle of Laocoon and the serpent. This distinguished committee considered also the grave and delicate question of Government interference in the regulation of the transportation rates of these gigantic railroad corporations, and as well the feasibility and propriety of the policy included in the construction of railway lines owned and controlled by the Government in order to secure by honest competition just and fair rates for transportation, and they solemnly concluded that the only legitimate, feasible, and certain mode of relief left to the country must be the outgrowth of a comprehensive system of improvement of our natural water ways and the construction of artificial ones.

Upon this question there can not be two opinions, and the sooner the people are awakened to their true interest and the necessity of returning to that wise policy of our fathers, abandoned for a time in the interest of railroad development and in the more rapid carriage of freight, the better for both producer and consumer. Who are interested in the defeat of such legislation? The farmer who tills his soil, scatters his seed, and then trusts the bounty of heaven for rain and sun to ripen for the sickle an abundant harvest of golden grain? What need that he should enlarge his power of production over and above the wants of his family if the bulk of his surplus is to pass into the coffers of railroad magnates to swell to fabulous proportions the wealth of their stock and bond holders? Sir, this is a vital question to the whole people. The obligation rests with the Government to stand forth in its might and power and command for our people by every legitimate means within the Constitution that measure of justice now withheld by the greed of cap-

ital, controlling the commerce of the country over the vast system of railroads penetrating every State of the Union.

In the measure I proposed for the construction of the Maryland and Delaware Free-Ship Canal is presented the opportunity to secure a most powerful adjunct in the great work of restriction and regulation of railroads in their merciless greed, and destined to eat up the legitimate fruits of production, unless this natural and feasible regulative power of free water ways is called into full play. This measure not only commends itself to Congress, if our Government is to maintain a fostering care over its commerce, foreign and domestic, but for its inestimable value as a short interior line of communication, and a powerful auxiliary in connection with the policy of our Government in perfecting its coast defenses, to enable it to meet the dire exigencies of a war with maritime powers. The building of this canal has received the consideration of the Government for many years past, was favorably reported upon by the Committee on Railways and Canals at the first session of the Forty-seventh Congress, and an appropriation of $10,000 made for the purpose of having determined by a survey and report of the Engineer Department of the Government which of the three routes previously surveyed and estimated for was the best and cheapest both for the purposes of commerce and the national defense, the bill having left the question of route to be determined by a board of Army engineers to be appointed by the Secretary of War, with power in the majority to determine the route. That survey was completed and regularly reported to this Congress, and the recommendations in it have been incorporated by way of amendments to the bill, which was again favorably reported by the Committee on Railways and Canals and is now upon the Calendar of the House awaiting consideration.

Sir, Baltimore, at the head of the Chesapeake Bay, holds geographically a commanding position with respect to all Western traffic seeking a market in foreign countries, and its terminal facilities for the handling and shipment of agricultural products are of the amplest character, commanding a large share of that trade during the past decade. The Baltimore and Ohio Railroad alone exhibits a growth in through tonnage from 1871 to 1883, East and West, almost miraculous, as will be seen by the following table:

The tonnage of through merchandise, East and West, was for—

	Tons.		Tons.
1871	435,207	1878	1,149,499
1872	557,609	1879	1,425,629
1873	640,265	1880	1,980,397
1874	752,256	1881	2,014,110
1875	872,101	1882	2,043,227
1876	1,093,393	1883	2,108,325
1877	1,047,645		

By reason of that geographical position this Baltimore and Ohio Railroad, the pioneer of our rail system, asserts its strength and power in the great contests which from time to time have sprung out of the rivalry of the various trunk lines for this east-bound trade, the port of Baltimore being nearer to every interior point of those sections of the country drained by these several lines than the great metropolis of New York, as will appear by the following tabulated statement of distances:

Distance from—	To New York.	To Baltimore.	Difference.
	Miles.	Miles.	Miles.
Chicago	912	804	108
Detroit	672	639	33
Toledo	695	579	117
Cleveland	598	466	112
Pittsburgh	444	327	117
Cincinnati	757	579	178
Saint Louis	1,065	920	145
Indianapolis	825	684	141
Louisville	851	696	155

Of all the tonnage comprising the traffic at this port the receipts in grain alone aggregated an increase from 7,753,508 bushels in 1868 to 37,867,054 bushels in 1881, which does not include flour receipts, a falling off in 1882 and 1883 resulting from the shortage in crops during the year 1881. The value of the export and import trade of Baltimore in 1882 amounted to $57,992,744, while its export trade alone in grain and other products of agriculture reached in 1883 as follows:

Wheat, bushels	15,500,000
Corn, bushels	10,500,000
Cotton, bales	225,000
Flour, barrels	275,000
Flour, sacks	200,000
Tobacco, hogsheads	45,000
Tobacco, manufactured, pounds	240,000
Lard, pounds	9,500,000
Cattle and sheep	20,600

The national character of this work is manifest from the commercial advantages to be derived and its importance as an interior line of communication for use in the national defense.

Commercially speaking, its construction will be of inestimable value; because it will provide an additional outlet for the distribution of the produce of the Ohio and Mississippi Valleys at Baltimore, constituting it the peer of New York in all those respects which make up the advantages of shipping ports in matter of distance, time, and freight charges, creating and stimulating a vigorous competition, with its shared benefits to the producer of the West, the importer of the East, and the consumers of the whole country on all East and West bound traffic.

Mr. Nimmo, in his report of foreign commerce for 1883, shows the growth of our export trade since 1820, and I append it to show how much the largest proportion of that trade is of agricultural products than all others, and the vital importance of developing every element of our commercial power in aid of the fullest agricultural development and distribution for consumption.

Values of exports from the United States of domestic merchandise and of the exports of the products of agriculture, and the percentage which the exports of such products bear to the total value of exports of domestic merchandise, for the years mentioned.

Year ended June 30—	Value of exports of domestic merchandise.	Value of exports of merchandise other than products of domestic agriculture.	Value of exports of products of domestic agriculture.	Per cent. of products of agriculture.
	Dollars.	Dollars.	Dollars.	Per cent.
1820*	51,683,640	10,025,967	41,657,673	80.60
1830*	58,524,878	10,429,694	48,095,184	82.18
1840*	111,660,561	19,112,404	92,548,067	82.93
1850	134,900,233	26,294,520	108,605,713	80.51
1860	316,242,423	59,681,451	256,560,972	81.14
1870	455,208,341	94,019,858	361,188,483	79.34
1871	478,115,292	109,649,281	368,466,011	77.07
1872	476,421,478	107,624,853	368,796,625	77.41
1873	575,227,017	128,327,013	446,900,004	77.69
1874	633,339,368	131,967,877	501,371,501	79.16
1875	559,237,638	128,931,068	430,306,570	76.95
1876	594,917,715	138,804,200	456,113,515	76.67
1877	632,980,854	173,246,706	459,734,148	72.63
1878	695,749,930	159,557,057	536,192,873	77.07
1879	699,538,742	153,062,039	546,476,703	78.12
1880	823,946,353	137,985,262	685,961,091	83.25
1881	883,925,947	153,531,004	730,394,943	82.63
1882	733,239,732	181,019,013	552,219,819	75.31
1883	804,223,632	184,954,183	619,269,449	77.00

* Year ended September 30.

Sir, this competition must have a twofold effect, as I have intimated: One to lead to a reduction of the rate of freight charges to and at the port of shipment to foreign lands; another, to stimulate the producing energies of our great grain empires; and it is the highest order of statesmanship to provide for that development. Our past wonderful growth admonishes us to open up this natural gateway to the sea to meet that productive power when it shall be at its zenith, and New York is unequal to the mighty task of discharging our cereal surplus to a foreign market.

In no sense can this be tortured into mere local rivalry with that great metropolis, the recognized heart of all our commercial and financial operations. No, sir. Like that great motor of the human body, New York should extend its growth and power, and will inevitably do so in proportion as the whole system working harmoniously adds to the growth and power of its parts.

The commerce of this people is the life-blood of our national wealth. Magnify that current by whatever means you may, or at whatever point of a perfected system of commerce, and necessarily you magnify the supremacy of the power of the great commercial centre of the country at New York. I appeal to members upon this floor against that spirit of petty rivalry seeking a present advantage. No such disposition should be permitted to stand in the way of progress, and this development of a perfect whole, outlining the future giant of our trade, foreign and domestic, moving with colossal stride as the natural and inevitable manhood of the present vigorous child of our commerce. The States of Maryland and Delaware could not be expected to build a free highway to the sea for the commerce of all the States and of all the world, and its construction by these States would first require the assent of Congress. If they should undertake its construction it could only be built and sustained as a toll canal, which would destroy its regulative power on rates of railroads, and the country would lose the value of the competition.

But, Mr. Chairman, I submit that this canal should be built by the Government as a means of national defense, and I call the attention of the country to an extract from the report of the present Secretary of the Navy, made to this Congress, recommending its construction as of the utmost importance. The Secretary says:

There is one measure of national defense in regard to which the argument can not be made, as in the case of ships and guns, that modern discovery is likely to make such improvements in the art of construction that action might for the present be deferred. This is the creation of an interior coast-line of water ways across the head of the peninsula of Florida, along the coast from Florida to Hampton Roads, between the Chesapeake Bay and the Delaware, and through Cape Cod. To these should be added a railroad from the mainland of Florida to Key West. To secure the combined commercial and military advantages which these avenues for merchant and naval vessels would afford, work should

be immediately begun and deliberately and economically prosecuted, and not left to be done hastily and expensively in an emergency.

And to this I desire to add an extract from the report of Captain Turtle, an engineer of the United States, who made the surveys from the Maryland and Delaware Canal, giving force, as it does, to the suggestions of the head of the Navy Department. He says:

It will be doubted by no one that a deep-water connection between the two bays would be of vast importance in the contingency of war with a maritime nation. Such a connection would provide a means of concentrating the floating defenses of the two bays, and besides this would render more secure the communications between the naval stations of Philadelphia, and Norfolk, and Washington. Vessels defending a port have two offices to perform, the one being to assist in the direct defense, or to prevent capture or occupation by a hostile force, the other being "the prevention or breaking up of blockades." Without the canal a blockade at the capes of the Delaware would close the port of Philadelphia, or a blockade at the capes of Virginia would close the outward commerce of Baltimore and the other ports of the Chesapeake. With the canal built where communication would be secure, neither the ports of Philadelphia nor of Baltimore could be closed, unless an effectual blockade were established both at the Delaware and Virginia capes. The disadvantage to the attacking party is obvious, while the defending vessels could concentrate at either outlet, and breaking the blockade at one point would open both ports and render the blockade useless at the other outlet.

It may be assumed that if a war with one of the great naval powers should arise, and the mere appropriation of the money could provide such a channel of communication between the bays, the amount would be at once provided without hesitation. That would, however, be too late.

I appeal to this committee in behalf of this appropriation in order to inaugurate this policy not only of improving our natural water ways, but the construction of all artificial ones, in the development of that full regulative power over railroads; in the determining of rates of freight, and as a stimulant to production, and wherever they will afford the Government additional means of protecting her people in the throes of war.

Our Indian Policy—"The Sanctity of Plighted Faith"—How "The Indian Problem" is to be Solved—With a few Words in regard to our Public Land Policy.

SPEECH

OF

HON. BYRON M. CUTCHEON,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 10, 1884.

The House having under consideration the bill (H. R. 4384) relating to the disposal of the Red Lake Chippewa reservation, in the State of Minnesota—

Mr. CUTCHEON said:

Mr. SPEAKER: I shall occupy the attention of the House but a short time with what I shall say in criticism of this bill. What I may say will not be to call in question the good faith or the integrity of the committee which reported it, or of any member of that committee. I know too well the high character of these gentlemen and their well-known reputation in this House to believe for a moment that this bill is reported for any other purpose than that which appears upon its face; that is, to open this reservation to settlement. But a somewhat careful examination of this bill and all of its provisions has led me to believe that through it great abuses may arise, and that by it not only the Indians but other interests may suffer.

The idea which I have in my mind has been indicated by other gentlemen upon the floor. I think if this had been entitled "A bill to enable pine-land speculators to acquire cheap stumpage on the Red Lake Indian reservation in Minnesota" it would have been a more appropriate title than that which it bears. At least it would express the effect, if not the intent, of the bill.

As I look through this bill I find that its presumptive purpose is indicated in its preamble, in the second paragraph of the preamble, as follows:

Whereas nearly all the lands of the United States in said State suitable for agriculture, and not included in any Indian reservation, have already been disposed of, and there is a great demand among the people of said State that the Indian title to said reservation be extinguished, &c.

That language, if it is to have any effect, would convey to the mind of those who read it that this land is wanted, not for the pine upon it, but that it is the agricultural land, that is desired for agricultural purposes. And yet as I read through this bill, section by section, the impression comes to my mind, and is strengthened with every section, that the real purpose of the bill is not to acquire agricultural lands at all, not to open that country to agricultural settlement and cultivation, but to give somebody the opportunity to acquire the 500,000 acres of pine lands.

Mr. NELSON. Will the gentleman allow me to interrupt him?

Mr. CUTCHEON. Yes, sir.

Mr. NELSON. If the gentleman from Michigan can suggest any manner in which that pine land can be sold upon better terms than under the provisions of the bill, I should be glad to have him do so. For my own part I have no objection if the House sees fit to put in a rate of $2 or $3.

Mr. CUTCHEON. To proceed, Mr. Speaker: I shall not undertake here and now or elsewhere or at any other time to answer the remarks of the gentleman from Colorado [Mr. BELFORD], for I concede that so far as I am concerned they are entirely unanswerable. I shall not undertake to answer them. If we were to follow the leading of the gentleman from Colorado he would take us out of this last quarter of the nineteenth century and set us back into the middle of the Dark Ages. The gentleman from Colorado evidently entertains the belief that was expressed elsewhere and in regard to another subject, that the red man has no rights that white men or anybody else are bound to respect. Mr. Speaker, I am not an admirer of the American Indian.

Mr. BELFORD. I should like to ask the gentleman from Michigan——

Mr. CUTCHEON. I do not believe in the heroics of Leatherstocking or Fenimore Cooper or anybody else in regard to the American Indian. I concede that the American Indian is a barbarian, has been a barbarian always; but because he is a barbarian it is becoming that we, who dwell in the light of the last quarter of the nineteenth century and who boast of our higher civilization and our Christianity, should treat him as civilized men and as Christians ought to treat him.

Mr. BELFORD. Will the gentleman permit me to ask him a question?

Mr. CUTCHEON. With pleasure.

Mr. BELFORD. What right has the red man of the forest that is pre-eminently great over the rights of the white man, who represents the highest type of civilization?

Mr. CUTCHEON. Mr. Speaker, I will answer the gentleman's question by asking another. What right have we to come here upon the land that was primevally the land of the Indian and deprive him of his rights, take away from him his soil, and make him an outcast upon that domain which the Almighty gave him from the foundation of the world? What right have we, when we have conceded this grant to those poor Indians by solemn treaty, which we as a great nation are bound more jealously to regard than we would be if they were our equals—what right have we to dictate to them upon what terms or when or how they shall part with that which is their own?

But, Mr. Speaker, I had not thought to dwell upon this general question of the Indian problem. It is one of those slow-moving problems for the solution of which time is requisite. The solution will come with the moving of the generations as civilization came to our forefathers. Let us not forget that it is not much more than a thousand years since our ancestors in the British Isles were worshiping with human sacrifices in their Druid temples, clothed in the skins of wild animals, and dwelling in the caves of the earth; and thence let us learn charity toward these red men who dwell with us and appeal to us for the protection of their domain and their homes. I took recent occasion pending the discussion of the Indian appropriation bill to express my views as follows:

There have been several different ways tried of dealing with this question. We have at one time treated the Indian tribes as independent nations with whom we could make treaties as with foreign powers. They have been nations to make treaties with until we have obtained their great domain; but we have not recognized them as nations for the purpose of maintaining and observing treaties on our part after we had gained possession of their lands.

Again we have treated them as wild beasts, without the rights of humanity, to be hunted with bloodhounds as they were in the Florida wars, and not entitled to the usages of civilized warfare.

We have begun, Mr. Chairman, within the more recent period of our history to treat the Indians as human beings, rational and immortal, who may be civilized, educated, and Christianized. This last is the one plan that promises the ultimate solution of the Indian problem.

I believe that the friends of Indian education have themselves been surprised at the success of the new method and the readiness with which the Indian children take to education.

The old idea that "the only good Indians are dead Indians" has been given the lie at Carlisle, at Lincoln School, at Hampton, at Forest Grove, among the Dakota schools, and in fact wherever the educational plan has been faithfully tried.

This question of how to treat the Indian problem must be met. The old idea that the Indians are "dying out" is not a true one. At the present time they are increasing, and they will hereafter increase more rapidly. They are soon to become factors in our States and local communities. It is only a question of a few years when they are to become citizens, and it is for us to prepare them for the rights and duties of citizenship. The first thing is to educate the children. Little can be done for the older Indians but to keep them as peaceable and contented under their changed relations as practicable.

But our hope is in the young. The first thing for us to do is to carry out our treaty stipulations with these Indian tribes. In the last report of the superintendent of Indian schools, upon page 7, I find the following, which I will read:

"Additional day-schools are also required at several of the agencies. In connection with this matter I present a table, showing our treaty obligations to several of the tribes named above and others not included in the above list, by which it will be seen what our failures have been. Due consideration is also given to what has been done for each tribe named. It will be seen by reference to this table that the amount which would have been required to fulfill these treaty obligations up to and including the present fiscal year would have been $3,759,400."

Under our treaties with these several tribes we are bound to maintain one school for every thirty children of school age in the tribe and one school-house

and one teacher. There is due to these tribes, under these treaty stipulations, for this purpose, the sum of $3,759,400, as follows:

Apache, Kiowa, and Comanche Indians (Exhibit A)	$284,200
Bannock Indians (Exhibit B)	44,200
Cheyenne and Arapaho Indians (Exhibit C)	283,100
Crow Indians (Exhibit D)	262,200
Navajo Indians (Exhibit E)	792,100
Northern Cheyenne and Arapaho Indians (Exhibit F)	167,800
Shoshone Indians (Exhibit G)	141,700
Sioux Indians (Exhibit H)	1,491,600
Ute Indians (Exhibit I)	292,500
Total	3,759,400

At the date of the last report of the superintendent there were seventy-five schools, supported in whole or in part by the Government at a total cost of $339,968.17 for the last fiscal year. I call attention here to an itemized table, giving financial statistics of Indian boarding-schools for the year ending June 30, 1883.

The first thing we have to do for these Indians is to fulfill our treaty stipulations with them; to do simply what we have agreed to do; to put at their disposal for educational purposes this fund which we owe them, as honestly owe them as one man can owe another any honest debt.

The second thing we have to do is to require of them to hold their lands in severalty. The very foundation of civil order is the ownership of property and the responsibility for its use. It gives, first, local attachment and individuality; second, it inculcates respect for the rights of others; third, it creates a regard for law and order and a dependence upon orderly government. It inspires the spirit of patriotism and attachment to the government which protects them and their property.

In the third place, we must give them civil rights under civilized law, and political rights as rapidly as their tribal relations are dissolved. Until these people are made amenable to the laws of the commonwealth within which they reside they will progress but slowly and under great disadvantages. They must be incorporated into the great body of law-acknowledging and law-abiding citizens, and then they will quickly assimilate in manners, in progress, in religion, and to those around them, and, swept along in the great current of civilizing influence, they will mingle in the common mass, and the "Indian problem" will be finally solved. But to this end we must provide the adequate means, and the first and most important of these is to keep all our treaty stipulations in the matter of education.

In this direction I firmly believe lies the true solution of this difficult question. I wish now to address myself to some of the specific provisions of this bill. And, first, as to the extinction of the Indian title. This land is a part of the original Indian lands of this continent. It never has belonged to anybody else. In the various treaties which this Government has made with these Chippewa Indians this land has been conceded to them and recognized as belonging to them. I take it that the title is in them just as perfectly and essentially as the title is in the gentleman from Minnesota or in myself to any tract which he or I may own. But this bill proposes to take this land—in what way? A commission is to be appointed by the Secretary of the Interior, or he may act in person, to procure a cession and relinquishment of the Indian title, "and such cession and relinquishment shall be deemed sufficient if made by the chiefs or headmen of said tribe of Indians in a public council or meeting of the band, assented to by a majority of the male adults of said band present at such meeting."

Mr. NELSON. Will the gentleman allow me to interrupt him?

Mr. CUTCHEON. Certainly.

Mr. NELSON. I want to say to the gentleman from Michigan that on the motion of some gentleman, I forget who, that was changed so as to require the assent of the majority of the tribe.

Mr. CUTCHEON. That is better.

Mr. NELSON. Allow me to say further, I stated, but perhaps the gentleman from Michigan did not hear me, that I had no objection to putting in any other number, two-thirds or three-fourths.

Mr. CUTCHEON. That would improve it very much. But the point I am going to make is this: it is a breach of that general principle of English jurisprudence that it requires two parties to make a contract. It would appear that we are going to make the contract for both parties. We who are the grantees in this arrangement are to determine what shall be sufficient upon the part of those with whom we contract. Then the bill goes on to provide further in the latter part of section 1—

And the acceptance and approval of such cession and relinquishment by the Secretary of the Interior shall be deemed full and conclusive proof of the assent of said Red Lake Chippewa Indians to said cession and relinquishment.

Just think of that for a moment. The assent of the Secretary of the Interior, who represents us and not these Indians, shall be taken as "full and conclusive proof of the assent" of the Indians. In other words, we are going to assent for both parties. The Secretary of the Interior is to assent for us, and then his assent is to be "conclusive" upon the Chippewa Indians as well. I object to that. It is enough for the Secretary of the Interior to act for us, without attempting also to bind conclusively the Chippewa Indians.

That ought to be amended so that the joint act of the contracting parties shall be binding.

The second section provides:

SEC. 2. That as soon as the cession and relinquishment of said Indian title is obtained, the Secretary of the Interior shall cause so much of said reservation as is agricultural or pine lands to be surveyed as Government lands are surveyed; and in making such surveys the surveyor shall carefully ascertain and note and return on the plat and in the field-notes all forty-acre or lesser tracts on which there is any pine timber standing or growing, and which tracts are for the purposes of this act termed pine lands; and upon the completion of such surveys the Secretary of the Interior shall cause the stumpage upon each forty-acre or lesser tract of said pine lands to be estimated and appraised by three competent men to be appointed by him. Such stumpage shall be estimated by the thousand feet of board-measure upon each separate tract of forty acres or less, and such appraisal shall be at the rate of a certain sum per thousand feet, and shall in no event be less than $1 per thousand feet.

Now I call the attention of the House to this fact: right here at the very beginning of this bill everything but pine land passes out of view. The pine land seems to be about the only thing that the bill is intended to provide for. Then section 3 of the bill provides:

SEC. 3. That after the said pine lands have been surveyed, and the stumpage thereon estimated and appraised as aforesaid, the Secretary of the Interior shall, after having given three months' notice through newspapers of general circulation published at Saint Paul, Duluth, and Crookston, in said State, through the United States land officers for the district where the lands are situate, offer for sale and sell, at public auction, to the highest bidder for cash in hand, in forty-acre or lesser tracts, the stumpage on said pine lands, with five years' right of removal.

And here I desire to call the attention of the House to another point: that there is no limitation whatever upon the amount of this pine land that any one person may acquire. It is to be sold in forty-acre or lesser tracts, but there is nothing to prevent a single individual from acquiring the entire 500,000 acres of pine land. I think that ought to be guarded in some way. I believe it is contrary to our present policy to allow lands, or any products of lands, such as pine timber, to be acquired in such unlimited tracts.

Mr. NELSON. Should not the highest bidder be allowed to get it; the man willing to pay the most for it?

Mr. CUTCHEON. I do not know that; we do not pursue that course in our general land policy. The highest bidder for the limited tract should get it, but the tract should be limited.

Mr. NELSON. But they do not get the land in this case.

Mr. CUTCHEON. But they get the whole value of the land. The section goes on to provide: "But such sale shall not be for a less price than the appraised value, nor shall the stumpage on any tract be sold at a less price than $2 per acre."

Here I desire to call the attention of the House to another fact. I do not remember any class of realty in the United States to-day that is appreciating more rapidly, especially in that part of the country, than pine land or pine stumpage. It has been my fortune for about eighteen years to live in the midst of a pine country. I remember, when eighteen years ago, I took up my present residence, that I could have acquired millions upon millions of pine stumpage at 50 cents a thousand feet, while now you can not acquire a forty-acre lot within five miles of water at less than $4 a thousand feet stumpage, and the most of it is five or six dollars a thousand.

This land under consideration is unquestionably valuable land. Its principal value consists in the pine stumpage upon it. Take that northern belt of the States from the Atlantic to the Pacific, including the great pine-bearing States of Michigan, Minnesota, and Wisconsin, and while the amount of pine is constantly diminishing, the demand for it through the influx of population is constantly on the increase. With the increasing demand and the diminishing supply the result is that the price per thousand feet is increasing very rapidly.

Take this very region of country to which this bill relates, with the great prairie States and Territories on the south and the west and the pineless regions of Manitoba on the northwest; the demand for pine is increasing there very rapidly. If the Chippewa Indians are to realize the benefits of this property of theirs, this is no time to hasten it into market. If they are to reap the full benefit, we should make no haste in the disposal of it.

And here let me call to the memory of gentlemen a single fact. One of the richest educational institutions in this country to-day is Cornell University. It has a fund of several millions of dollars; I can not state exactly how much, but well up into the millions.

How did it become rich? When the grant of agricultural college scrip was made to the State of New York Cornell University succeeded to that grant. Instead of locating that scrip, as was done by most of the States, upon agricultural land, it was located upon pine lands, mostly in Wisconsin; and the increase in the value of those pine lands in the last twenty years has made Cornell University one of the richest educational institutions upon this continent. Just so it will be with this pine land. The country is opening up; railroads are penetrating toward it; water courses are being cleared out. It is becoming accessible. There is a boundless demand for this land. If it be held for the purposes of this trust it will in a few years double and treble in value.

If, on the other hand, there is danger that white speculators are to have the benefit of this grant, and are to realize the profit upon this pine land, then it ought not to be forced into the market at the present time, but should be held until the exigencies of the case require that it shall be disposed of.

Here the gentleman from Minnesota [Mr. NELSON] meets me with this letter which he has read and this argument in regard to "dead and down timber." I can very clearly see, Mr. Speaker, that there is in this direction a wide-open door for fraud. I have no doubt that frauds have been committed in the manner he describes. I am too familiar with the methods of pine-land speculators to have any doubt upon that subject. I am too well acquainted also with the simplicity as well as the cupidity of these Indian tribes, and the ease with which they are defrauded, not to believe that there is here an opportunity for

fraud. But it is a door that the Secretary of the Interior and the administration of this Government should close at once and forever. It is fully within the power of the Government to do it; and those who have charge of the administration of the law owe it to themselves and their good reputation, as well as to the Indians, to see that this door to fraud is closed, and closed immediately.

I pass now to the fourth section of this bill, which provides—

SEC. 4. That as soon as any of the lands on said reservation other than pine lands have been surveyed, the Secretary of the Interior shall give notice thereof, which said notice shall be published in at least ten of the principal papers published in the State of Minnesota for the full term of sixty days from the date of said notice; and at the expiration of said sixty days the said lands so surveyed, and no others, shall be open to settlement, and may be disposed of by the Government under the homestead and pre-emption laws of the United States, but in no other manner whatsoever; and no right of any kind shall be acquired by reason of any settlement on these lands made prior to the expiration of the sixty days of notice aforesaid: *Provided*, That the United States shall compensate the Indians for all of said lands that may be disposed of under the homestead laws at the rate of $1.25 per acre.

This applies, as I understand, to agricultural land, not to pine land. One criticism I would make upon this section is that it provides for the disposal of this land under the pre-emption law. Now we are at the present time engaged upon a bill one of the main purposes of which is to wipe out the pre-emption law. If any man desires to acquire land upon which to settle in good faith he can do so under the homestead law. I would suggest, therefore, that the words "and pre-emption," should be stricken out, because I am firmly convinced from my observation that the pre-emption laws are more used for the purposes of fraud than almost any other of our land laws. All through the timber country speculators employ workingmen from their camps to go and pre-empt forty, eighty, or one hundred and sixty acres of land, and when they have "proved up," as the saying is, the man who has employed them puts in the cash at $1.25 per acre, and thus acquires large tracts of land, which are promptly transferred by the fraudulent settler to his employer, receiving some prearranged consideration therefor.

I am convinced that the pre-emption law has outlived its usefulness and should be repealed. Therefore, if this bill is to become a law in any form, I should desire to see this clause stricken out.

Mr. NELSON. In this bill as proposed to be amended that clause is stricken out.

Mr. CUTCHEON. Mr. Speaker, I have extended my remarks far beyond my purpose. I have briefly indicated some of the points which to me seem objectionable. Most of them may be remedied by amendment. But the one thing that I do insist upon is that we shall deal with these Indians in such manner that when this great reservation is broken up the interests of the Indians shall be consulted and shall be the controlling factor. When that is done, and only then, I will give the bill my voice and my vote.

The Blair-Willis Educational Bill and Objections Thereto.

SPEECH

OF

HON. ISAAC M. JORDAN,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 3, 1884,

On the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. JORDAN said:

Mr. SPEAKER: I desire to avail myself of this opportunity to address the House in opposition to the bill reported by Mr. WILLIS from the Committee on Education, by which it is proposed that the National Government shall give pecuniary aid to the States in establishing, maintaining, and carrying on their common or public schools.

This bill provides in the first section for a direct appropriation by Congress of $55,000,000 out of the Treasury of the United States for the purpose of aiding in the support and maintenance of free common schools in the various States of the Union. The second section provides that the Secretary of the Treasury shall apportion the money so appropriated among the several States according to the number of their respective populations of 10 years old and upward who can not read and write, and that the same shall be paid over to the States, credited to their school fund, and disbursed according to their educational system. This money is to be paid in ten installments—the first year $10,000,000, and decreasing at the rate of $1,000,000 a year until the whole is paid.

There are other provisions in the bill worthy of consideration.

This bill involves the question whether the Congress of the United States have power under the Constitution to appropriate money out of the Treasury of the United States and donate it to the several States to aid them in maintaining and carrying on their system of common schools; and its advocates contend that the power is given, while those of us who are opposed to the bill claim that no authority can be found for this measure, either in the express or implied powers of the Constitution.

It must be admitted at the very threshold of this argument that it is incumbent on the author and friends of this bill to show to the House that it is authorized by the Constitution and to point out what provisions of that instrument justify it, for Congress has not an unlimited power of legislating, but only such as is granted by the Constitution, and all other is "reserved to the States or to the people."

I desire further to say *in limine* that the fact that Congress have never at any time heretofore claimed or exercised this power of levying taxes and appropriating money out of the public Treasury for the purpose of aiding the States in carrying on their systems of common-school education is a very strong argument against the existence of any such power, as it is almost incredible to suppose that a power so great in its extent, so potent either for good or evil, should have lain dormant and undiscovered during the one hundred years of our existence as a nation. And, indeed, as this bill asserts for the Federal Government a power of taxing the people for a purpose never heretofore supposed to exist, and the right to dictate to the States what school systems they shall have, or deprive them of their share of the appropriations to be made from the public Treasury, it becomes this House to give full and grave consideration to this matter before it makes so great departure from the ways of our fathers.

Mr. Speaker, secession was the fatal heresy of State rights carried to one extreme; consolidation is the heresy of national sovereignty carried to the other. The former meant the destruction of the Union; the latter menaces the existence of the States. The one would have destroyed all government, the other all liberty. The ship of state has been floating and drifting for many years in unsafe waters between Scylla and Charybdis. Is it not time that we should go back to port in the still waters of the Union, and fasten our anchors upon that great rock, the Constitution of our country?

Mr. Speaker, believing that this bill contains a most vicious principle, that its passage would do great injury to the cause of education, which it seeks to benefit, I stand here to oppose it and warn the House and country against it.

While I admit that the authority of the Federal Government is supreme over all the objects to which it extends under the Constitution, yet its jurisdiction is limited or confined to but few subjects, and those purely of a national character. And while I admit that Congress has power to levy, collect, and appropriate taxes for the purpose of carrying out and accomplishing the ends for which the Federal Government was created, yet I contend they have no power or authority whatever to levy or collect taxes or appropriate them for any of the purposes for which the State governments were created or which are within their exclusive jurisdiction, and over which the control of the United States does not extend. These propositions seem axiomatic when we consider the nature, character, and power, respectively, of the Federal and State governments. Nor indeed ought this to be a source of any regret, for it must be evident to us all that the national Legislature must know much less what the people of the States are willing to be taxed for and their ability to pay than the State Legislatures. Nor indeed will the attachment of the people to the Government be any less if the taxes required to maintain it relate to few objects and are small in amount.

A brief reference to our colonial history and the formation of the Union will throw much light upon the subject now under consideration. In the early colonization and settlement of this country the people separated far apart and formed themselves into distinct political communities. Each of them was wholly independent of the other and lived under its own charter, or adopted its own constitution or form of civil government. They made their own laws, established their own courts, and selected their own rulers. They levied taxes, collected and disbursed them. They regulated all their internal and domestic affairs.

The descent of property, the marriage relation, and everything affecting their lives, liberty, and happiness were governed by laws and ordinances established by themselves.

They regarded the regulation of their internal affairs in their own way as the very essence of liberty, and any interference with it as an invasion of their most sacred rights.

From the beginning they established and maintained public schools, provided for their support by public taxation. As early as 1621 Virginia established free schools, and it is believed extended their benefits even to the Indians. Similar schools were established in Boston as early as 1635, and the General Court of Massachusetts in 1647, in a law providing for grammar schools, declared in its preamble that they did so "to the end that learning may not be buried in the graves of our forefathers in church and in commonwealth."

And we are told by the historian (see Capen's History of Democracy, volume 1, page 132) that the colonies continued their legislation and maintenance of public schools with unabated interest down to the time of the Revolution. And let me state here an important and interesting fact: England, from whom our institutions and laws are in most part derived, never established or maintained public schools or institutions of learning, but left them to be provided by the Church or individual

or associated effort, and even the ability of Lord Brougham was not great enough to induce the government to change its policy in this particular. By the time of the Revolutionary war these colonies had grown and become great and prosperous States, making war and peace with the Indians, leagues and confederations with each other, and exercised all the powers and functions of sovereign political communities. And indeed we find them in the Declaration of Independence declaring themselves to be free and independent States. And a little later, in 1778, we find them in the Articles of Confederation styling themselves "The United States of America."

And now, Mr. Speaker, when these political communities, colonies, or States, or the people of which they were composed, ordained and established the Constitution of the United States, and established that great and good Government of which we are citizens, they did not surrender to it any power or control over any of the internal or domestic affairs of the States—no power to make any laws regulating the marriage relation, the descent of property, or anything appertaining to the local affairs of the States. They did not surrender to the Federal Government any power or control over their schools, nor did they commit any of the affairs of education or religion to the keeping of the Federal Government. Indeed, the objects for which the Union was formed were entirely different. It was established in order that the people of the several States might be able to preserve peace and tranquillity among themselves, and that they might be the better able to defend themselves against foreign powers, or, as it is better expressed in the preamble of the Constitution, "In order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." * * *

In the light of these facts and of the history of the country as we all understand it, let us look at the Constitution and see what authority, if any, the Federal Government has over the subject of education within the several States, and what power we as a Congress have to appropriate money to maintain such schools. It is admitted upon all hands and by all parties that the Federal Government is one of delegated, limited, and enumerated powers, all of which are to be found in the Constitution of the United States, or, as it is expressed by the Supreme Court of the United States in the case of The United States vs. Cruikshank (2 Otto, page 551):

> The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or to the people.

In order that I may enforce this proposition, let me quote what has been said upon this subject by some of the men who framed the Constitution of the United States.

In the forty-fifth number of the Federalist James Madison says:

> The powers delegated to the Federal Government are few and defined. Those which are to remain to the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiations, and foreign commerce, with which last the power of taxation will be for the most part concerned. The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs concern the lives, liberty, and property of the people, and the internal order, improvement, and property of the State.

No language could better than this outline those matters over which the Federal Government has jurisdiction and indicate the great mass or residuum of powers reserved by the States.

Let me also refer to the language of Alexander Hamilton, in the eighty-third number of the Federalist, in which he says:

> The plan of the convention declares that the powers of Congress, or, in other words, the national Legislature, shall extend to certain enumerated cases. This specification of particulars evidently excludes all pretensions to a general legislative authority, because an affirmative grant of special powers would be absurd as well as useless if a general authority was intended.

And in the eighty-second number of the Federalist Hamilton further said:

> The States will retain all pre-existing authorities which may not be exclusively delegated to the Federal head.

Or, putting it in even stronger language in the thirty-second number of the Federalist, he said:

> As the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had, and which were not by that act (the Constitution) exclusively delegated to the United States.

And, still further, in the same article Hamilton said:

> The necessity of a concurrent jurisdiction in certain cases results from the division of the sovereign power, and the rule that all authorities of which the States are not explicitly divested in favor of the Union remain with them in full vigor is not only a theoretical consequence of that division, but is clearly admitted by the whole tenor of the instrument which contains the articles of the proposed Constitution. We there find that notwithstanding the affirmative grants of general authorities there has been the most pointed care in those cases where it was deemed improper that the like authorities should reside in the States to insert negative clauses prohibiting the exercise of them by the States. The tenth section of the first article consists altogether of such provisions. This circumstance is a clear indication of the sense of the convention, and furnishes a rule of interpretation out of the body of the act which justifies the position I have advanced and refutes every hypothesis to the contrary.

It granted in one instance an authority to the Union and in another prohibited the States from exercising the like authority.

Nobody would have the hardihood to contend that the power was included in this definition, because no authority on this subject was granted in the Constitution to the Union or denied to the States.

Third. And where it granted an authority to the Union to which a similar authority in the States would be absolutely and totally contradictory and repugnant.

And surely no gentlemen will have the courage to claim that the United States have such an extensive authority over the subject of schools that any exercise of power by the States to establish and maintain schools would conflict with it. In other words, that the power exists in the Federal and not the State Government.

Alexander Hamilton, in the eighty-third number of the Federalist, said:

> The plan of the convention declares that the power of Congress, or, in other words, the national Legislature, shall extend to certain enumerated cases. This specification of particulars evidently excludes all pretensions to a general legislative authority, because an affirmative grant of special powers would be absurd, as well as useless, if a general authority was intended.

In the thirty-second number of the Federalist Alexander Hamilton said that the State governments clearly retained all these rights of sovereignty which they had before the adoption of the Constitution of the United States and which were not by that Constitution exclusively delegated to the Union. The alienation of State power or sovereignty would only exist in three cases: Where the Constitution in express terms granted an exclusive authority to the Union; where it granted in one instance an authority to the Union and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union to which a similar authority in the States would be absolutely and totally contradictory and repugnant. (1 Kent, p. 388.)

Now, I might well rest the argument on this statement by Alexander Hamilton, who is regarded by all as one who not only believed in a strong government, but he never failed to claim for the United States all the authority they had. He says that the alienation of State authority exists only in three cases:

First. Where the Constitution in express terms granted an exclusive authority to the Union. Well, no one will claim that Congress granted in express terms an exclusive authority over education or schools to the United States, when the subject is not even mentioned.

And now, having before us a clear and full view of the objects for which the Government of the United States was established, let us see what power is conferred upon the Government of the United States and upon Congress over the public or other schools of the States. It is contended, Mr. Speaker, that there are two clauses of the Constitution which confer upon Congress the power to pass this bill and appropriate the money provided for by it to the purposes mentioned in it.

And let me repeat here, that it is not incumbent on me to show that Congress have not such power, but the burden or necessity of showing that they have rests with those who support this bill and favor it on this floor; and this position becomes so much the stronger when we consider that this power has never been exercised by the Government or claimed by it.

The first clause of the Constitution, upon which this power is predicated, is in these words (article 1, section 8):

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Now it is claimed that inasmuch as the education of the people would make them better qualified to discharge their duties as voters and citizens, Congress may under this clause pass this bill, as being for the general welfare of the United States.

To put the proposition contended for by the advocates of this bill in the form of a syllogism, they would state it as follows: "Congress has power to lay and collect taxes and appropriate them to such purposes as will in their judgment promote the general welfare. The support and maintenance of the public schools in the States is in the judgment of Congress a proper means for the promotion of the general welfare; therefore Congress has power to levy and collect taxes and appropriate them to the support and maintenance of the public schools in the States."

This clause of the Constitution has given rise to more discussion than perhaps any other. It has received at the hands of public men three very different constructions:

First. That the power given by it is unlimited, and that the words "to pay the debts and provide for the common defense and general welfare" are a substantive and independent power.

Second. That the power to lay and collect taxes is not a general or unlimited anthority, but is qualified and restricted by the words of the clause itself, so that it amounts to a power to lay and collect taxes in order or for the purpose of paying the debts and providing "for the common defense and general welfare of the United States."

Third. That the power to lay and collect taxes is restricted to such specific objects as are contained in the other enumerated powers. (See Story on the Constitution, volume 1, pages 688, 689, 690.)

I contend that the second construction above stated is correct, and the one maintained by our best writers upon the Constitution, by the most distinguished of our statesmen, and by the words and spirit of the Constitution itself. In order to maintain the constitutionality of

this bill its advocates are logically driven to maintain the first of these modes of construction; that is, to claim that this clause confers a power to lay and collect taxes, and also the additional power to provide for the common defense and general welfare.

If this were so, then there would be no limitation whatever on the power of taxation or the extent or objects of it or the purposes to which the taxes might be appropriated; the whole matter would rest in the discretion of Congress, a discretion which would be uncontrolled by the limitations of the Constitution, and over which the Supreme Court itself would have no power to pass. Such a construction would enable Congress to determine what was necessary for the general welfare, and having done so, to levy and collect any and all taxes necessary to provide therefor, without any reference as to whether the purpose was national or local in its character.

In order that I may show that this construction is not maintainable, and that the one for which I contend is correct, namely, that the power of taxation conferred by this clause is not unlimited, but restricted by the very words of the clause itself, I will quote what has been said upon this subject by eminent jurists and statesmen.

Story on the Constitution, page 640, says that the construction given above is "the generally received sense of the nation and seems supported by reasoning at once solid and impregnable;" and on page 641 he says, "in this sense Congress has not an unlimited power of taxation, but is limited by specific objects—the payment of the public debt and providing for the common defense and general welfare." "A tax therefore laid by Congress for neither of these objects would be unconstitutional as an excess of its legislative authority."

Mr. President Jefferson expressed his view in the most emphatic and concise language as follows:

> To lay taxes to provide for the general welfare of the United States is to lay taxes for the purpose of providing for the general welfare. For the laying of the taxes is the power, and the general welfare the purpose for which the power is to be exercised. Congress are not to lay taxes *ad libitum* for any purpose they please, but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose.
>
> To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please which might be for the good of the Union, would render all the preceding enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased."—*Jefferson's opinion on the Bank of the United States, February* 15, 1791; 4 *Jefferson's Correspondence*, page 524, 525.)

Indeed the same opinion is maintained by Alexander Hamilton, James Madison, and many others.

And now, Mr. Speaker, having settled the proper construction of this clause, we now come to consider what is the "general welfare," and what is its meaning in this clause, "to pay the debts and provide for the common defense and general welfare" of the United States.

I contend that these words must all be taken together, and that the debts which are to be paid and "the common defense and general welfare" which are to be provided for are not those of any State, nor of the people, but of the United States as a civil corporation, government, or body-politic. When we remember that the convention which framed the Constitution had under consideration the expediency of the United States assuming the debts of the several States, we know beyond question that when they provided for the debts of the United States they meant it in the sense I have stated—of a government. And when they provided that taxes should be collected for the purpose of providing for "the common defense," they meant it in the same sense—that is, the defense of the United States in their collective governmental capacity.

If, then, the words "debts and common defense" mean the "debts and common defense" of the United States as a civil government, are not the words "general welfare" to be taken in exactly the same sense? And do not these words therefore mean the general welfare of the United States?—not as meaning the people of the United States or the individual citizens, but of the United States as a civil corporation and as a government, the same whose debts were to be provided for and whose defense was to be maintained.

And in order that there may be no doubt left upon the mind of any man upon this subject, let me refer to the other paragraphs or clauses of this section in which the words "United States" are used. The second paragraph of the same section says, Congress shall have power "to borrow money on the credit of the United States;" the seventh, that they shall have power "to provide for the punishment of counterfeiting the securities and current coin of the United States." Will any man contend that these words do not mean the United States as a government or civil corporation?

Again, in the sixteenth clause of the same section, where Congress is authorized to arm and govern the militia while in the service of the United States, we find these words used in the same sense. And in the seventeenth clause or paragraph of said section we find the very words used, "Government of the United States."

I have not time, Mr. Speaker, to make a more extended observation of the use of the same words in the Constitution, but you will find these same words, "the United States," used more than forty times in that instrument, and in nearly every instance in the sense in which I have given them. To my mind this argument is conclusive; but if it is not, it must go far toward establishing the proposition for which I now propose to contend, and that is, that the words "general welfare" refer to matters of a general and not a special character; national and not local; of the United States, and not of the several States or the people thereof; and hence that education is not a purpose or object for which taxes can be levied or appropriated under this clause of the Constitution.

On this general subject Story, in his Commentaries on the Constitution, on page 650, says: "If the defense proposed by a tax be not the common defense of the United States; if the welfare be not general, but special or local as contradistinguished from national, it is not within the scope of the Constitution."

President Monroe used almost identically the same language, and declared that the power to raise and appropriate money under this clause was "restricted by the duty to appropriate it to purposes of common defense and of general—not local, national not State—benefit." Alexander Hamilton, in the forty-fifth number of the Federalist, said:

> The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs concern the lives, liberty, and property of the people, and the internal order, improvement, and property of the State.

And in the thirty-second number of the Federalist he said that—

> The State governments should clearly retain all the rights of sovereignty which they before had, and which were not by that act (the Constitution) exclusively delegated to the United States.

James Madison, one of the framers of the Constitution, in considering this clause, said:

> If Congress employ money indefinitely to the general welfare, they may take the care of religion into their own hands. They may appoint teachers in every State, county, and parish, and pay them out of their public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provisions for the poor; they may undertake the regulation of all roads other than post-roads; in short, everything, from the highest object of State legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, "provisions for the general welfare."—*Madison's speech on the codfishery bill in* 1792.

It is in vain, after this unequivocal protest of Madison against the extensive powers claimed for the Federal Legislature, for gentlemen to pretend in this House that Madison believed in the existence of any power in the Federal Government over the subject of education in the States. This quotation from Mr. Madison is an admirable statement of those matters or subjects over which he declared the Federal Congress had no authority or jurisdiction. Gentlemen will do well to read, ponder, and consider these words of this great expounder of the Constitution.

But we are told that Congress has power to pass this bill under the second paragraph of section 3 of the fourth article of the Constitution, and which is in the following words:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

And it is claimed that Congress has under this clause made large donations of public lands to the States for educational purposes.

A bill providing for a donation or grant of lands does involve the power of Congress over the territories or public lands of the United States, but the bill now under consideration makes no reference whatever to public lands or territories, nor does it make a distribution of their proceeds. This is not a gift of lands held for the benefit of all the States, but a gift of money out of the Treasury, raised by taxation of the people. Lands may be donated or given without resorting to the power of taxation; but this bill is based upon the assertion of the right to levy and collect taxes from the people of the United States to maintain schools in the several States—not upon the principle of donating lands. Authority may be found in precedent for the latter, but none can be found in the hundred years of our existence as a nation for the former.

If the power to pass this bill is to be found in the Constitution it must be found in some other clause, for it might readily be that the territorial domain of the United States might be consumed in the erection of new States or otherwise disposed of by Congress, and then the power contended for, if only referable to this clause, would end, and thus a great power of the Constitution cease by the mere failure of the Government to own public lands. If this power exists, it is a vast power, of the greatest significance, to be found in some express power of the Constitution or to be easily and readily implied therefrom, and not be found lurking and sneaking in some crevice of the Constitution or concealed and hidden in some unintelligible way in some phrase having relation to a wholly different subject.

If it had been the intention of the framers of the Constitution that the States should surrender their jurisdiction over the subject of education and that this power should be conferred on the Federal Government, it would have been a simple thing to have said so in the Constitution and to have enumerated it among the many powers specifically mentioned therein. And indeed, if it had been intended that the United States should have jurisdiction over this subject, either exclusive or

concurrent with the several States, is it not strange, more than strange, that not one word occurred on the subject in the constitutional convention which framed the Constitution; that the subject is not even mentioned in the Federalist as one of the powers of the new government about to be created by the Constitution? And, as suggested, is it not passing strange that this power has never been claimed heretofore for Congress?

It is said by its advocates that Congress has power under the Constitution to make acquisition of territory and appropriate the public moneys to pay for it, and that they then have a right to donate or grant it to the States for educational purposes. And we are asked, if Congress can do this, why can it not appropriate money directly for educational purposes in the States.

This plausible but specious proposition will not deceive any person who examines it. One fallacy in it is in the false assumption that Congress had the power to purchase territory for public lands. Congress has never had such power, and has never claimed it. The United States may acquire territory by cession, or in the exercise of the power to make war and treaties, and it has never acquired any territory in any other way, and the assent of Congress is not required in either case.

Examine every deed of cession made by the several States, and they are all made to the United States, not to Congress; to the Government, not to one of the Departments. Examine with care into the mode by which we acquired all our foreign territory, from the purchase of Louisiana in 1803 to that of Alaska in 1867, and you will find that it was all obtained by treaties made by the President of the United States, by and with the consent of the Senate, and by virtue of the treaty-making power. But it is said that Congress appropriated the money to pay for it. Certainly. The United States in its sovereign capacity, acting by and through the President and Senate, first entered into a treaty by which it was to acquire territory, and agreed to pay, in whole or in part, a money consideration for it, and incurred a liability for the amount which they agreed to pay. All this was done, and properly done, without the consent of Congress.

Congress could not have done this; it could not have acquired this territory nor contract a liability for it. If it could, the power to make treaties would be taken away from the President and Senate. As the amount which the United States agreed to pay became a debt owing by our Government, the duty to pay it was absolute, and Congress acted in appropriating money to pay this debt simply as they did in regard to any other debt. Hence I say that it is a false assumption to claim that Congress can purchase public territory.

Mr. Speaker, the public lands do not belong to Congress, but to the United States. The only power that Congress has over them is that given by the section and article of the Constitution above quoted. I might go further and claim that when Congress has disposed of these lands and the proceeds have been paid into the public Treasury of the United States the power of Congress over it under the article and clause above quoted has wholly ceased and ended, and that thereafter the power to use or appropriate these moneys must be derived, if at all, from that clause of the Constitution which enables them to provide for the common defense and general welfare.

Real estate and money are wholly different things, whether owned by a sovereign government or by an individual. Land may be converted into personal property by deed or will by the mere intention of the party making the instrument, and certainly there can be no reason why the territorial domain of the United States shall be considered subject to the same disposition as the money of the United States, or *vice versa*.

I regard the argument that if Congress can appropriate money to buy public lands and may then donate the lands to school purposes it could appropriate the money direct as a mere begging of the question. Sir William Hamilton says that Plato in his Phædo demonstrates the immortality of the soul from its simplicity, and in the republic he demonstrates its simplicity from its immortality. So here the advocates of this measure argue that Congress has power to appropriate money for educational purposes in the States from its power to purchase public lands, and argue its power to purchase public lands from its power to donate lands or money to the States for educational purposes.

Indeed, Mr. Speaker, every nation or state which owns public lands and which has the power to acquire them must have a power to dispose of them, and with us this power is found in that clause of the Constitution above quoted, and under which grants and donations have been made for educational and other purposes. The view that I have taken of this matter will be found to be confirmed in the commentaries of the great jurists of this country. Chancellor Kent said:

> The title—
>
> To the public territory—
>
> is in the United States by the treaty of peace with Great Britain, and by subsequent cessions from France and Spain, and by cessions from the individual States.

The learned chancellor here uses the word "cessions" in the sense of treaties.

Judge Story says that "the power of Congress over the public territory is clearly exclusive and universal." And speaking further upon this subject he says:

> The public lands hold out after the discharge of the national debt to be devoted to the cause of education and sound learning and to internal improvements without trenching upon the property or embarrassing the pursuits of the people by burdensome taxation. The constitutional objection to the appropriation of the other revenues of the Government to such objects has not been supposed to apply to the appropriation of the proceeds of the public lands.

These two paragraphs ought to be burned into the memory of the advocates of this bill. It is a clear and broad declaration that the powers of Congress over the public lands and over the money in the Treasury of the United States is wholly different; that while there is power to appropriate the proceeds to the public lands to educational purposes, there is a "constitutional objection" to appropriating the other revenues of the Government to such purposes. And, Mr. Speaker, while President Jefferson, in his message to Congress in December, 1806, strongly urged upon Congress the establishment of a national institution of learning, he declared that even for this purpose "the Constitution would have to be amended with the consent of the States, because this object is not among those enumerated in the Constitution and to which it permits the public moneys to be applied." There are, however, many other serious objections to the bill.

This bill provides for an appropriation of money in such a way as to give to one State an unjust advantage over other States; and it makes this inequality an argument in support of the measure.

The money which is raised by taxation in this country is held by the Federal Government in trust for the people of the United States. No one State and no one individual is entitled to any more of it than another.

In 1836, when the United States found itself in possession of a surplus in the Treasury, it ordered it distributed among the several States upon the basis of population, which is the only fair or equitable mode in which it can be appropriated.

This bill, however, makes the distribution upon an arbitrary basis, in order that it may give to the Southern States a much larger share than they are entitled to. Knowing the strong constitutional objections which the Southern States have always had to the exercise of doubtful constitutional powers and their hostility to Federal interference with the domestic institutions of the States, the friends of this bill have made this inequality as great as possible, and have made the amount so large that they hope that self-interest will overcome all constitutional scruples. The temptation is indeed very great. Our first parents in their desire to know the tree of good and evil were not able to resist the persuasive arguments which were held out to them. They yielded to the subtle adversary. They tasted the forbidden fruit.

> Earth felt the wound, and nature from her seat
> Sighing through all her works, gave signs of woe
> That all was lost.

In order that the people of this country may understand this inequality, I propose to make it clear and let it go before the country, so that the people may know how unjust and unequal is this distribution of their money. Alabama, with a population of 1,262,505, gets $3,820,472.70, while New Jersey, with a population of 1,131,116, receives $469,345.25. Arkansas, with a population of 802,525, receives $1,780,592.77, while California, with a population of 864,094, receives only $470,940.58. Louisiana, with a population of 939,946, receives $2,806,252.79, while Kansas, with a population of 996,096, gets only $347,947.77.

My own State of Ohio, with a population of 3,198,062, gets but $1,162,120.91, or about the same as Maryland gets, with a population of 934,943. The great State of New York, with a population of 5,082,871, gets $1,935,589.98, while the State of South Carolina, with a population of 995,577, less than one-fifth that of New York, receives, $3,259,899, and Kentucky, with a population of 1,648,690, gets $3,070,783.54, while Iowa, with a population of 1,624,615, receives but $410,819.31. Georgia, with a population of 1,542,180, receives $4,587,029.97, while Indiana, with a population of 1,978,301, much larger than Georgia, gets $976,265.18. Connecticut, with a population of 622,700, gets $250,533.74, while Florida, with a population of 269,403, less than one-half, gets $706,795.99. Illinois, with a population of 3,077,871, gets $1,281,552.64, while Georgia, with a population of 1,542,180, gets $4,587,029.97. So on to the end of the chapter.

Mr. Speaker, I speak as one of the Representatives of Ohio in this body when I say that I do not believe the passage of this bill will be beneficial to the people of my State. It imposes heavy taxes upon them for the benefit of people of other States. It takes from us more than $2,000,000, for which we get no return. Worse than this, it establishes a principle which endangers the existence of our common schools. On this subject Ohio is jealous of her rights, and claims exclusive and unlimited jurisdiction. She desires no partnership with the Federal Government in regard to the support of her schools. She denies the power of the Congress of the United States to tax her people one dollar for any purpose of this kind, and would resist to the utmost of her power any attempt of the Federal Government to interfere in any way with her system of common schools.

Mr. Speaker, the State of Ohio does not ask the Federal Government to give her any aid toward the education of her people. We have great reason to be proud of what our people have done in the cause of popular education. We have sixty colleges and seminaries of learning within the borders of our State; more than $24,000,000 is invested in school-houses and grounds; we have more than 10,000 school-houses;

we employ 24,000 teachers, and are in this particular the second State in the Union; we have 755,000 children enrolled in our schools, and more than 50,000 of our citizens are connected with the control, direction, and management of our common schools, and our people pay voluntarily and cheerfully more than $8,000,000 a year for their support and maintenance. And if the Federal Government will keep its hands off we will build more school-houses and enlarge the facilities for education until we have gathered every child in the State into our schools, and will endeavor to make Ohio stand first among all the States in her educational institutions. But if we are compelled to aid in the support of the schools in other States, if our people learn to be dependent upon the Federal Government for their support, then I bid farewell to the prosperity of our public schools. But, sir, there is another feature of this bill which exposes the injustice of the principle upon which this distribution is made.

The bill proposes to distribute the money upon the basis of illiteracy and to educate the illiterate. If this is so, the money so appropriated ought to go to the illiterate persons, and so that each illiterate person, whether living in one State or another, should get as much as another illiterate person. If it is intended for the benefit of the ignorant, the ignorant ought to get it; and an ignorant or illiterate person in Ohio ought to receive as much as an illiterate person in South Carolina.

By this bill, however, the money is appropriated to the States and not to the illiterate persons in the States. It is given to the several States in proportion or upon the basis of the number of its illiterate persons, but it is not appropriated for or to the exclusive benefit of the illiterates. It is given or obtained upon a theory of benevolence to the illiterate, but it is not to be used for the sole purpose of benevolence to the unlettered.

In order that I may make this perfectly plain let me illustrate or show the practical workings of this bill.

This bill appropriates fifty-five millions of money. Ten millions are distributed the first year. Now, let us see how much of this will go to the illiterate persons. I will take two States and show the result.

Ohio has a population of 3,198,062. Now, the number of persons of the school age—between 6 and 21—is 1,063,337, and the share of the $10,000,000 coming to Ohio is $211,294.71, which, if divided among all persons of school age, would give us about 25 cents per capita. Now, the number of illiterate persons in Ohio within the school age is about one-third, say, of all the illiterates in the State, and as the whole number is only 131,000, only about 43,000 illiterate persons share in this fund, and hence only about $16,000 goes to the education of the illiterates of Ohio out of $10,000,000. Now, I will take a Southern State which has a large colored population, hence a large illiterate population; and let us see what amount of the $10,000,000 goes to the illiterates of that State.

Alabama has a population of 1,262,505. Her school population is 422,739, or about one-third of her entire population. This State gets of the $10,000,000 paid under this bill the first year $694,631.40. This does not go merely to the illiterates, but to all alike. Now, the whole number of illiterates within the school age in that State is about one-third of the whole number within the school age, or, say, 140,000, so that the total amount which goes in that State out of the $10,000,000 to the illiterates is about $200,000, or about $1.50 apiece.

It is said that the voters in the Southern States are ignorant, and that they are to be educated by this money. Indeed! These voters are all over 21 years of age now, and not one dollar of this money will go to them. It is now nearly twenty-one years since the emancipation proclamation, and I think it safe to say that no negro freed by the war will ever get any of this money. So far as it goes to any of the negro race, it will go to those who were born since the war. I do not believe that the amount of this money will practically be of any benefit.

The friends of this bill have painted a dark and gloomy picture, in which they seem to attribute all the vices and crimes of mankind to the ignorant and the uneducated.

In my judgment crime and wickedness can much more properly be attributed to the rich and the educated than the ignorant and poor.

It may be true that minor offenses, misdemeanors and breaches of police regulations, can often in our great cities be traced to our illiterate poor; but, sir, the great crimes which demoralize our business communities is chargeable at the doors of the rich and educated.

Mr. Chairman, I resent the imputation. The poor and the ignorant are docile and obedient to the law, and it bears harshly and heavily upon them; but wickedness has its seat in high places, and the wrongs and crimes which demoralize society will be found among those who ought to be at once the exemplars of public morality and the guardians of public justice.

> Can wealth give happiness? Look round and see—
> What gay distress! what splendid misery!

Or, as Shakespeare says—

> In the corrupted currents of this world
> Offense's gilded hand may shove by justice;
> And oft the wicked prize itself
> Buys out the law.

But it is said that our elections will become corrupt, and that the elective franchise will be debased, and the whole system of political elections become demoralized by illiterates voting.

Mr. Chairman, there would be some force in this observation if the ignorant governed the intelligent, or if the poor governed the rich. But the opposite will be true as long as "knowledge is power" and intelligence superior to brute force. Our elections in this country are nowhere controlled either by the poor or by the illiterate.

Intelligence makes our constitutions, our laws, manages business, regulates commerce, controls elections, and governs society. There is not a State in the Union, North or South, where ignorance or poverty ever has or ever will dominate or control the elections; and I defy any man in this country to show that the frauds perpetrated at the polls, the corruption of the voters, the degradation of the ballot, the false and fraudulent returns of elections, or the fraudulent ballots themselves, have ever been attributable to the ignorance or the poverty of the voter. On the contrary, every invention, every artifice, and every fraud of this kind can be traced to the men who control and manage elections and party politics.

Who invented and used the tissue ballot?

Who manufactured fraudulent naturalization papers?

Who makes criminal political assessments upon needy officials?

Who spends millions of dollars to carry our elections?

Who corrupted the returning boards of Florida and Louisiana to make fraudulent election returns?

Who influenced these returning boards to make these false returns?

Who agreed to appoint to political office every dishonest official who was connected with making false counts and fabricating false returns in order that the States of Florida and Louisiana might be despoiled of their electoral vote?

And who, sir, consummated beneath the dome of this Capitol that great and monumental crime when Hayes, the Republican candidate, was declared to be President, and Tilden, the choice of the people and of the Democratic party, was cheated and defrauded out of the great office to which the people had elected him?

None of these things can be charged to the poor, the ignorant, or the illiterate.

Mr. Speaker, I dislike the whole theory of this bill, and I trust that the majority of the Southern members of this House and the proud and chivalrous people whom they represent will regard this bill with the same feeling and mortification that I do.

The bill proposes benefits to them greater than to the people of the Northern States. It proposes that the public Treasury shall be opened, a distribution of a large amount of its money made, and that they shall get more than their share. It is a bill addressed to their cupidity and poverty. It is a proposition more tersely expressed by Shakespeare:

> Put money in thy purse: ay, put money in thy purse.

I know the difficulty in which the Southern members of this House are put in regard to this bill. Their constituents have been led to believe by the action of the Educational Bureau and by other instrumentalities interested in the appropriation of this money that it was within the power of Congress to make this disposition of the public moneys; that it was the duty of the Federal Government to give them this aid to their schools on account of their losses in the war; and they now demand the passage of this bill, and Federal emissaries all over the country are moving heaven and earth in favor of this measure.

It is said that the refusal of Southern members to vote for this bill will be regarded with disfavor by their constituents, who have considered only the benefits to be derived from it; indeed, that many of them will regard the action of members of Congress who refused "to bend the pregnant hinges of the knee that thrift may follow fawning" as unworthy of their support; that they will regard it as captious for members to refuse to receive millions of dollars to be had for the mere asking.

In my judgment, Mr. Chairman, it will require great courage, great bravery, and great manhood on the part of Southern members to vote against this most tempting and insidious bill; but, sir, I believe that this measure will be rejected by you with that spirit which has always characterized the Southern people. You can not vote for this measure without being willing to take more than your share of the public money and without voting it to yourselves. Nor can you favor the passage of this bill without violating the Constitution, to surrender those constitutional principles for which you and your fathers have fought for a hundred years for so much money as may be held thus. You yield up every safeguard that has been built up for the protection of the States against the encroachment of the Federal Government for a Government gratuity. Gentlemen of the South, you must choose between God and Mammon. Do not sell your birthright for a mess of pottage; do not let your people be deceived by the magnificence or apparent benevolence of this gift. Tell them it is the voice of the tempter; that while it is the voice of Jacob it is the hand of Esau. *Timeo Danaos et dona ferentes.*

Mr. Speaker, this bill will make all the States that receive the money mendicants and beggars, and you will find them holding up their hands to receive subsistence from the Federal Treasury. Their schools will be opened when the Federal Treasury is full, and closed when the Federal Treasury is empty; their teachers will be looking to the Federal Govern-

ment; it will engender a spirit of almstaking; it will create a habit of receiving gifts; it will create an appetite in the people of the States; if moneys can be spent for a purpose of this kind, they will have still heavier tariffs and worse taxation.

Another objection to this bill: It will break down the spirit of the Southern people; it will create in every State dependence upon the Federal Government. If the amount of money appropriated by this bill can be given—if Mr. BLAIR and Mr. WILLIS can court popularity by the passage of this bill, why will not the next man offer to give hundreds of millions?

I know, Mr. Speaker, that it is pretended that inasmuch as this bill provides that the money appropriated is to be disbursed by the State, and not by Federal officers, it is relieved from the charge of unconstitutionality. This clause was inserted in this bill not because its authors abandoned their claim that Congress had a right to pass it; indeed, the original author of this bill [Senator BLAIR] claimed that Congress had full power to pass the bill and appoint Federal officers to carry it into execution, and Senator SHERMAN in the Senate declared:

> If the United States have the right to appropriate the money they have the right to say upon what conditions the money shall be expended. If they say we will aid the South or the Southern States to educate their illiterate children, then the United States have the power and the right to set out the principles and conditions or limitations of that grant. The greater includes the less; and if the power is given to make these appropriations at all, the power is also given to say for whose benefit the money shall be expended, how it shall be expended, where and when and how apportioned, and for what purposes. That is as clear a proposition as can be shown in Euclid or any other mathematical work.

The change was made from Federal to State officials in order to make the bill acceptable to Southern members, who were unwilling to have their States overrun by any additional Federal office-holders or political evangelists in the form of New England school-teachers. The change was from allopathic to homeopathic treatment, and the pill was sugar-coated to please the palate of the sensitive patient.

The radical difficulty in this case is not one of form, but of substance. The principle involved goes back of any question of a distribution of the money. It goes to the substance of the entire transaction, and that is to the power of the Congress of the United States to employ a Federal power for a State purpose; in other words, to either levy or appropriate Federal taxes in aid of a State object, namely, the support of the educational systems of the State, and on this rock we stand.

If we give this bill our support we acquiesce in a construction of the Constitution against which we have fought from the organization of our political party, and if it passes we will have established a precedent, and, in the language of Disraeli, "have thereby embalmed a principle" fatal to our party, and one which in my judgment will enable the Federal Government to break down every barrier between it and the States, and which makes the Congress of the United States an absolute, unlimited despotism, governed only by its own uncontrolled and unbridled discretion.

But it is said this bill merely donates the money to the States; it does not interfere with the States at all. While I admit that this bill is a device and an attempted evasion of the Constitution, yet it does directly interfere with the State government.

1. It controls the money after it reaches the State. How? By a Federal officer? No; but by providing in the bill that no State shall receive its second installment until it has passed certain laws providing for the education of white and colored children without distinction of color. Here is a reward for making the school systems of a State as Congress wants it. Here is a penalty for not making them so.
2. The bill provides what the States shall and what they shall not do with the money.
3. And if any State appropriates the full installment as it pleases, such State shall have no more.
4. Nor shall any State have anything after the first installment, unless it shall make certain statistical reports to the Educational Bureau and become a sort of appendage to that department.
5. The money so paid shall be divided according to the number of white and colored children of the same school age.
6. Five per cent. and no more may be paid to teachers.
7. In case a State shall misapply or misappropriate any money received under the act, or fail to comply with the conditions and provisions thereof, the President may direct the Secretary of the Treasury to withhold any subsequent apportionment until the State shall have replaced or made good the amount misappropriated.

Strange language to apply to a State—if it shall misapply and misappropriate! And who is to decide this? The State? Oh, no; the President! And the State shall be compelled to obedience by withholding what is due it.

Mr. Speaker, if it is constitutional for Congress to impose these conditions, where is the limit to the conditions it can impose? If one condition is lawful, so is another. The control which Congress retains by the proviso as a condition of this bill shows the immense power retained. Sir, it enables the United States to mold these States as it pleases, to shape their local laws, to regulate their school systems, to give them money if they are obedient, and refuse if they are not. It makes the States mere dependencies of the Federal Government.

Mr. Speaker, let no man suppose for a moment that my opposition to this bill arises from any feeling of unkindness to the people of the Southern States, who would be mainly benefited by the passage of this bill, or by any unwillingness to treat them with generosity. God forbid! Every sentiment of my mind, every feeling of my heart, is in full sympathy with them, and no man in this House would go further to do them justice. I do not forget their sufferings, their sacrifices, in the long and bloody civil war. Neither do I fail to recognize how to-day they are as devoted, as loyal, and as true as we are to the Constitution and Union of the States. Neither let it be supposed that I am unfriendly to the cause of education. I indorse all that has been said and all that can be said in its favor. In one word, I regard it as the most important and interesting subject which can engage the attention of men or governments.

The freedom which we enjoy as American citizens was won by the sword and sanctified by the blood of our Revolutionary fathers.

Years before the Constitution was adopted or the Union formed, the State existed, and our forefathers enjoyed all the rights of life and belief and happiness which they did afterward, and the Union was formed to secure these rights for all time. The most sacred, the most important, and valuable rights of the citizen are not those which are not protected by the Federal but by the State government.

The whole life of the citizen is spent in connection with, and in obedience to the laws of the State, and he comes but little in contact with the National Government. Every right of life and liberty and property is immediately connected with the State government. It is the guardian which protects his family and all his social relations. Under its laws he feels secure in the day and in the night. Is he a citizen of the country? He knows that every blade of grass that grows and every seed which he plants will grow protected by some law of his State. Does he live in the city? He sees in the municipal government which protects him the strong arm of his State. Indeed, he feels that he is himself the State.

I trust that no man will misunderstand my position in regard to the Federal Government. I am not jealous of any of the powers conferred upon it by the Constitution. I would not abate one jot or one tittle from its authority. I do not believe that the Constitution confers upon it unnecessary powers. I cheerfully yield to it every power expressly conferred upon it and every implied power necessary to carry them out. I believe that it is a government having all the necessary powers to suppress domestic insurrection and internal disorder and to maintain itself against all foreign nations. But believing as I do that the liberties of the people, the rights of the States, and the perpetuity of the Union can only be maintained by a strict adherence to the Constitution, I have felt that it was my solemn duty to warn the House and the country against this most insidious and dangerous bill.

If the Federal and State Governments are kept within their respective orbits, we will have that which should be the dearest object of all patriots—"an indestructible union composed of indestructible States."

The Bonded Extension Bill.

SPEECH

OF

HON. JOHN WINANS,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. WINANS, of Wisconsin, said:

Mr. CHAIRMAN: I have listened to the debate on the bill under consideration with a good deal of interest, and especially to the speeches made by the friends of it, in the hope that I might be convinced of its merits, as I have some friends outside of Congress interested in its passage, and I would like to accommodate them by voting for it if I could do so without injury to the Government. But, sir, its friends have failed to convince me of its justice, and I must follow my convictions and vote against it. This I shall do, not because I may or may not believe the manufacture and use of spirituous liquors as a beverage to be a curse to the country; not because its manufacture and use are prohibited by some of the States, for as long as the National Government recognizes it as a legitimate industry by taxing it, such considerations have and should have no weight in the discussion.

I am opposed to it, sir, because I believe no good reason has been given or exists for the extension. If pecuniary embarrassments exist by reason of overproduction the fault is with the producers, and has been incurred knowingly, without the fault of the Government, and they must bear the consequences of their folly. I am unwilling, sir, to single out this one industry and grant to it, and those engaged in it, a

special privilege not accorded to other tax-payers and to other industries, and thereby designate this as the pet industry of our country.

There is a suspicion in the public mind that if this extension be granted others will again be asked for and given, and in the end that the tax due or soon to become due will be lost to the Treasury forever. And I must confess, sir, that I share in that suspicion, which has been strengthened by the statements of the distinguished gentleman from New York [Mr. HEWITT], made on yesterday in his advocacy of the bill; and I shall now vote against it without hesitation or reluctance. Several of the distinguished gentlemen who have addressed us on the subject have declared their willingness to vote for the entire abolition of the tax. Permit me in conclusion to say it is a tax I believe in, and the constituents I have the honor to represent believe in, and I neither want to see it abolished nor its payment jeopardized by the passage of this bill.

Bureau of Labor Statistics.

SPEECH

OF

HON. PETER V. DEUSTER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics

Mr. DEUSTER said:

Mr. CHAIRMAN: The state, in the present as in the past and for all future time, must look for its prosperity and for its greatness to the laboring classes, the skilled artisans of the land. The money-power, the golden aristocracy, is a creature of convenience as unsubstantial and as unreal as the fabric from which fancy weaves the visions of sleep. Capital itself is but a representative measurement of labor; the dollar in gold is only a dollar because it represents an equal amount of strength and toil expended in the factory, the field, or some other of the many pursuits of human activity. The brawny arm of the laborer is behind it all and is in the nature of things the only true standard of value. Vanderbilt with his hoarded millions, unaided by the strong arm of the workman and the farmer, could not keep the wolf from his own door. His wealth is but the aggregation of conventional values to which common consent has given a purchasing power.

The laborer contributes directly to national stability. He is the Atlas upon whose shoulders rests the civilized world. Advance the interests of labor and you advance the state; degrade the former, and the latter goes down with it.

A government of the people, by the people, and for the people ought therefore to regulate its legislative machinery so as to recognize this largest factor in the prosperity of the state.

There is a war between capital and labor, and the legislative power of the Government has been called in as arbiter and peacemaker. To act, however, impartially on this appeal, the arbiter must obtain possession of the facts, and to this end a bureau of labor statistics becomes a necessity.

The controversy between capital and labor is a momentous one, and its end can not be predicted. But it must inevitably lead to tragic results if the causes which maintain and nourish it are not soon remedied on the basis of justice and equity. The workmen have many and strong grievances against capital, and the nature and justice of these has certainly been well exposed through a recent and gigantic strike.

Last summer the commercial interests of the nation were paralyzed by a strike of the telegraph operators, who set up a claim that they were not remunerated in proportion to the services required of them. The sympathy of the country and of business men who were losing large sums by the embargo which this strike placed upon their business followed the action of the operators, and no words of condemnation were heard. But the great corporation against which the strike was directed, the Western Union Telegraph Company, stood unmoved, and in resisting the demands of its employés it merely alleged that it could not afford to pay an increased rate of wages.

Whether, however, this allegation was justifiable or not I care not to say. I rather wish that it be judged by the contemporaneous history of the company which uttered it; that it be judged in the light of an event which transpired a short time prior to the strike. And this event is embodied in the fact that a few weeks before the inauguration of the strike in question the Western Union Telegraph Company, with an already inflated capital, represented by, I think, $55,000,000, swallowed up its rival, the Mutual Union Telegraph Company, with a nominal capital of $10,000,000, and obtained thereby a monopoly of the telegraph over the greater portion of the United States—a monopoly so valuable that it prompted immediately the board of directors of this same company to increase, without the addition of a single dollar of real property, its capital stock to $80,000,000.

An immensely wealthy corporation watered thus its stock to the extent of $15,000,000, and in order to make it marketable it guaranteed dividends out of that portion of its gross earnings which should have fallen as compensation to its employés. Its managers might with truth say that they could not afford to pay the wages demanded of them, if these wages were to be computed on the basis of an $80,000,000 investment, which was actually about four times in excess of the original and real investment.

Viewed in the right light, we have here an instance of grand larceny practiced by a greedy corporation upon its own employés; for by watering its stock to an extent of $15,000,000 the Western Union Telegraph Company was bound to withhold from the wages of its employés a large percentage of the money necessary for the payment of the interest of this heavy sum.

No human power could probably in this instance have successfully interfered as arbiter between the telegraph company and its employés, so stubbornly was that company bent upon a victory in the struggle. Yet it is this very stubbornness and power of corporations that calls for the establishment of a bureau which shall be possessed of the right of collecting figures and facts tending to an adjustment and to a solution of the disputes of capital and labor, and which shall at the same time be authorized to advise Congress from time to time of the necessity of remedial legislation.

And as in the case of the Western Union Telegraph Company, there are likewise railroads which carry on their stock-books valuations of double and triple the amount of the real investments as dead weights to keep down the laborer and to increase the wealth of the capitalist; and the same is true of nearly all the great corporations in the country. Fostered by legal enactments which exclude the competition of foreign nations, our corporate enterprises became first arrogant and exacting, then tyrannical, and lastly brutal. And in speaking of their brutality I use the term advisedly, for no other will do justice to the condition to which the workman has been reduced by his hard taskmasters.

For years, yea, from the foundation of the Government, it has been the whole aim of our legislation to build up and foster great manufacturing industries. Tariffs not for revenue, but to clear the home markets of foreign competitors, have been enacted into laws; Government consuls at foreign ports and cities have been instructed to report to the State Department where American products and manufactures could be sold to advantage, and by the aid of governmental machinery the American capitalist has been enabled to reap a golden harvest. The scriptural text, "To him that hath shall be given, and from him that hath not shall be taken away even that which he hath," has been the corner-stone of all the economic enactments which pertain to the first century of our legislative history. On the other hand, labor has been left alone to battle single-handed not only with the competition incident to foreign immigration, aided and encouraged by the State, but also with the inventive genius of the age, which has produced all sorts of labor-saving machinery that is driving thousands from trades in the acquirement of a knowledge of which they spent the best years of their lives.

The pending bill, Mr. Chairman, involves a social problem which must claim the attention of the capitalist as well as of the legislator. Self-preservation is the first law of nature, and the right of revolution only needs to be crowned with success to transform the participants from rebels to patriots. The lurid glare that illumined the sky above Pittsburgh in 1877 is but a foretaste of what may be expected unless a halt is called in the greedy struggle for wealth. The music of the loom, the spindle, and the forge must have other accompaniment than the low sad wail of the starving wife and children, or an avenging Nemesis will rise up and lead the down-trodden sons of toil to an uprising before which the world will stand appalled. Theirs is no mob led on by ignorance and fancied wrong. No; theirs is an organized body of intelligent men, slow in its anger, but terrible in its vengeance when its indignation is once aroused.

The workmen demand that the Government shall take cognizance of their condition and that it shall adopt measures for an amelioration of their wrongs. Their national, State, and local organizations have asked for the passage of the pending bill, and simple justice demands that their wishes be complied with. They are willing to submit their grievances for arbitrament upon the testimony which a bureau of labor statistics will have to offer relative to their case. And until this is done they should in no wise be outlawed by State enactments for banding together to resist the encroachments of capital, nor should they be rendered amenable to so-called "conspiracy laws" when they refuse to respond to the dictates of their masters.

The machinery of the Government, operated in the past for the purpose of helping capital to successful investments, should now be employed, to some extent at least, in pointing out to labor fields of remunerative employment. The object sought to be attained by the pending bill is beneficial alike to capital and labor. It will, it may be hoped, relieve capital from the menace of forced idleness on the part of the laboring classes by directing them to new fields of labor, and it will also expose every injustice which may be practiced by capital upon

labor or by labor upon capital, and it will pave the way for reciprocity between them. Knowledge is power, and with an exposé by a bureau of labor statistics of all the facts which bear on the true and actual relations of labor and capital a new era in our economic history will likely be inaugurated, an era in which the employer and the workman will do each other justice to the best of their ability. The suspicions which now exist between labor and capital will then be removed, and each will strive to advance the interests of the other. But if such a result be desirable, let the Government above all inform itself now of the exact nature of their differences.

Consular and Diplomatic Service—The Commission to the South and Central American States.

SPEECH

OF

HON. THOMAS P. OCHILTREE,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884,

On the following amendment offered to the bill (H. R. 6770) making appropriations for the consular and diplomatic service:

"For three commissioners, to be appointed by the President, by and with the advice and consent of the Senate, at a compensation of $7,500 each. Said commissioners shall ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America, and for that purpose they shall visit such countries in Central and South America as the President may direct."

Mr. OCHILTREE said:

Mr. SPEAKER: I desire to make a few remarks in regard to the Senate amendment for the proposed commission to the Central and South American states provided for therein. I believe that the time has come for more intimate commercial and international relations between those countries and our own. I, therefore, favor the pending measure, that is intended to be the means of securing these relations; or at least of bringing us such information as will lead to more intimate commercial and international relations with our tropical and transtropical neighbors.

We have too long neglected these neighbors; we have looked on with seeming unconcern for many years to the development of trade between these neighbors and European countries, as if a share of their trade were a matter of great indifference to us. We have been so engrossed in developing our own resources and domestic trade that we have allowed ourselves to be left far in the rear of the argosies of commerce. It is said that our merchants are not enterprising enough; that they should explore a market for our surplus products; that they should emulate the English traders, whose wares are laden for every port in the world.

I think, sir, our merchants have been a little lacking in enterprise in this direction. I am not aware that they have taken any special and general interest in cultivating harmonious and profitable relations with the states to our south or in urging legislation to that end. The demand for the promotion of such relations comes more as an active development in the legislative mind from a popular undercurrent of American patriotism than from mere trade movements. Perhaps it is the best augury of success that this is the case. The question is not of mere local interest or pushed by any local or class influences. It has arisen as a patriotic ambition, and has, therefore, the popular support. This ambition is shown in the most emphatic manner by the action and nominations of the recent national convention at Chicago, and I doubt not that the other convention, that is soon to be held in that city, will not fail to give equal emphasis to the American desire in this matter.

This is an affair of state as well as trade. The state takes the lead, and commerce will follow in her track if we act as becomes our people and our resources. We have passed that era in our history when the Federal power was restrained by rigid construction of organic law within bounds that prevented any national legislation for the fostering of home industries and the development of foreign trade. We are now in an age when it is not regarded as unconstitutional to appropriate money from the Treasury for the establishment of trade relations with foreign nations by other means than private enterprise and the slow process of diplomacy. We now go directly to the object by national enterprise, by Government commissions aided by public money, in the same manner that the national governments of Europe developed foreign trades for their merchants.

I favor all honorable agencies of our national power in this direction. I hold that that commerce is for the general welfare, and that all just and effectual measures for the promotion of our commercial relations are constitutional, whether to aid our merchants, our farmers, or manufacturers. The Treasury was established and taxes are levied for the general welfare of the people, and Congress is the constitutional judge of the mode in which these agencies should be used to that end. We have the power to aid the treaty-making branches of the Government in all commercial matters and in all matters that are proper subjects of treaty and which require for their execution an appropriation of public money. The money so appropriated may be expended for the maintenance of consuls, or commissions, fixed or roving, or for the maintenance of ships as agencies of commerce. It is as much our duty to tax the people for the development of commerce as for the development of the industrial arts at home.

Whether this shall or shall not be done is always a question of public policy rather than of constitutional power. I see no difference in principle between supporting a consul to develop commercial relations and supporting a commission like that now proposed. I see no difference between supporting consuls and commissions for this object, and aiding by public money ships or lines of ships to more effectually develop commerce. We have long adhered to the policy of aiding our interstate commerce by appropriating public money for certain improvements on our inland waters as well as ocean harbors. One-tenth of the moneys so appropriated in the last ten years would have developed a foreign commerce of which we might now well be proud. The day has long passed when it was considered doubtful policy to improve the pathways of interstate commerce and establish expensive Federal agencies for its development and protection. And the day has come when no party dogmas will be allowed to stand in the way of like development and protection for a foreign trade. Hereafter the question will be, What agencies and what amounts of public money are necessary for the development and protection of this trade? This is the position that the Republican party has taken by its latest platform; and no political party can hope to outstrip it in popular esteem or confidence that will not take an equally advanced position in regard to our commercial relations.

American private enterprise is not altogether lacking in the direction of South and Central America. In the year ended June 30, 1883, our trade with Mexico, exports and imports, amounted to $34,644,693; with the Central American States to $8,321,801; and with the South American states to $107,583,811. In addition to this, our trade with the West Indies the same year amounted to $128,929,992; a total trade with our southern neighbors amounting to $280,000,000 in round numbers. But this is not our proper share of this trade. We can improve on it as we have done in Mexico. Our trade, imports and exports, with that republic in 1867 amounted to only $6,467,732. Ten years after we developed this trade to $11,097,758, and in 1883 to $34,644,693, including imports of gold and silver amounting to $9,782,986! We are making great developments in our trade with Mexico; and when the recent treaty will be in operation—which is only delayed by this House—it will get an impetus that will drive out all our European rivals. Sixty millions of American capital are already invested in railroads connecting the great inland marts of that country with our own, while Congress has done nothing whatever to advance our trade interests in that direction. Germany is ahead of us there with a commercial treaty.

The following table exhibits the value of the exports of the precious metals and of other commodities from Mexico to the several countries named during the fiscal year ended June 30, 1883:

Countries.	Exports.		
	The precious metals.	Other commodities.	Total.
England	$15,201,600 36	$2,056,642 25	$17,258,242 61
United States of America	9,036,773 33	7,702,324 37	16,739,097 70
France	3,561,987 13	642,918 42	4,204,905 55
Spain	1,035,013 00	954,245 74	1,989,258 74
Germany	392,955 92	732,763 29	1,125,719 21
United States of Colombia	298,937 55	59,229 59	358,167 14
Guatemala	92,875 00	686 00	93,561 00
Belgium		29,040 00	29,040 00
San Salvador	8,515 40	288 00	8,803 40
Italy		300 00	300 00
Venezuela		300 00	300 00
Ecuador		200 00	200 00
Total	29,628,657 69	12,178,937 66	41,807,595 35

These figures show how much more advantageous to Mexico is her trade with us than her trade with the European nations. The latter exact from her specie payments, while we take pay for nearly half of our trade in "other commodities." England demanded over $15,000,000 in precious metals, and took only a trifle over $2,000,000 from her in "other commodities." France and Spain engage in the like trade exhaustion of Mexico, while Germany seeks the highest reciprocity by taking for her exchanges more than double in products other than precious metals. We will have to look out for Germany under her recent Mexican treaty.

I here offer some official statistics of our trade with Mexico, the West Indies, and Central and South America.

Statement showing the trade of the United States with the countries below named during the year ended June 30, 1883.

Countries.	Imports.			Exports.							Total imports and exports.
				Domestic.			Foreign.			Total exports.	
	Merchandise.	Specie.	Total.	Merchandise.	Specie.	Total.	Merchandise.	Specie.	Total.		
Mexico, Central American States, and British Honduras:	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Mexico	8,177,123	9,782,986	17,960,109	14,370,992	5,120	14,376,112	2,216,628	91,844	2,308,472	16,684,584	34,644,693
Central American States	5,121,315	90,512	5,211,827	1,936,813	20,612	1,957,425	66,654	3,656	70,310	2,027,735	7,239,562
British Honduras	531,839	45,983	577,822	487,535	.....	487,535	16,882	.....	16,882	504,417	1,082,239
The West Indies:											
Cuba	65,544,534	3,754,321	69,298,855	14,567,918	36,245	14,604,163	535,785	2,507,750	3,043,535	17,647,698	86,946,553
British West Indies	8,736,112	262,087	8,998,199	8,241,622	30,100	8,271,722	260,531	16,104	276,635	8,548,357	17,546,556
Porto Rico	5,477,493	91,000	5,568,493	2,116,499	39,653	2,156,152	48,209	36,081	84,290	2,240,442	7,808,935
Hayti	2,971,515	258,954	3,230,469	3,162,738	1,255	3,163,993	60,363	51,219	111,582	3,275,575	6,506,044
French West Indies	2,895,857	1,900	2,897,757	1,783,332	.....	1,783,332	30,223	.....	30,223	1,813,555	4,711,312
San Domingo	1,417,519	70,611	1,488,130	1,179,200	44,916	1,224,116	22,674	11,419	34,093	1,258,209	2,746,339
Dutch West Indies	882,058	43,418	925,476	579,690	.....	579,690	9,922	32,250	42,172	621,862	1,547,338
Danish West Indies	384,003	29,501	413,504	694,565	1,285	695,850	7,561	.....	7,561	703,411	1,116,915
Total West Indies	88,309,091	4,511,792	92,820,883	32,325,564	153,454	32,479,018	975,268	2,654,823	3,630,091	36,109,109	128,929,992
South America:											
Brazil	44,488,459	499	44,488,958	9,159,330	800	9,160,130	92,764	.....	92,764	9,252,894	53,741,852
United States of Colombia	5,171,455	374,558	5,546,013	6,719,787	453,972	7,173,759	149,184	21,412	170,596	7,344,355	12,890,368
Argentine Republic	6,192,111	.....	6,192,111	3,357,670	.....	3,357,670	185,526	.....	185,526	3,543,196	9,735,307
Venezuela	5,901,724	53,201	5,954,925	2,363,211	239,160	2,602,371	40,494	79,320	119,814	2,722,185	8,677,110
British Guiana	5,946,429	.....	5,946,429	1,973,422	100	1,973,522	61,734	.....	61,734	2,035,256	7,981,685
Uruguay	3,980,110	.....	3,980,110	1,385,755	.....	1,385,755	67,063	.....	67,073	1,452,818	5,432,928
Chili	435,584	8,155	443,739	2,837,551	.....	2,837,551	22,945	.....	22,945	2,860,496	3,304,235
Peru	2,526,918	.....	2,526,918	487,360	.....	487,360	6,534	.....	6,534	493,894	3,020,812
All other countries and ports in South America not elsewhere specified	1,602,713	500	1,603,213	94,220	.....	94,220	12,676	9,725	22,401	116,621	1,719,834
Dutch Guiana	473,043	34,767	507,810	447,778	.....	447,778	3,571	.....	3,571	451,349	959,159
French Guiana	18,437	.....	18,437	101,013	.....	101,013	1,071	.....	1,071	102,084	120,521
Total South America	76,736,983	471,680	77,208,663	28,927,097	694,032	29,621,129	643,562	110,457	754,019	30,375,148	107,583,811

This exhibit shows a lamentable balance of trade against us in South America. We imported from there in 1883 nearly seventy-seven millions of dollars' worth of merchandise, and exported there not quite twenty-nine million dollars' worth of our domestic products. Cuba had a balance against us of over $50,000,000 on account of the products we imported from her. With the United States of Colombia the balance is slightly in our favor. With the progressive Argentine Republic the balance against us in the exchange of merchandise is about 50 per cent. of the trade. In Venezuela the balance against us is over 50 per cent. In British Guiana the balance against us is 75 per cent. of the trade. In Uruguay the balance against us is nearly 70 per cent. of the trade. With Chili the balance is largely in our favor; while with Peru the balance is as large the other way. We bought from Brazil goods to the value of $44,488,459, while that empire only took from us goods of our production to the value of $9,159,330.

Mr. Speaker, a glance at the figures of these exhibits will show the importance of the appropriation for a trade commission to the South and Central American States. Europe is getting the advantage of the balances against us in these countries. Our farmers are liquidating these balances by paying for the South American products shipped to Europe, or by paying to the South American countries a like amount for the goods they ship to or purchase from Europe.

INTERNATIONAL RELATIONS.

Mr. Speaker, I believe in the Monroe doctrine in its widest extent and its broadest construction. I want that doctrine enforced. The American peoples are one and the same in race and institutions. Even Brazil, though in form monarchical, is in effect a popular government. The white race of this continent is, like ourselves, of European origin, and the old American stock south of us, though called Indian, is not of the same stock as our North American tribes.

The ancient peoples of Mexico and Central and South America developed a civilization on this continent that dates further into the ages gone than the oldest civilizations of Egypt or Asia. Mexico and Peru, though far in decay in the time of Cortez and Pizarro, exhibited an advance in the arts and sciences, in social polity and industry, that astonished the Spaniards—then the most refined and advanced people of Europe. That such people as the Aztecs, the Mayas, the Quichés, the Colhuas and Nahuas or Toltecs of Mexico and Central America, and the Peruvians, whose empire extended two thousand miles along the South American coast and far inland across the Andes, were subjugated so cruelly as to destroy their civilization is one of the saddest events of disaster to humanity. These were peoples with whom, had they been treated in the light of modern humanity, we would have been proud to deal as equals and as friends. We could have learned much of science and art and social regulations from them. When I am reminded that only one-tenth of the population of Mexico is of the pure Spanish descent I also recall that the other nine-tenths are of a stock that has shown a capacity for civilization and enterprise that falls in no degree below our own.

I would remind you, sir, that it was men of this so-called Indian stock who joined with their white friends in the revolutions that overthrew the power of the Spanish Crown on this continent and founded so many republics like our own on the ruins of kingly despotism. Sir, it is an honor to any nation to enter into close relations with peoples who are descendants of the best blood of two continents. The stock that produced the liberator Juarez, that trampled into dust the empire set up in Mexico by three great powers of Europe—England, France, and Austria—has in it the material to make mighty nations. The peoples of Mexico and South and Central America are just awakening from the torpor of four centuries of ecclesiastical and superstitious bondage. They have interests and institutions more in harmony with our own than those of Europe, and it is for us to develop the closest relations of amity and commerce with them rather than with the Old World, where all is aristocracy and serfdom. The resources of the nations south of us are even greater and more varied than our own. Let us give to them what aid and encouragement for development we can. It will be for our great and lasting benefit. I know Mexico well. What a grand country it would become through the development which close relations with us would give it! Yet she is only one of many such states to our south. Why do you not carry into operation the trade convention made with Mexico? We desire her trade, and she wants to trade with us in largest reciprocity.

Mr. Speaker, I know our neighbors of the Republic of Mexico; I therefore respect and admire them. Hence I desire to cultivate the most amicable relations with them.

The advantages offered to us in the convention which is proposed by a bill here pending to be carried into effect are so numerous and apparent that it would seem to be unnecessary for any gentleman to advocate immediate and favorable action on our part. The report made by our Committee of Ways and Means sets forth the valuable concessions offered to our commerce by the United States of Mexico. It says that if there be any objection to the treaty, it lies not in what it proposes, but in what it omits.

There should be no limitations on the commerce between any of the independent states of America. We should cherish toward each and all of them the most friendly sentiments and relations. They have all proved their right to independence in the same fiery ordeal as that through which our fathers passed in asserting theirs. They have the same love of free institutions as that which inspires us. They are our younger sisters. Our birthday long antedates theirs; and this alone might be cited as one reason why their development is not up to our standard of advancement. But in ambition they are not behind us; and in physical resources of wealth and prosperity they are even more abundantly endowed than their elder sister. Already Mexico invites us to come in upon her highways of commerce and partake of the superabundance

of her wealth. We have no interests that can be regarded as being in rivalry with any of hers, no institutions that are foreign to her people, no aspirations inimical to their welfare. There is nothing to stand in the way of the most amicable relations between the sister republics.

It is true that in population we greatly preponderate over Mexico. We are 55,000,000 to her 10,000,000; but to the south of her are millions of peoples kindred to her own. These will in good time follow the example of Mexico when you enter the door which she has so hospitably opened for your trade.

Are not these peoples imbued with the same love of liberty as ourselves? Are they not of our own blood and lineage? Men talk of the Latin race. Language is not the evidence of lineage. It is blood that tells.

The Spanish settlements on our continent were peopled from the same stock which we are proud to claim as our own. The Spanish blood of this continent is as Gothic as our own, as Celtic as our own. The Celtiberian peninsula got the same Germanic mixture of blood that is to-day called Anglo-Saxon in our mother tongue. Even though the evidences of ancient history were destroyed, we might well claim this common consanguinity from the records of the last few centuries, whereon are emblazoned the valor, the enterprise, and the grand developments of the arts, science, literature, and culture of old Spain when she was the first power in Europe and mistress of the universal seas.

Paradoxical as it may seem, sir, it was this advanced condition that not only retarded Spain, but threw her back in the march which her less cultered neighbors in the north of Europe took up so energetically in the seventeenth century. The evils of which we are to-day complaining, and of which the older countries of Europe have much more reason to complain, are the same that chained the proud lions of Castile and Leon, namely, the inordinate aggregation of wealth in the hands of the few and the consequent impoverishment of the masses; the evil which the learned statesman from New York, Mr. S. S. Cox, has so often and so vigorously denounced in his eloquent appeals to this House for reform.

Though I am not yet emancipated from the "bondage" of the "tariff," though I do not yet see the way to equal commerce with all the world, I most heartily accept the doctrine of the gentleman [Mr. S. S. Cox] in its application to our western hemisphere. Here, on the cis-atlantic side of the globe, I would indulge the largest reciprocity between the nations and abolish all restraints upon their commerce. I would have the freest exchange of commodities. I would have our flag in every port, our ensign on every sea—the emblem and harbinger of American free trade from the Saint Lawrence to Cape Horn, from the Pacific to the Atlantic. Already we have clasped Mexico to our bosom. She is bound to us with bands of steel and ties of interest, and the galaxy of southern sisters beyond are ready to join the peaceful union.

Sir, it has often been said that the soft skies of the sunny climes are not congenial to our race; that we make our best development amid hyperborean blasts, which brace the energies and tingle the blood to action; but you will always notice, sir, that this criticism comes from the hyperboreans themselves, like the deprecation of physical beauty that comes from the hard-featured North. This deprecation is inspired by envy, and it is not true that energy and civilization belong to the wintry climes.

Sir, the clime that produces the female form divine in its most perfect loveliness can not be uncongenial to man. History disproves this libel on the south lands. Look at the splendid ancient civilization of Mediterranean Europe, Mexico, and Central and South America. Where can you surpass the valor that spurned the Trojan plains or withstood the hosts at Thermopylæ, or that of the incas in the passes of the Andes?

The culture, learning, and refinement of ancient Greece, the mother of republics, was only surpassed in the sunny climes of this continent. Did not Sparta and Carthage flourish in the sunny clime? And Rome—the once proud mistress of the world—did not Rome give civilization and letters to modern Europe through the passes of the Pyrenees? And did not Araby contribute also through the same passes? Is it not to Rome's Twelve Tables and the *jus civili* built upon them that we owe the maxims and principles of our laws? It was in the sunny clime that the codes of European jurisprudence first took root and flourished, until they grew into the great tree that cast its protecting branches all over our race—the same that shelter us to-day. The vulgar error that our common law was transplanted into British soil by barbaric invaders from the rude fastnesses of German forests is no longer entertained by intelligent writers. Mr. Speaker, it is in the sunny clime that man reaches his highest development. You may launch your Yukon explorations; Canada may force her way to the Pacific over eternal snows and frowning peaks; the great Northwest may send back its "booms" to us over alkaline plains, rude Montanas, and bleak Dakotas; but I, sir, a son of the balmy south land, look from the flowry prairies and luxuriant fields of Texas, my own progressive State, to see the star of empire take its course amid the brilliant constellations of the southern sphere.

Sir, it was to Mexico that the star of empire first took its westward way; and if its course was marked with blood, is not this but another evidence of our consanguinity with the sons of the cavaliers who bore the standards of Castile and Arragon across the western main and planted them in triumph over the halls of the Montezumas? Would not your Puritans, who regarded the North American Indians as the embodiment of "sooty devils," have enslaved them as the Spaniards did the Aztecs and Peruvians, had the Massasoit tribes been as far advanced in civilization and industrial pursuits as these ancient peoples?

The dark age of military conquest has passed away; a brighter day has come to this continent. Let this commission be its herald. Our stars beam on another empire, and southward they take their way to guide the conquests of commerce and international good-will.

This, sir, is the beginning of a new era of progress and close relations among the sons of men whose ancestors preserved to Europe the civilization of Rome and to the world Christianity; sons of men who gave literature to Europe and founded the schools of the modern arts and sciences; sons of men who stemmed the Saracen invasions and placed the Cross forever above the Crescent; sons of the peers and paladins who rallied around the standard of Charlemagne in the pass of Roncesvalles and bathed their sabers in the blood of the infidel host. These are the men, sir, who, acting their own proverb of hospitality, throw open their doors in Mexico and invite us to enter and act as if we were in our own house, and their southern kin are no less eager for our good-will and intercourse. They offer us a market for our wares. They will take the industrial surplus that so greatly impedes the employment of labor in our factories, and they will give us in exchange their gold and their silver, the gems of their mines, and the precious woods of their fragrant forests.

Already Mexico invites us to come in and aid her in developing her rich tropical resources, so that the luxuries of her south land may, by reciprocity and exchange, become common to our toiling millions. She does not, nor any of her southern sisters, propose to compete with your iron fabricators or textile makers. They all prefer the ease and independence that come from the healthful exercises of the fields. Never were the conditions for agreeable and profitable commercial reciprocity better between contiguous and kindred people—kindred in blood, institutions, and aspirations. They ask us to come in and aid them in restoring to America a richer and better civilization than their warlike ancestors destroyed on the continent they discovered four centuries ago. Let it not be said that we refused this generous invitation; that we neglected this golden opportunity for spreading good-will and promoting general welfare among the nations and peoples of this continent.

The Mexican Pension Bill.

SPEECH

OF

HON. WILLIAM WALLACE BROWN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884.

On the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. BROWN, of Pennsylvania, said:

Mr. SPEAKER: I took some pains immediately after the passage of the Mexican pension bill through the House in March last to inquire into its merits (before its passage there was no opportunity to do so), and I found that from the best information attainable the bill covered by its several provisions a very large number of cases having little or no merit. The following letter from the Adjutant-General of the Army, which I print, shows an enlistment of 37 per cent. after the 30th day of September, 1847. It is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 18, 1884.

DEAR SIR: In reply to your verbal inquiry I have to inform you that the report of the Adjutant-General of November 30, 1847, shows the strength of the Army (volunteers and regulars), enlistments, &c., up to September 30, 1847. (See in this connection Executive Document 8, published in Senate documents of the first session Thirtieth Congress, volume 1, 1847–'48.)

There appears to have been no report made by the Adjutant-General of the number of enlistments from September, 1847, to the termination of the war, in July, 1848; but taking the statement contained in the Adjutant-General's report, in which he gives the aggregate strength in the regular Army and volunteer forces during the war with Mexico as about 100,000, and deducting therefrom the number of men in service September 30, 1847, about 63,000, would make the number of enlistments from September 30, 1847, to the end of the war, July 4, 1848, about 37,000.

Of course you will understand this is only approximately correct, as no tabulated statement respecting the number of enlistments from September, 1847, to July, 1848, have been made.

Very truly, yours,

R. C. DRUM, *Adjutant-General.*

Hon. W. W. BROWN,
610 *Thirteenth Street Northwest.*

In this connection it should be borne in mind that the last battle of

the Mexican war was fought on the 14th day of September, 1847, on which day the City of Mexico was surrendered and the power of resistance to the American arms was practically at an end. It is true that Santa Anna carried on a defensive guerrilla warfare until late in October of that year, but there was nothing rising to the dignity of a battle after the fall of the City of Mexico; hence every soldier who went on the muster-rolls after that date performed no other service for his country than to show his good-will and his patriotism by enlistment. However meritorious this may have been, it was not such a sacrifice for country as to warrant a pension, except in cases where by so doing he may have become disabled; and all such cases are covered by existing laws.

Remembering, what must be conceded as a fact, that the Army of the United States which conquered Mexico was composed largely of young men, and that many who were killed in battle or fell by the way from other casualties incident to war died leaving no widows, it is perfectly apparent that at least 50 per cent. of the beneficiaries under the bill as it passed the House not only took no part in active service, but never left their home rendezvous. Of the one hundred and one regiments mustered during the entire period covering the Mexican war, no one will contend that more than fifty regiments (certainly not more than 50,000 of the rank and file) ever marched upon or even toward Mexican territory.

The first battle of that war was fought early in May, 1846, and, as I have said, the last on the 14th of September, 1847, a period less than half as long as the war for the Union. The treaty of peace between the United States and Mexico was signed February 2, 1848, ratified May 10, ratifications exchanged May 30, and the evacuation of Mexico took place on the 12th day of June the same year. I speak of this history in no disparaging sense. I concede to the soldiers who fought the nation's battles in far-off Mexico all the historic valor that has characterized the American soldiery in all the wars of the Great Republic. I refer to these facts only to show that if the soldier of that war deserves so well of his country as to entitle him to a "service pension," how much more is it due to the soldier who fought and suffered through four years of desperate war to save the Union that he should receive generous reward for the loss of health and the spilling of his blood.

This bill as amended in the Senate does not provide for a "service pension" to the Union soldier, though there is no equitable ground for refusing it to him if one is granted the Mexican soldier. It only seeks to liberalize the laws governing "disability pensions." Is there wrong in this to the Mexican soldier? If there be wrong, even as amended, it is to the Union soldier. As the bill passed the House it was a glaring insult to the latter.

Why this conspicuous omission of the Union soldier from the bill as it passed the House? No wonder the gentlemen on the other side put the bill through under the whip and spur of a suspension of all rules with only fifteen minutes on a side for debate! It was too rank a wrong to meet discussion. The gentleman from Indiana justly characterized the proceeding as follows:

> This bill will put men on the pension-roll who never left the camp of rendezvous. It will put men on the pension-roll who never suffered the loss of limb or of health by wounds or by sickness. In addition to that, Mr. Speaker, it puts all this sixty-day class—and I refer purely to the service clause—it puts men on the rolls regardless of health or age or pecuniary condition. It puts on the pension-roll millionaires, men who do not need the assistance of the Government of the United States. It puts Senators and Members of the House of Representatives on the pension-roll. It pensions men who are to-day giving it their support. * * * How does it happen that you forget two millions of men who served in a war certainly equal in its proportions to the war between the United States and Mexico? How does it happen that you forget to include in this beneficent measure the men who served in that war for a period of three years, or two years, or one year? You happened to think of the Creek war. You happened to think of the Black Hawk war. * * * I am talking about what you did on that side. And you happened to think of the Seminole war. You remember the wars that were prosecuted by States to recapture their runaway negroes. You remember the wars that were brought on by the States by violating the sacred obligation of treaty between the United States and savage tribes. You remember the wars that were provoked by State governors against national authority in the assertion of your State-rights doctrines. You remember all who served in those wars and propose to put them on your pension-roll. Why do you forget these other men, the Union soldiers?

Is it at all to be wondered at that the Senate should, while considering this bill, incorporate amendments thereon in the interest of the Union soldier? Gentlemen insist that the Mexican soldier should receive special favors from the Government. They demand for him "service pension," while they who wore the Union blue from 1861 to 1865 can only receive a "disability pension."

The Senate has also amended the bill so as to increase the widow's pension from $8 to $12.

Do gentlemen deny the justice of the amendment? No, they admit—at least the gentleman from Alabama [Mr. HEWITT] does—that the amount named in the amendment is none too much to keep starvation from the widow's door; yet, notwithstanding, the filibustering has gone on from day to day until it is now apparent the bill must fail.

The Senate has amended the bill so as to shift the burden of proof from the soldier to the Government in relation to his physical condition at the time of enlistment. No man denies that the amendment is a proper one. The best possible evidence attainable is the fact of acceptance into the service. To require the soldier to prove that the examining surgeon did his duty twenty years or more ago is as unreasonable a requirement as human ingenuity could devise.

The rule as at present applied is in many cases unjust in its operation and is in every way unworthy a great government. That it should have remained so long in force is a marvel and a reproach. How can gentlemen justify their opposition to this bill, seeing so many needed reforms in our pension laws appear among its provisions? Can they deceive themselves with the hope that the country will not understand the purpose of a whole week's filibustering? Gentlemen seem enraged because the Senate has limited service-pensions to the period in life when the Mexican soldier reaches the age of 62 years. Do they remember that the Union soldier gets no service pension whatever; that he must show a disability and prove that it began while in his country's service? Do they remember that the Mexican soldier has already received one hundred and sixty acres of land, whether he desired to occupy it or not; while the Union soldier can only secure land like other citizens, by occupation, receiving a credit for his years of service?

Sir, from no standpoint is this opposition to the Senate amendments justifiable. They are all just, equitable, and humane. True, they limit the number of beneficiaries of the war of 1846, but only so far as seems necessary to curtail drafts upon the Treasury, so that the Union soldier whose health and blood were given a free sacrifice to the country may be remembered out of the nation's bounty also.

The failure of the legislation embodied in these amendments is to my mind a grievous fault. To the soldier of the country and to the widow and the fatherless the news of this day's doing in the national Congress will come as a message of ingratitude and wrong.

The following amendments to the Mexican pension bill—as it passed the Senate—I desire to print with my remarks, that the country may judge whether they are deserving the bitter opposition coming from the other side of the House.

APPENDIX.

SEC. 8. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent upon his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States, and in line of duty, greater than that provided for herein, shall receive the benefits of this act; but any applicant for such invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws, and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election.

SEC. 9. That all widows or minor children of soldiers and sailors who as such are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States, and in line of duty, shall from and after this date be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

SEC. 10. That if any invalid pensioner pensioned for a disability contracted in the military or naval service of the United States, and in line of duty, has died or shall hereafter die, leaving a widow or minor child under 16 years of age, or both, at the date of the death of such pensioner, such widow and minor children shall be entitled, in the order of succession named, to an original pension in their own right, under existing laws, without being required to prove that the death of such pensioner was due to his military or naval service of the United States, and shall receive the rates now allowed by law, except that such as may be found to be entitled to $8 per month under existing laws shall receive in lieu thereof $12 per month.

SEC. 11. That pensions granted widows on account of minor children shall be continued without limit as to age, whenever it shall appear that such minors are of unsound mind or physically helpless so as to render them incapable of earning a subsistence: *Provided*, That such widow retains the care, custody, and control of such minors; and in the event of the death or remarriage of such widow, or abandonment by her of such minors, then the pension and additional pension shall be continued to them in their own right, without limit as to age, during the continuance of such disability, payable to a duly constituted guardian.

SEC. 12. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from the date of this act.

SEC. 13. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

SEC. 14. That no person shall be entitled to more than one pension at the same time under any or all laws of the United States, whether such pension shall have been already obtained or shall be hereafter obtained, unless the act under which such pension is claimed shall specially so declare.

The Mexican Pension Bill—Amendments in Favor of Union Soldiers—Justice to the Nation's Defenders—Relief for Destitute Widows and Orphans—Simple Justice no Extravagance—Cheaper than Standing Armies—Bad Faith of the Democratic Party—A Fearful Reckoning in the near Future.

SPEECH

OF

HON. JOSEPH D. TAYLOR,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884.

The House having under consideration the Senate amendments to the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes—

Mr. JOSEPH D. TAYLOR said:

Mr. SPEAKER: The letter which has just been read by the Clerk at the request of the gentleman from Kentucky [Mr. BLACKBURN] charges that the Senate amendments to the Mexican pension bill, now under consideration, subject the survivors of the Mexican war to humiliation and disgrace. And I regret to add that this opinion is generally entertained by the other side of this House, and it seems to be a foregone conclusion that no bill in the interest of the Union soldier shall become a law in this Congress.

It is not true that these amendments discriminate against the Mexican soldier. This bill favors the Mexican soldier in two important respects. In the first place, it provides that all the survivors of the Mexican war shall be pensioned when they become 62 years of age, without reference to disability or dependency. In the second place, it gives a pension to every Mexican soldier before he arrives at this age if he is either dependent or disabled; while the Senate amendments only provide that Union soldiers shall receive a pension when they establish the existence of their dependency and disability. The language in reference to the Mexican soldier is, "disability or dependency;" while the language in relation to the Union soldier is, "disability and dependency." The existence of a disability or of dependency, the one or the other, entitles a Mexican soldier or his widow to a pension, while it requires the existence of both to entitle a Union soldier or his widow to a pension; and at the age of 62 all Mexican soldiers are pensioned, while no such provision is made for Union soldiers at any age.

And yet I regard the bill as amended by the Senate a fair one, taking it altogether. It pensions a greater proportion of the Mexican soldiers than it does of the Union soldiers, but the maximum pension of the former is only $8 per month, while the maximum pension of a Union soldier in cases of total disability is $24 per month. Age, dependency, or disability without any further showing entitles the Mexican soldier to $8 per month. There is no rating in the provisions which relate to the Mexican soldier, while the Union soldier who shows the existence of some pensionable disability, and also shows that he is dependent upon his own labor for support, receives a pension in proportion to the extent of his disability, basing a total disability at $24 a month and making a less degree of disability divisible on this basis.

It is a little singular, Mr. Speaker, that gentlemen on the other side differ so widely as to their grounds of objection to this bill as it is now amended. Some of them object because it discriminates against the Mexican soldier, while some others object because it discriminates against the Union soldier. Objections of this kind are futile and groundless. In fact they are a mere pretense. If any member of this House is a friend of the Mexican soldier, and honestly believes that he deserves some additional recognition on the part of the Government, will he object to this bill because he can not, in the same bill and at the same time, get more? When the Government passed a law granting a land warrant to every Mexican soldier, was it opposed because two land warrants were not granted at the same time, or because a section of land was not granted instead of a quarter-section?

Will a friend of the Union soldier oppose this measure, which is so full of aid to the soldiers and widows and orphans made helpless and dependent by the late war, because it is claimed that the same bill is a little more favorable to the survivors of a war that was waged thirty-seven years ago? This is nonsense. It is too much like the boy who insisted that he had the smallest piece of bread and butter, no matter which one was given him. If the Mexican soldiers deserve more than this, let it be granted next time. And if the Union soldiers deserve more, and they certainly do, let steps be taken in the future to this end. It is impossible to do everything at once, and we should not withhold a part now because we can not get all that we desire, especially as the granting of this part will not in any way prevent additional legislation in the future.

Mr. Speaker, I do not think there has been any measure before the Forty-eighth Congress more important than the one now under consideration. I had occasion to discuss the imperfections of our pension laws and the injustice which is being done to our soldiers when the pension appropriation bill was under consideration, and hoped at that time to secure to that bill amendments similar to the amendments made by the Senate to this bill, but was dissuaded from making any effort to do so by the statement then made to the House that the Committee on Payment of Pensions, Bounty, and Back Pay were about ready to report a carefully prepared bill which would correct the defects then pointed out.

A bill was reported from this committee soon thereafter by General WARNER, its chairman, but for some strange reason it was passed under a suspension of the rules, when no amendments could be made and when all discussion was limited to thirty minutes. It contained only one provision in the interest of the soldier, which was the provision that dispensed with proof of prior soundness, while it contained some objectionable features that prevented its favorable consideration in the Senate. I say this because it has been asked why the Senate never acted on General WARNER's bill. The bill did not go far enough to amount to anything, while it contained some very objectionable features.

Before this, when HEWITT's Mexican pension bill was before the House, we attempted to secure amendments similar in some respects to the amendments now under consideration, but failed. On the night when we had our first all-night session I went to Mr. HEWITT and requested his consent to these amendments, promising in this event that we would support his bill and break the deadlock which was then impeding all legislation; but he refused, and his side of the House then as now stood by him in his opposition to this class of legislation.

When the present bill was passed by this House it was also passed under a suspension of the rules, when no amendments could be made and when all discussion was limited to thirty minutes. The Hewitt bill was abandoned when we showed a determination to amend it, and the present bill, the Townshend bill, was passed, in the manner I have indicated, and sent to the Senate, where it was amended and put in its present form.

We are asked why these amendments are not presented in a separate bill, when this House knows very well that numerous bills embracing every line of these amendments have been introduced, and were introduced at the opening of the session, and seven months have elapsed, and yet these bills in which the soldiers of this country and in which the patriotic people of this country are deeply interested have been suppressed. Not a single report has been made in regard to the equalization of bounties, in regard to the payment of arrears of pensions, in regard to the increase of the pensions of widows whose husbands were killed in battle or died from diseases contracted in the service, in regard to continuing the pensions of the imbecile, blind, and idiotic children whose fathers gave their lives to their country, or in regard to any one of a hundred bills introduced in behalf of the soldiers in order to make good the promises and obligations of the Government to its brave defenders. These bills have been throttled and a hearing denied. Democratic committees do not deign to consider such bills, nor do they dare to report against them.

The course pursued by this House in regard to the claims of soldiers is certainly marvelous. Aside from a bill or two removing the charge of desertion, this House has passed no bill during this long session changing in any way the pension laws, bounty laws, back pay, or any other law affecting the soldiers, except the bill before referred to as reported by General WARNER. Not only this, but the Republicans have been given no opportunity to amend any law or to attempt to amend any law in this direction. The Hewitt bill was abandoned, the Townshend bill and the Warner bill were passed on suspension day and under a suspension of the rules, so as to prevent any amendments whatever. The House and every committee of the House is under the domination of the Democratic party, and the only way in which we can hope to get any legislation in the interest of the Union soldier is to attach it to the Mexican pension bill, a bill in which the other side appears to be more interested than in bills pensioning the soldiers of the late war.

The objections to the Senate amendments of the Mexican pension bill now under consideration are based on the fact that it makes certain provisions for the Union soldiers. Let us see what these provisions are. It provides that no honorably discharged soldier shall be prevented from receiving a pension because he can not prove he was sound when he entered the service; or because he can not show when and where he contracted the disability; or because he can not show that he was treated by a surgeon for this particular disease; or because the hospital records fail to show certain facts. Or, in other words, if a soldier has a disability which might have been incurred in the service, and is also dependent on his own labor for his support, under this bill he receives a pension. The same provision is made for the widow in case the husband is dead.

In cases in which minor children now draw a pension until they are 16 years of age this bill proposes that the pension shall continue after they are 16 if they are imbeciles, idiots, or blind. They are as dependent after they become 16 as they were before; and as their father, their natural protector, gave his life to his country, the Government owes these helpless dependents a support. It also provides that the widows and minor children of soldiers and sailors who are now receiving $8 a

month shall hereafter receive in lieu thereof $12 a month, an increase of $4 a month. And in another section it provides that dependent parents shall not be required to prove that a son who lost his life in the service intended to support them, but this fact will be presumed where the soldier left no widow or children. It also provides that in case of the death of any pensioner, leaving a widow or minor child under 16 years of age, or both, such widow and minor child or children shall be entitled to a pension, without being required to prove, as at present, that the death of such pensioner was due to his military or naval service.

These are the provisions which are objected to by the other side of this House. These are the changes in the laws which are resisted here from day to day and from night to night by the Democratic side of this House, with some honorable exceptions. In all the annals of legislation, in all the world's history, no law was ever proposed which had more of the milk of human kindness in it, more of patriotism and gratitude in it, more of justice and equity in it, than the one now under consideration. And gentlemen will find that the defeat of this measure will follow them as a blighting memory wherever a soldier's grave is marked, wherever a soldier's widow weeps, and wherever a soldier's orphan suffers the pangs of hunger or cold. This is only an act of justice, a debt of gratitude, a sacred duty. How dare you shrink from this solemn obligation? The graves of these soldiers are all about you. The wants of these widows meet you in all the pathways of life. The voices from half a million graves plead for the support and maintenance of their helpless children. Let me warn you to-day that in defeating this measure you will enkindle a storm of indignation which will sweep you and your party from the power you now so shamefully abuse.

The passage of this bill as amended is objected to because it will cost the Government an immense sum of money. What if it does? Can any government afford to repudiate its just and fair obligations? We can better afford to pay to these dependent and meritorious wards of the nation every dollar contemplated in this bill, and as much more, than we can afford to repudiate such a binding obligation. The other side of this House advocates a revenue system which would compel us to pay three or four hundred millions a year to foreigners and to foreign lands, while they object to paying a few millions to our own deserving poor. It has been stated here on this floor that this bill would cost the Government from fifty to one hundred millions a year. At the instance of members of both Houses, Commissioner Dudley has carefully computed the cost, and he declares that it will not cost over $16,000,000 a year—the bill and the Senate amendments. He estimates that pensions to the survivors of the Mexican war will not exceed $3,500,000, and that the pensions provided for in the Senate amendments for the Union soldiers will not exceed $12,500,000. General Dudley is thoroughly competent to make this calculation, and has the assistance of the best experts in the United States. He has made it, and risks his reputation on its correctness. It was stated to you correctly by Mr. TOWNSHEND, and I only repeat it because the amount has been given me twice by General Dudley pending this contest. And this $16,000,000 will rapidly diminish from year to year as these aged and helpless people pass away.

Mr. Speaker, it has been claimed here in argument that the passage of this bill will bankrupt the Treasury and impoverish the Government. There are people who would do well to talk less and think more. There is a great deal of ignorance among gentlemen who would like to be called statesmen in regard to the policy and organism of our Government. It has been repeatedly stated here that we pay out more money to our soldiers than any government in the world. This is the main argument on the other side, and yet it would be just as wise to argue in favor of tearing down our school-houses and colleges because we have a greater number of them than any other country in the world. The one argument is just as good as the other. The United States Government, unlike all the other great governments on the earth, depends for its protection and defense in time of peace and in time of war not on a standing army but on a volunteer soldiery.

In the recent war we called a million men from the plow, the shop, the forge, the office, the pulpit, and from all the various avocations of life; from home and wife and children; and the world never saw a grander or more efficient army. The peace footing of the English army is about 200,000 men; the peace footing of the Austrian army is 270,000 men; the peace footing of the German army is 450,000; the peace footing of the French army is 520,000, and the peace footing of the Russian army is 690,000; and the annual cost of the Austrian army is $60,000,000, of the English army $80,000,000, of the German army $85,000,000, of the French army $121,000,000, and of the Russian army $138,000,000. These statements do not include the reserves or naval forces. Compare these armies with our regular Army of only 25,000 men. Compare these expenses with the $20,000,000 or $25,000,000 we pay for like purposes from year to year, and you will see which plan is the more economical.

Other countries depend in time of peace and in time of war on their regular army, on a hired soldiery. We do not; we depend on a volunteer soldiery, but to be always sure of a volunteer soldiery we must be not only just but generous. In olden times it was said, "In time of peace prepare for war," and the interpretation then was, to spend the years of peace in building fortifications, in drilling soldiers, in molding cannon, and in preparation for the deadly conflict. But in later times we have found a safer way in which to prepare for war, and that is to build school-houses, erect churches, and win the hearts of the people by providing for the soldier and his loved ones the comforts of home. Do this, and you will have a country which all the people will love; do this, and you will inspire the hearts of the people with valor and patriotism; do this, and the streams of patriotism and loyalty will never dry up; do this, and you will have a country for which men will do and dare and die; and in doing so you will add more strength to the Republic than you will in building up great armies in time of peace, and when the tocsin of war is sounded you will have an army against which no other army in the world will dare to come.

This is the policy of our Government. This is the way to enkindle the fires of patriotism. Assure the soldier that if he dies in battle, or shall be maimed, or shall suffer from disease, those who are dependent upon him will be comfortably cared for, and you will lay the foundations of this Republic broad and deep.

I desire, Mr. Speaker, that this House shall consider the relative cost of the two plans—that of depending on a hired standing army of professional soldiers, or the plan of winning and welding the hearts of the people to the flag of their country by making it the emblem of kindness, gratitude, and generosity. The one is the pathway of a republic, because it lives in the affections of the people; the other is the trail of a monarchy, along which its defenders are driven by the sword and the lash.

Mr. Chairman, is it possible that this long session is to close without furnishing any relief to that class of our soldiery whose necessities have so touched the hearts of the people of this country? Why this great wrong? Why this denial of justice? Why do the Democratic members of this House, with a few honorable exceptions, sit silent in their seats and refuse to vote, in order to defeat this bill? Why have all the bills introduced in this House in the interest of the soldier been suppressed? Why is it that we have been unable in all these months to get a single one of these bills considered in the House or in committee? Why are bills which are in the interest of Union soldiers denied a hearing? Why is it that any bill which could be amended so as to embrace some of these measures is whipped through the House under a suspension of the rules, when no amendment is allowed? Is it because the great Democratic party does not dare to put itself on record as opposing these measures? If the committees could not report these bills favorably, why did they not have the courage to report them unfavorably? Every bill of any importance to anybody is entitled to consideration, and should be reported favorably or adversely. The bill and its author are entitled to this consideration.

A little while ago it was published in Democratic newspapers that a Democratic House was doing more for the Union soldiers than a Republican Senate. Do you know, Mr. Speaker, how that idea went abroad? I will explain. This House passed early in the session a large number of special acts pensioning soldiers, which were sent to the Senate and remained there a long time without being acted on by the Senate. Do you know the reason? If you do not, I will tell you. The Committee on Pensions in the Senate was composed of nine Senators, five of whom were Republicans and four were Democrats. For a long time Senator SABIN, of Minnesota, was absent, and this left the Pension Committee four and four. The RECORD will show the absence of Senator SABIN, and the further facts that during his absence pension bills were reported adversely by the Democratic subcommittees, and that no progress was made in passing pension bills. This hitch in pension legislation was removed by the resignation of Senator SABIN, who was still absent, and the appointment of Senator WILSON, of Iowa, in his place on the Pension Committee, since which time every pension bill that could be reached, including those reported upon adversely by Democratic members, has been passed by the Senate. The Senate has not only passed these bills, but it spent several weeks in maturing the bill now before this House, which provides not only for Union soldiers, their widows and orphans, but for Mexican soldiers and their dependents as well.

Mr. Chairman, the last thing that my colleague, General WARNER, did before starting to Chicago was to make an earnest speech against the passage of this bill. Ostensibly he was opposing one of the Senate amendments, but his argument went to the merits of the bill. He declared, as he has done repeatedly during this session, that all pensions should be limited to disability incurred in the service; that to grant pensions on any other principle would be dangerous and vicious legislation; that this country had never departed from this principle but twice, and that he regarded these as two very bad precedents. In his absence I shall not attempt to reply to his argument or quote what he then said, or what he said on this subject at any other time, but on behalf of the soldiers of the Union Army, and on behalf of their helpless widows and children, who have so earnestly appealed to us for relief, I want to enter my protest against the action of his committee. He is the chairman of the Select Committee on Payment of Pensions, Bounty, and Back Pay, to which was referred the most important legislation of this session touching the soldiers and their dependents; and I regret to say that this committee has proved the graveyard of all this important legislation. It never reported but one bill, and this was so objectionable to soldiers that the Senate gave it no consideration.

Early in the session I introduced a bill granting arrears of pensions, which went to this committee. Governor Hart's bill granting pensions to all soldiers who had rendered a certain amount of service and who had arrived at a certain age, and scores of others of like character, were sent to this committee for consideration; but they have all slept the sleep that knows no waking. It seems to have been determined from the opening of this session to this hour that no bill in the interest of the Union soldiers should become a law, and that this end should be accomplished, not by open and frank opposition, but by stealth and cowardice. The Democratic party holds in its iron grasp all of the committees of this House, and determines here from day to day and from week to week what shall be and what shall not be considered. We have asked that this bill be put on its passage, and we have been refused. We have asked that these Senate amendments be voted on, and if rejected, that the bill be sent to a conference committee for amendment; and this has been refused. We have asked that some of these amendments be approved and that the others be rejected, if in this event the bill can become a law. This, too, has been refused.

This bill, which before amendment provided only for the Mexican soldiers, having been amended in the Senate so as to include certain classes of Union soldiers, can only become a law now by the approval of this House being given to these amendments. There is now no hope of any legislation which will give relief to the Mexican nor to the Union soldiers if this House persists, as it has done for the past three days and nights, in its refusal to assent to these amendments. This Mexican pension bill can become a law now in a single hour. It was reached in the regular order on Wednesday, and it has been the regular order ever since, but its defeat seems to be inevitable. The closing hours of the session are at hand, and it is now proposed by the Democratic leaders of this House that we shall adjourn after a session of over seven months without passing a single law that the Union soldiers and the friends of the Union soldiers have asked for.

While I denounce the attitude of this House toward these measures as an outrage upon justice, I desire to pay a tribute of respect to the courage and fairness of a few of the majority, some of whom served in the confederate army, who have stood by the Republican side of this House in this long and determined struggle for the passage of this bill. Unfortunately we have been outnumbered, but we have made the best fight we could, and the responsibility for the defeat of this important measure will be borne by those whose opposition has thus far accomplished its defeat. The soldiers whose quiet homes are scattered over the hills and valleys of every State and Territory, the widows whose letters of importunity lie unanswered on the desks of the members of this House, the homeless and hungry children who keep green the grave and memory of him whose footsteps they will never again hear, will understand what the rejection of these Senate amendments means, and will appeal to another tribunal, where justice will be more equitably measured out.

There is one other thing I want to say and then I am done. It has been claimed that these Senate amendments will give service pensions to a large number of Union soldiers. Suppose it does, should not these classes be as much the beneficiaries of the Government as any other class? Strictly speaking there is no service pension provided for in any of these Senate amendments. They only relate to the character of the evidence which the Government shall require. When the soldier shows the existence of a disability which can reasonably be presumed to have been incurred in the service this bill gives him the benefit of the doubt. As all soldiers were examined by a surgeon when they enlisted and were then pronounced sound by the surgeon, this bill presumes them to have been sound at that time and dispenses with this proof. This is a legal presumption never denied in courts of justice and should not be denied to the soldier.

Treatment while in the service, hospital treatment, and the existence of the disease at the date of discharge need not be shown under this bill, as in many cases it is impossible, and under the present law hundreds and perhaps thousands of claims are rejected because this proof is not made, when the length of time since the war and the death of those who know these facts make such proof impossible. The bill dispenses with this kind of proof and makes it possible for a large class of worthy soldiers to receive pensions which have long been withheld from them. The gentlemen who are unwilling that this class of soldiers shall be provided for are willing to restore Fitz-John Porter to his place in the Army, and are willing to vote millions of money to rivers and harbors and a thousand other like measures.

Mr. Speaker, we should not forget or ignore the facts of history. The soldiers of the Union Army were called into service under peculiar circumstances. Treason had its grasp upon the nation's throat. Liberty stood aghast at the monster iniquity, and the civilized world listened with bated breath for the sequel. Should the glorious experiment of free government, the hope of the ages, go down amid the smoke and blood of civil conflict? The question was answered by such an uprising of the loyal masses of this country as the world never saw.

From field and forge, from office and workshop, from hamlet and city they came, hurrying, rushing, crowding to the nation's rescue. They asked no questions about compensation, they drove no bargains, they cared not for the money; they only knew the flag they loved was assailed, and patriotism would brook no delay. They had a sublime faith that, if they fell, the country for which they died would care for their wives and their little ones, and so they bade them a brave good-by and went away, many of them, alas! never to return. They endured hardships without a murmur; they made sacrifices without a complaint.

Thousands and tens of thousands have dragged about with them their maimed limbs and crippled and diseased bodies through all the years since the war without asking a favor of the Government; and now age and poverty and suffering have done their work, and their once skillful hands can no longer minister to their necessities, and they must die in the poor-house; and yet this great Government stands aside and says, "It will cost too much to support these men." Gentlemen, if you persist in this thing the very stones in the street will cry out against such a miserable perversion of economy. It is time this Government should enter upon a more liberal policy toward these patriotic classes; and if this nation ignores the promises made in the hour of her extremity, and turns a deaf ear to the cries of the needy and the destitute, whose youth and strength have been freely offered upon her altars, it will be a millstone about her neck to drag her down from her proud position among the great and glorious nations of the earth.

Internal-Revenue and Customs Collection Districts.

SPEECH

OF

HON. BENTON McMILLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 29, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes—

Mr. McMILLIN said:

Mr. CHAIRMAN: It is hardly possible in the short time allotted to me to discuss this matter in that systematic way which would be most satisfactory to myself and to the House. All any one can hope to do in that brief period is merely to glance at the pending provisions.

Sir, the object of all legislation should be to insure good government. As little money should be collected from the people as is consistent with an economical and proper administration. There should be no more officers than are absolutely necessary. Each officer is to the extent of his salary a burden to the tax-payer. This burden is borne cheerfully by the good citizen when he can see that the office is necessary. But when he looks around and beholds a thousand officers who could be dispensed with without detriment to the public service—mere tax-eaters—he complains loudly and justly. Our object is to so amend this bill as to consolidate customs offices where it is practicable, abolish internal-revenue collectorships where it can be done, and dispense with all unnecessary offices in both branches of the service.

It will be remembered that during the last Congress there was a proposition introduced into this House to reduce the number of internal-revenue districts in the United States. That failed of enactment by Congress. It passed the House but was killed in the Senate. But agitation of it, as is often the case, resulted in the accomplishment of a portion of the good designed.

The President of the United States and those officers operating under him in charge of the Internal Revenue Department, seeing that the people were determined on relief, at last conceded that true statesmanship and wisdom in the management of our financial affairs was consistent with a large reduction in the number of internal-revenue districts. Under the discretion always allowed them they reduced the number from one hundred and twenty-six to eighty-four. We now find that a still greater reduction can be made and propose to make it. The amendments of the gentleman from Kentucky [Mr. THOMPSON] propose to carry that idea into practical operation.

What is the proposition of the gentleman from Kentucky? We have, Mr. Chairman, at present, one hundred and forty-one customs collection districts in the United States. He proposes to reduce them to sixty-nine. We have eighty-four internal-revenue districts. We propose by the amendments which we hope to carry to reduce them to forty-three. Is there any Representative here who, after a comprehensive view of the entire question, can for a moment say that the reduction can not and should not be made?

I have before me a report made to Congress as to the number, location, and cost of the various customs collection districts of the Government. We are confronted by the fact that of the large number which are embraced there are more than thirty that do not pay expenses. Twenty of them do not pay a cent of revenue. High salaries are given. The cost of keeping up the customs establishment in addition to salaries is so great that in many instances not 10 per cent. of the actual expenses is collected at the port.

The following, Mr. Chairman, are only a few samples of the non-paying customs collection districts which we propose obliterating in part by these amendments. Many others could be added:

Statement showing the amount of revenue collected and the cost of collection in each of the customs collection districts during the fiscal year ended June 30, 1883.

Districts.	Aggregate receipts.	Expenses.
Alaska (Sitka), Alaska	$1,501 79	$12,479 39
Albemarle (Edenton), N. C	2,076 15	3,264 81
Alexandria, Va	2,852 63	2,994 81
Annapolis, Md	1,556 50	2,421 87
Atlanta, Ga	21 00	1,067 05
Barnstable, Mass	5,209 01	8,217 30
Belfast, Me	4,489 82	5,176 23
Brazos (Brownsville), Tex	52,734 27	52,063 75
Bristol and Warren, R. I	356 86	1,580 89
Castine, Me	3,783 10	5,916 00
Cherrystone (Eastville), Va	3,022 79	3,530 74
Dunkirk, N. Y	1,259 92	3,414 90
Edgartown, Mass	819 81	5,165 85
Frenchman's Bay (Ellsworth), Me	3,252 48	5,585 47
Georgetown, S. C	1,449 51	2,036 90
Great Egg Harbor, N. J	1,655 00	3,054 50
Humboldt (Eureka), Cal	1,728 38	1,797 39
Kennebunk, Me	169 69	746 45
Little Egg Harbor, N. J	930 59	1,825 60
Machias, Me	3,363 42	4,609 95
Montana (Helena), Mont	1,082 14	2,479 90
Nantucket, Mass	292 00	1,391 53
Natchez, Miss	210 35	505 75

What private citizen would conduct his business this way for a single year? He who would be guilty of it would be called an imbecile or lunatic. Yet there are men here who justify this practice. There are those who complain when we attempt to touch them.

What sense, sir, is there in paying a lot of official deadheads or political deadbeats at alleged ports of entry on the Atlantic Ocean $5,000 a year to collect one thousand? Let us discharge them from the public service and let them go at some self-sustaining calling.

Sir, for years the tax-payers have had to submit to this extravagant folly. But now we propose to put an end to it. If this amendment is adopted it will discharge between two and three hundred officers shown by past experience to be entirely useless. So flagrant is this wrong that the Secretary of the Treasury recommends the reduction we are now attempting. In a report made to Congress he has gone minutely into the matter, showing the extent and nature of the reduction both in the number of employés and in the cost. With his recommendation confronting us who will oppose it? If these reductions are made the service will be simplified, a battalion of officers will be dispensed with, and more than a million squandered on sinecures and worthless customs-collection establishments will be saved. Let no patriot stand in the way of the reform.

Mr. Chairman, I come next to the consideration of the amendment proposing a reduction of the number of internal-revenue collectors, collection districts, storekeepers, &c. We are told by the chairman and members of the Ways and Means Committee that it will be impossible to repeal the internal-revenue system outright, for the reason that it would cause a deficiency in the revenues necessary to carry on the Government of $40,000,000 per annum. The people are not willing to have the tax on clothing and necessaries of life increased, nor should they be. We, I hope, will also have need for some additional revenue to pay Mexican pensions. The bill to pension those old and deserving veterans has passed the House and it is to be hoped will pass the Senate. Besides, the masses would not clamor against a tax on whisky if you would only take away from the system of collection its hardships and oppressions. They are willing for you to require whisky distilled from grain to bear a part of the heavy war debt resting on us if you will give them a simple method of collection which will be in accord with the spirit of our free institutions, and not drag them from home without sufficient cause This much they demand and this they must and will have, even if the tax is retained. Failing to get this short of a repeal of the internal-revenue system, they will and should strike down the system rather than allow the loss of their liberties by Federal usurpation of authority not contemplated by the Constitution.

Sir, we have in the different States eighty-four internal-revenue districts. Who will believe for a moment a large number of them may not be dispensed with? What is the necessity of having so many?

The CHAIRMAN. The gentlemen's time has expired.

Mr. THOMPSON. I will yield a few minutes more to the gentleman.

Mr. RANDALL. And I will also yield him a portion of my time.

Mr. McMILLIN. I thank the gentleman from Kentucky and the gentleman from Pennsylvania for their courtesy.

As I was stating, Mr. Chairman, there are a large number of internal-revenue collection districts which may with propriety be abolished. In them high salaries are given.

Mr. Chairman, we had last year 1,076 grain distilleries operating in the United States. Of that number four hundred and thirty-nine had a capacity of less than five bushels per day. One hundred and seventy-eight others had a capacity of less than ten bushels. It is known to those who are acquainted with the process of distillation that a bushel produces about three and one-fourth gallons of spirits, so that you have all the expense incident to keeping a storekeeper and gauger at all these small distilleries. They get from three to four dollars per diem.

The object of this amendment is to authorize the Secretary of the Treasury to have these small distilleries operated as fruit stills are, without a storekeeper. There are six hundred and seventeen of them, and it is safe to say if the amendment is adopted it will get rid of that number of storekeepers and save more than a million dollars a year. If the amendment fails, you will continue to require a storekeeper and gauger to sit down at a cost of three or four dollars per diem and watch a little worm that makes but fourteen dollars' worth of spirits. You have no storekeepers at the thousands of fruit-brandy distilleries. You trust your people in them; why can you not do the same with the others? There is no more fraud in the brandy than in the whisky distilleries. I do not believe in the doctrine that all mankind are rascals and not to be trusted.

Sir, there were employed last year in this branch of the Government service 1,130 storekeepers and gaugers, 725 storekeepers, and 852 gaugers (those engaged principally in fruit distilleries); total 2,707.

North Carolina alone has three hundred and fifty-eight grain distilleries of less than five bushels' capacity a day, and around these three hundred and fifty-eight storekeepers and gaugers diurnally swarm. What becomes of this hungry swarm of Federal officials if our amendment is adopted? Sir, they will

Fold their tents, like the Arabs,
And as silently steal away.

In many instances more men are kept in commission than there is law to appoint, appropriations to pay, or distilleries to serve. One will be given employment for two months, then another for two, and in some instances a third an equal time, till the salary which should go to one man is doled out to two or three. In this way they are kept dependent on the appointing power. I pass by the political work they are expected to do, and come to another very serious evil which flows from it. That is, they are kept from energetic exertion in some independent business of life, lured on by the hope that a better day and more constant employment will come.

The forty-one collectorships to be abolished by this amendment can be dispensed with without the least detriment to the service. All that will be needed in their stead will be the establishment of agencies to distribute stamps. What injury has come from the reduction made last year? None. Good, and only good, has been the result.

Mr. Chairman, as an illustration of the cumbersome machinery with which we are cursed, I desire to call attention to the following official statement of the collections of internal revenue in the sixth North Carolina district:

Statement showing the number of officers in the sixth internal-revenue district for the fiscal year ending June 30, 1883.

No.	Rank.	Pay.	Traveling expenses.	Rent of office.	Total expenses.	Total collections.
1	Collector, per annum	$3,625 00	$4,065 65	$650 00	$194,248 90	$456,864 16
2	Deputy, do	1,600 00				
6	....do, do	1,000 00				
8	....do, do	900 00				
2	....do, do	1,200 00				
4	....do, do	950 00				
2	....do, do	800 00				
3	Deputy (1½ months), do	1,200 00				
1	Clerk (1 month), do	900 00				
1	Clerk (2½ months), do	900 00				
1	Messenger, do	300 00				
41	Gauger, fees and expenses	18,257 76				
241	Storekeeper and gauger, {$3 per diem / $4 per diem}	141,882 00				

It will thus be seen that it takes 320 officers, at a cost of $194,248 a year, to collect $456,864.16. Sir, let us adopt these amendments and strike this down. Let it not be said that we tamely submit to any such cumbersome method of collecting revenue. These things breed discontent.

Sir, notwithstanding we are told that the repeal of all internal-revenue laws would leave too large a deficiency to be borne—more than thirty millions a year—there is relief we can and should give our people. These amendments can be adopted and more than 1,500 officers dispensed with and more than $2,000,000 saved a year. The tax on tobacco has been reduced from 24 cents a pound to 8 cents a pound—two-thirds of the tax thereby repealed—and still not an officer has been dispensed with. I would repeal the tobacco tax and allow the farmer to sell to whom he pleases.

By pursuing this policy the States could tax these articles and collect a good part of their revenue. The expense and troubles growing out of violations of law in selling little quantities of tobacco would cease, and only good could come from it.

But, Mr. Chairman, to return from this digression to the legitimate question now before the committee, let us, while we are forced for the sake of revenue to submit to any internal-revenue taxes, do our utmost to reduce the expense of collection to the minimum, dispense with all useless offices, pass the bill introduced by me to limit the time within which prosecutions may be instituted in the Federal courts, and strive to dispense with all oppressions growing out of them.

There are many other reasons that could be given for the adoption of this amendment, but I must not further trespass on the kindness of my friend from Kentucky [Mr. THOMPSON] and my friend from Pennsylvania [Mr. RANDALL], who were generous enough to yield me a portion of their time.

Public Buildings—The Work of the Committee on Public Buildings and Grounds in this Congress Compared with the Work of the same Committee in Previous Congresses.

SPEECH

OF

HON. STROTHER M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 2, 1884,

On bills for the erection of public buildings.

Mr. STOCKSLAGER said:

Mr. SPEAKER: Since it seems to be the determination of this House to adjourn at a very early day, and as all the time of the House until adjournment will probably be consumed in enacting the appropriation bills into laws, I avail myself of the privilege of addressing the House upon the general subject of bills for public buildings reported by the Committee on Public Buildings and Grounds, of which I have the honor to be chairman. I do this because some days ago when we were considering some of these bills we listened to lectures from a little "band of brothers" in this House, constituting a small minority of the House, upon the subject of the bills for the erection of public buildings. These would-be wise men, these censors of their colleagues and associates, have seen proper to use harsh language against the friends of the measures proposed by the Committee on Public Buildings and Grounds, language not only unparliamentary, but simply outrageous, and unworthy of the men who uttered it. I shall not undertake to follow them or to bandy harsh words with them. But I will say, Mr. Speaker, that there is not one word of truth in any of the charges made against the conscientious discharge by the committee of its every duty, and not a single reason why such epithets should have been used, unless it was for the purpose of appealing to the worst prejudices of the worst class of people.

Gentlemen say they are not opposed to the consideration of the bills reported from this committee, but they object to the manner of their consideration under the special order. The resolution adopted by more than two-thirds of this House, under which these bills are being considered, is certainly as fair as that of any previous Congress under which similar bills were considered. What are the facts? Four-fifths of the bills heretofore passed have been passed under a suspension of the rules, under which the same debate was allowed as under this resolution. It is true it required a two-thirds vote to pass bills, but no amendment was permitted, while under this rule unlimited amendment is allowed. Again, under the former system it was simply a matter of favoritism, depending entirely upon the caprice of the Speaker. No one, however meritorious his bill, could have it considered unless he could be recognized by the Speaker. Hence the Speaker was the autocrat of the whole subject. Under this resolution each bill upon the calendars will receive consideration in its order and no favoritism can be shown.

Then why all this outcry? Why all this vilification and abuse? Why should about twenty members here seek to obstruct all public business and raise a hue and cry of jobs and steals? Do they simply want to obstruct public business, or do they want to pose as reformers, and, Pharisee-like, thank God they are not as others? I charge upon them that by their dilatory motions they have wasted nearly two days of the valuable time of this House. They have wasted it upon calls for tellers and for the yeas and nays upon the most frivolous motions, simply to waste time. Shall they escape the condemnation of the people, and it be visited upon those who are anxious to proceed with the public business?

Sir, what can be their motive? In considering the bill for New Albany, which no gentleman on the floor attempted to criticise—in fact, it was universally conceded to be right, and the limit fixed a reasonable one—the bitterest speeches were made, and tellers called and a quorum required at every step. Why? Because it was not meritorious? No. Because the sum appropriated was too large? No. Because time enough was not given for its consideration? No; for no objection was made. Then, why the filibustering and delay? The people of this country can and will judge properly. They will not hold guiltless the men who, when no great principle is at stake, ay, when nothing is at stake, will fritter away days of the valuable time of this House.

Now, Mr. Speaker, I desire to call the attention of the House to the work which the Committee on Public Buildings and Grounds has performed, and which gentlemen upon this floor and some of the newspaper press have seen proper to criticise, and to compare it with the work done by the same committee in previous Congresses. And I think a careful comparison will convince every impartial person that the present committee have acted prudently and economically in their recommendations, and are not justly obnoxious to the strictures made.

There have been introduced in this House and referred to that committee bills for public buildings numbering in the aggregate one hundred and nineteen, a list of which is as follows:

Fort Smith, Ark	$250,000
San Francisco	700,000
A building to contain records of the library and museum of the Medical Department of the United States Army	200,000
Sacramento, Cal	100,000
Key West, Fla	150,000
Jacksonville, Fla	200,000
Macon, Ga	125,000
Springfield, Ill	27,000
New Albany, Ind	100,000
Fort Wayne, Ind	200,000
Council Bluffs, Iowa	100,000
Sioux City, Iowa	200,000
Keokuk, Iowa	150,000
General Land Office	500,000
Opelousas, La	100,000
Monroe, La	100,000
Augusta, Me	200,000
Houlton, Me	50,000
Jackson, Mich	75,000
Duluth, Minn	100,000
Vicksburg, Miss	100,000
Aberdeen, Miss	100,000
Carson City, Nev	100,000
Camden, N. J	75,000
Troy, N. Y	250,000
Newburg, N. Y	75,000
Yonkers, N. Y	70,000
Asheville, N. C	75,000
Charlotte, N. C	100,000
Wilmington, N. C	100,000
Fayetteville, N. C	75,000
Columbus, Ohio	400,000
Lima, Ohio	150,000
Reading, Pa	80,000
Pittsburgh, Pa	1,500,000
Erie, Pa	300,000
Lancaster, Pa	75,000
Providence, R. I	125,000
Greenville, S. C	50,000
Chattanooga, Tenn	100,000
Memphis, Tenn	50,000
Tyler, Tex	75,000
Waco, Tex	100,000
Richmond, Va. (George D. Wise)	75,000
Clarksburg, W. Va	50,000
Oshkosh, Wis	100,000
Capital of Arizona Territory	150,000
Cheyenne, Wyo	50,000
Brownsville, Tex	60,000
Galveston, Tex	40,000
Richmond, Va. (John S. Wise)	100,000
Los Angeles, Cal	250,000
Savannah, Ga	500,000
Fort Dodge, Iowa	100,000
Fort Scott, Kans	100,000
Wichita, Kans	100,000
Army Medical Department, District of Columbia	200,000
Bay City, Mich	100,000
Winona, Minn	100,000
Durham, N. C	100,000
Williamsport, Pa	200,000
West Chester, Pa	50,000
Beaufort, S. C	50,000

El Paso, Tex	$200,000
Houston, Tex	75,000
La Crosse, Wis	100,000
Helena, Mont	50,000
Port Townsend, Wash	57,000
Augusta, Ga	200,000
Owensborough, Ky	50,000
Paterson, N. J	80,000
Auburn, N. Y	150,000
Winston, N. C	10,000
Charleston, S. C	75,000
Allentown, Pa	100,000
San Antonio, Tex	300,000
Allegheny, Pa	500,000
Chicago, Ill	50,000
Leavenworth, Kans	160,000
Manchester, N. H	100,000
Statesville, N. C	20,000
Louisville, Ky	1,500,000
Plymouth, Mass	50,000
Washington, D. C	
Washington, N. J	10,000
Gallipolis, Ohio	25,000
Congressional Library	
Galveston, Tex	22,000
Fredericksburg, Va	50,000
Tallahassee, Fla	75,000
Akron, Ohio	100,000
Brunswick, Ga	100,000
Denver, Colo	1,500,000
Lynn, Mass	100,000
New Berne, N. C	100,000
Staunton, Va	100,000
Richmond, Ind	100,000
Haverhill, Mass	50,000
New Haven, Conn	50,000
La Fayette, Ind	150,000
Zanesville, Ohio	100,000
Fort Worth, Tex	75,000
Atchison, Kans	60,000
Havre de Grace, Md	10,000
Newport News, Va	100,000
Nebraska City, Nebr	100,000
Natchez, Miss	25,000
Superior, Wis	100,000
Sedalia, Mo	50,000
Dayton, Ohio	100,000
Portland, Oreg	250,000
West Point, N. Y	37,500
Jackson, Tenn	50,000
Boise City, Idaho	50,000
Wilkes Barre, Pa	75,000
Grand total	17,868,500

Of the one hundred and nineteen bills thus referred to the committee, forty-eight have been reported to the House with a favorable recommendation. Of the number favorably reported, nineteen have been favorably reported by this committee in previous Congresses, a list of which is as follows:

Greenville, S. C	$50,000
New Albany, Ind	100,000
Chattanooga, Tenn	100,000
Augusta, Ga	200,000
Augusta, Me	150,000
Macon, Ga	100,000
Reading, Pa	80,000
Carson City, Nev	100,000
Paterson, N. J	80,000
Lancaster, Pa	100,000
Port Townsend, Wash	57,000
Sacramento, Cal	100,000
Tyler, Tex	75,000
Key West, Fla	100,000
Charlotte, N. C	75,000
Clarksburg, W. Va	50,000
Asheville, N. C	50,000
San Antonio, Tex	200,000
Wilmington, N. C	100,000
Total	1,917,000

It will be observed that these nineteen bills fix the aggregate limit of the cost of the buildings authorized by them to be constructed at the sum of $1,917,000.

Eighteen of the forty-eight bills have not heretofore received the favorable recommendation of this House. These bills are as follows:

Fort Smith, Ark	$100,000
Saratoga Springs, N. Y	100,000
Keokuk, Iowa	150,000
La Crosse, Wis	100,000
Chicago, Ill	50,000
Troy, N. Y	200,000
Aberdeen, Miss	75,000
Wilmington, Del	150,000
Jackson, Mich	75,000
Waco, Tex	100,000
Duluth, Minn	100,000
Akron, Ohio	100,000
Houlton, Me	50,000
Fort Scott, Kans	50,000
Wichita, Kans	50,000
Jacksonville, Fla	100,000
Auburn, N. Y	100,000
Winona, Minn	100,000

These eighteen bills recommend appropriations limited to $1,750,000.

But it is proper to say that of these eighteen bills eight have passed the Senate during the present session, to wit:

Fort Smith, Ark	$100,000
Saratoga Springs, N. Y	100,000
La Crosse, Wis	100,000
Troy, N. Y	200,000
Waco, Tex	100,000
Fort Scott, Kans	50,000
Jacksonville, Fla	100,000
Winona, Minn	100,000

Some of the Senate bills passed that body fixing the limit at a larger sum than that mentioned in the above table, which is the sum at which the House committee passed them.

This leaves but ten bills which were reported in the first instance by this committee. These bills are as follows:

Keokuk, Iowa	$100,000
Chicago, Ill	50,000
Aberdeen, Miss	75,000
Wilmington, Del	150,000
Jackson, Mich	75,000
Duluth, Minn	100,000
Akron, Ohio	100,000
Houlton, Me	50,000
Wichita, Kans	50,000
Auburn, N. Y	100,000

These ten bills, for which this committee is primarily and originally responsible, fix the aggregate limit of the cost of the buildings to be constructed under them at the sum of $900,000. It will thus be seen that this committee, which has been so much abused, is responsible for reports upon bills which have not had the sanction of this committee in previous Congresses or passed the Senate at the present session, numbering just ten, and averaging just $90,000 each. Is this an extravagant record? Does this justify vilification and abuse and filibustering for two days in the consideration of seven bills in the Committee of the Whole House? I appeal to the country for an answer, confident that an impartial public judgment will approve our recommendations.

The eleven remaining bills, each providing for the extension of the limit of the cost of buildings and sites fixed by some previous act of Congress, and reported in each case upon the recommendation of the proper officers of the Government, and the assurance that buildings commensurate with the wants of the public service can not be constructed within the limit fixed. These bills and the increase of the amount over the original limit in each case are as follows:

Pittsburgh, Pa., amount of extension of limit	$699,400
Erie, Pa., amount of extension of limit	150,000
Council Bluffs, Iowa, amount of extension of limit	100,000
Springfield, Ill., to purchase additional ground to protect building from danger from fire	26,000
Richmond, Va., necessary enlargement of old building	75,000
Detroit, Mich., amount of extension of limit	800,000
Fort Wayne, Ind., amount of extension of limit	75,000
Saint Joseph, Mo., amount of extension of limit	225,000
Williamsport, Pa., amount of extension of limit	100,000
Scranton, Pa., amount of extension of limit	25,000
Louisville, Ky	500,000
Total	2,275,400

Let us recapitulate:

Nineteen bills which have been heretofore reported by this committee in previous Congresses, aggregating	$1,917,000
Eighteen bills which have not been heretofore reported to this House, aggregating	1,750,000

Of these eighteen eight have passed the Senate the present session, as shown above—

Eleven bills extending the limit of cost of site and building over amount fixed by previous acts of Congress, aggregating	$2,275,400
Making total recommendation, 48 bills	5,942,400

This is the sum total of recommendations of the committee. Now let us turn our attention to what has been heretofore done. Gentlemen talk as if the work of this committee in its recommendations has been not only extravagant, but as if it were a new departure, a new policy proposed by the committee. What are the facts?

For nearly a hundred years it has been the policy of this Government, as it should be of all governments that are financially able to do so, to erect public buildings where economy and the proper transaction of the public business require such structures. No party has departed from that policy. I admit that in the Forty-fourth Congress, when my colleague, Judge HOLMAN, was chairman of this committee, and in the Forty-fifth Congress, but few bills were reported for new buildings, but this was mainly, if not entirely, for the reason that previous Congresses had commenced the erection of a number of large and costly buildings in several of the large cities which required the expenditure of large additional sums of money to complete them, and therefore it was not considered sound policy to commence others until these could be completed. But as soon as they were completed or rapidly approaching completion the same policy was followed by the Forty-sixth Congress of authorizing the construction of a number of new buildings.

The Forty-sixth Congress passed bills aggregating about $6,628,190. I say "about," for the reason that only a portion of the bills passed by

that Congress fixed any limit to the cost of building and site, and hence in some cases estimates must be resorted to.

In the Forty-seventh Congress there were introduced for separate buildings, 129 bills; of these there were favorably reported, 65; there were passed, 33. The aggregate amount to be expended upon them as fixed by the limit in the several bills was $8,968,201.12. I have already said that the Forty-fourth and Forty-fifth Congresses ordered but few new structures, but appropriated large sums to complete buildings already provided for. In reply to the would-be wise economists who oppose the recommendations of this committee, and who are ever fond of turning to the economical record of that Congress—a commendable thing, I admit, when the motive is sincere—I will give the amount appropriated by these Congresses for that purpose: In the Forty-fourth Congress there was appropriated for the erection of public buildings, $5,731,632.78; in the Forty-fifth Congress there was appropriated for this same purpose $8,037,476.97; in the Forty-sixth Congress there was appropriated $8,252,047.17; in the Forty-seventh Congress there was appropriated $8,636,000; in the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first Congresses there was appropriated an average in each of $7,062,097.38.

Mr. Speaker, I have now shown just what this committee has done. I have compared its work with that of the same committee in previous Congresses, and now submit that work to the judgment of the public, feeling and knowing that, while the committee probably has made some mistakes, the members of this House will, in their calmer moments, freely admit that its work has been done conscientiously, prudently, and carefully, and with strict regard to the public good. With gentlemen who vilify and abuse their associates and charge them with being engaged in a ring to rob the Government by corrupt combinations and who then vote deliberately for a river and harbor bill carrying over $12,000,000, which of all bills in this House is peculiarly subject to the charge of being log-rolled through and of being fruitful of jobs and rings (though I make no such charge), I have neither time nor disposition to discuss the matter.

It may be good policy for this House, after having determined at one time by a vote of more than two-thirds to consider these bills, to now refuse to consider any of them at this session of Congress. But I must be permitted to say that I do not believe it. I believe that when a public building is needed, and economy as well as the convenient transaction of the business of the Government demand it, it is wise economy and therefore wise public policy to construct it. And my judgment is that such expenditures, when honestly made, without jobs, always meet the hearty approval of the people. I must also be permitted to express a doubt of the policy of refusing to consider these bills and at the same time of passing appropriation bills containing appropriations for public buildings beyond the limit of cost fixed in the acts providing for their construction, which has been done during this session. But as a majority of this House has so decided, I must bow to their will thus expressed.

The Bonded Extension Bill.

SPEECH
OF
HON. TYRE YORK,
OF NORTH CAROLINA,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. YORK said:

Mr. CHAIRMAN: I would have voted for this bill provided I could have obtained relief for my people, but as the bill simply gives relief to the large distillers of the West without any relief whatever to the people of my State, I feel it my duty to vote against it. I desire it distinctly understood that I will not vote relief to any other section until they are willing to vote relief to mine. It is very strange to me, if the friends of this bill want the relief they claim, why they are not willing to join us and repeal the whole internal-revenue system and free the people of all sections; but it looks to me as if they wanted their heads out of the halter and leave everybody else's in. I, for one, say to them in all fairness they must meet the issue fairly and squarely, and grant to all sections the relief they demand at the hands of this House for themselves.

I would not dare go back and face the people of my State and say to them I had voted relief to the large distillers of the West while none was granted mine. I intend the citizens of my State shall have their rights and that the burdens of taxation shall be lifted from their shoulders if it is in my power to give it to them by my vote, and that every effort of mine will point in the one direction, and that shall be for the good, welfare, and happiness of the people of my whole State. Duty compels me to vote against the measure until a clause is inserted giving liberty and freedom to the citizens of North Carolina, freeing them from taxation on their distilled spirits and tobacco.

Consular and Diplomatic Appropriation Bill.

SPEECH
OF
HON. JAMES N. BURNES,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, July 5, 1884.

The House having under consideration the report of the conference committee on the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes—

Mr. BURNES said:

Mr. SPEAKER: The Senate amendment placed upon the bill, and which has just been read, seeks to make an appropriation of $250,000 for the secret-service fund of the State Department. When the amendment was first considered by the House it was deemed advisable to avoid all discussion of it, and by common consent a vote was taken without any public explanation of the merits or demerits of the proposition as made by the Secretary of State. For a second time, the Senate still insisting upon the amendment, it was called up in and again rejected by the House, also without explanation or debate. The Senate stimulated by the persistent and ambitious Secretary, having again refused to recede from the amendment, notwithstanding the decisive action of the House thereon, it comes before you for the third and last time, I hope, with all the added power and influence of the executive department of the Government. We have the option of submitting to the persistent and unreasonable demands and entreaties of the honorable Secretary of State and of the other branch of Congress, or, resisting, place all the facts and arguments bearing upon the scheme before the House and the country.

Acting under the advice and direction of the Committee on Appropriations, and strengthened by the counsel of leading associates in this House, I shall undertake to make a plain, fair statement of all the facts within my knowledge as a representative of the people bearing upon the subject to be considered. Such arguments and conclusions as may seem pertinent thereto will be left without any extended effort on my part to some of my honored colleagues and associates. At this unpropitious hour (3 a. m.), if I shall be either tedious or incoherent, I trust the House will kindly indulge me.

All of us may well regret that this amendment has been again returned for further and definite action. I had earnestly hoped that we might be spared, and that the country might be spared, any further consideration or discussion of this unpleasant subject. But appeal after appeal to gentlemen on the other side to cease the pressing of this amendment upon us has been in vain. Senators and Representatives of the same political party with the Secretary of State have avowed their sympathy with our resistance to this appropriation; but the minority here, encouraged by intimations of support from a very few of my party associates, hopeful because of the absence of so many others at the great Chicago convention, and stimulated by the personal, political, or social influences of the administration, have heedlessly brought the subject to its present point of consideration. For no part of this am I in any sense responsible; nor are any of the trusted leaders of my party. The people of the whole country must, therefore, have the opportunity of judging, on all the facts and circumstances, between the action of the Senate and that of the House.

Toward the close, perhaps shortly after the close, of the celebrated administration of a great soldier-President, twelve men—an even dozen—secured a concession from the Government of the Central American State of Nicaragua of a great body of land and the right to construct a canal across the state, through Lake Nicaragua, connecting the Atlantic and Pacific Oceans. By the express terms of the concession the *concessionnaires* were required to perform a certain portion of the work of constructing a canal prior to October 24, 1884, under penalty of absolute forfeiture of all rights thereunder. None of the required work has been done. The *concessionnaires* have had themselves incorporated under the laws of the State of Colorado by the name, I believe, of "The Maritime Canal Company of Nicaragua," but beyond that no expense has been incurred and no progress has been made.

Some of these twelve *concessionnaires* are men high in the confidence and employment of the Government. One of them was for eight years the President of the United States; another one has reached the distinction of an admiral in the Navy of the United States, and still another is an envoy extraordinary and minister plenipotentiary of the United States at one of the South American states, besides being very highly connected by blood or marriage with the *personnel* of the State Department. All are connected or were recently connected with the Government of our country, excepting two or three who are said to be eminent citizens of the State of Nicaragua.

Informally, outside of the usual channels of communication, hurriedly, stoutly, and all at once, a proposition is brought to your committee involving an appropriation of $250,000 for the secret-service fund

of the State Department, and for the alleged purpose of securing a contract by which the rights of the twelve *concessionnaires* would be secured to the Government on the further payment of $1,200,000 or $100,000 to each. The concession was presented as an immensely valuable thing. In addition to the two sums of money just mentioned it was stated that $75,000,000 more would be required from the national Treasury to construct the canal. Equally skillful as engineer and diplomat, as profoundly intimate with theodolites as with statecraft, our "guide, philosopher, and friend" needed but a few moments to demonstrate that the estimates of ordinary engineers fixing the probable cost of the work at not less than $300,000,000 were unreasonable and absurd, and that the volcanic action in that country, instead of wrecking or destroying the masonry in the necessary locks and dams of the canal, had the beneficent kindness to cement and strengthen it. Thus, in furtherance of this great international enterprise, the forces of nature were in fraternal accord with the genius and spirit of diplomacy. How pitiful that both should be embarrassed for the want of but $76,450,000 from the great surplus "idle in the Treasury."

Two of the great powers are reported as holding tickets in what has been called a diplomatic lottery. The prize—grand prize they call it—is the right to construct a ship-canal across the isthmus connecting the two Americas. Why we should purchase that which this Government, as now administered, has suffered Frenchmen to take at will the honorable Secretary does not tell us. Why this Government should purchase a right that Nicaragua tendered, freely and without cost, to twelve mere adventurers the honorable Secretary does not tell us. Why we should deny to Germans that which we allow Frenchmen to take must be withheld as a state secret. We are asked to submit ourselves and our judgments, tranquilly, to the proverbial good luck of the Administration, without curiosity to know or desire to uncover the secrets of the *art diplomatique*, with the assurance that for $1,450,000 the Government will obtain the barren right to construct a canal across the State of Nicaragua.

Mighty prize! Proud trophy for the Forty-eighth Congress! Your Committee on Appropriations are asked to indorse in blindness a seemingly blind scheme, and after such an indorsement to demand the blind confidence of the House. With all due respect for the integrity of the present administration, we can not accept such a suggestion, nor ask nor accept such a childlike acquiescence. The American House of Representatives will never give such a confidence to a committee or to any branch or department of the Government; and our people will ever abhor and detest all secret and irresponsible expenditures of the public money. The joining together of two committees—Foreign Affairs with Appropriations—does not change the principle. Nothing but a committee of the whole House can represent the will and duty of the House. No other committee can determine the question whether $250,000 of the public money shall be torn from its place in the Treasury, without account or accountability, and given to secret uses and purposes, which, so far as we are informed, are immeasurably below the dignity and honor of our institutions and our flag.

The inquiry was made in conference and may properly arise here: what is the necessity for all this haste? Now, sir [after a pause], I hesitate because although I feel at perfect liberty to speak to the whole subject without reserve or restraint, yet for the sake of what, by some chance, may be an occult or latent interest of the Government, I would not go beyond the necessities of a full and fair discussion of what I regard a monstrous proposition. Therefore I will not say what I intended, but will briefly outline the facts as they exist in the first instance. We are told that unless this appropriation is made before the 24th day of October next two of the great powers of the earth, vieing with each other in efforts to win the prize, will close every door in Nicaragua against us, and leave the United States a stranger to a great ship-canal between the two great oceans. To this threatened peril we interposed and now here interpose the provision in the concession that makes its transfer an impossibility. To this threatened peril we further interposed and now here interpose the "Monroe doctrine," to which I shall more particularly call your attention. And to this threatened peril we further interposed and now again interpose the Clayton-Bulwer treaty; and finally, we now submit, what harm can result to this country from the construction of the suggested canal by German men and German money, if it be done with a full knowledge of the fact that the "Monroe doctrine" is the declaration of a national right, which this Government will promptly assert whenever the peace and happiness of our people or of the people of Nicaragua require it?

In 1823 President Monroe, in his annual message to Congress, announced with respectful firmness a great principle of American nationality. That it foreshadowed rather than expressed the full meaning intended is but the lofty evidence of a patriotic determination on the part of the President to advance the great doctrine without taking a single step backward. He said:

> At the proposal of the Russian Imperial Government made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle, in which the rights and interests of the United States are involved, that the American continents by the free and independent condition which they have assumed and maintain are henceforth not to be considered as subjects for future colonization by any European powers.

The above was the carefully chosen language in which the great principle was clearly foreshadowed. But, as if to show his determination to advance upon and never recede from the principle asserted, the President before concluding the same great paper says:

> It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the peoples of those countries, and it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere provided no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security. The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper on any principle satisfactory to themselves to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried on the same principle is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early age of the wars which have so long agitated that quarter of the globe, nevertheless remains the same—which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us, to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves in the hope that other powers will pursue the same course.

The final declaration of President Monroe bearing upon this great subject was made in his last annual message to Congress. Speaking of the new nations of Spanish America and their progress he says:

> In this their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which in their judgment may suit them best * * * The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own government, has been declared and is known to the world. Separated as we are from Europe by the Great Atlantic Ocean, we can have no concern in the wars of the European governments, nor in the causes which produced them. The balance of power between them, into whichever scale it may turn in its various vibrations, can not affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fairs equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would apply equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.

If we make an analysis of the declarations of President Monroe, just read, we conclude:

First. That the American continents are not open to further or future colonization by European powers.

Second. That any attempt on the part of any European power to extend its system to any portion of this hemisphere is dangerous to our peace and safety, and will not be allowed under any circumstances.

Third. That any attempt to oppress the people or control the destiny of any Spanish-American state by any European nation will be regarded as the manifestation of an unfriendly feeling toward us.

Fourth. That the extension of their systems to this continent by European nations would endanger our peace and happiness; and their

interference in the affairs of any South or Central American state can not be witnessed by us with indifference.

And finally, as a fair and logical conclusion of the whole matter, that the people and Government of the United States of America, by reason of their geographical position, of their natural and political rights in Central and South America as neighbors, and of their well-established purpose never to interfere or intermeddle in any mere European question, will never allow any European government to hold any right or privilege in this hemisphere which is now or may hereafter become a menace to their safety, peace, prosperity, or happiness.

Whatever foothold, therefore, any one or all of the great powers of Europe may have obtained or may hereafter obtain on these continents must be considered and held subsidiary to the great right of the great Republic to preserve itself from every coming danger and at any time to take and hold that which may disturb the peace, mar the happiness, or affect the substantial prosperity of its people.

The affected obscurity and courtly monotone of diplomatic phrases may shade or veil our national intention, but whenever the occasion for the people of this country to declare it arrives the whole world may read it in red letters upon the sky, rather than in musty tomes of a schemeful diplomacy.

The advocates of this amendment have been called upon to inform us if the proposed action of the Secretary of State was not in violation of an existing treaty between the United States and Great Britain. To this hour no satisfactory answer has been made. It is not possible to ignore the fact that on the 19th day of April, 1850, a treaty was executed by the two countries, commonly called the Clayton-Bulwer treaty, by the terms and stipulations of which this plighted-faith-keeping and plighted-faith-demanding Republic agreed that it would never obtain or maintain for itself any ship-canal through the San Juan River, nor and through either or both of the lakes of Nicaragua or Managua, between the Atlantic and Pacific Oceans; and that it would never erect or maintain any fortifications commanding the same; and that it would never make use of any protection which it affords or may afford, or any alliance which it has or may have to or with the state or people of Nicaragua for the purpose of erecting or maintaining any such fortification, or of occupying, fortifying, or colonizing Nicaragua, or of assuming or exercising dominion over the same; and that it will not take advantage of any intimacy or use any alliance, connection, or influence that it may possess with Nicaragua, through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for its citizens any right or advantage in regard to commerce or navigation through said canal which shall not be offered on the same terms to the subjects of Great Britain. These are some of the solemn compacts made in this Clayton-Bulwer treaty, and so far as we are officially or otherwise advised the treaty is in as full force and effect as on the day of the exchange of ratifications by the two governments.

The Secretary of State says the abrogation of the treaty has been a subject of diplomatic correspondence; but he admits that no formal notice to abrogate has been given by or to either government. It has been claimed that Great Britain has violated the treaty, and that therefore it is *ipso facto* null and void. Great Britain denies that any such violation has occurred, and has demanded specification and proof. It has not been pretended that any such specification or proof has been furnished Great Britain by our State Department.

If there was ever a treaty that ought to be annulled, this is the one. If there was ever a treaty that this Government ought to violate, this is the one. It was un-American, unwise, unjust to our history and traditions and a stain upon our national honor. But we have lived up to it for a third of a century. Is it not the part of wisdom as well as of duty to abrogate it by such reasonable and formal notice as international law and custom may sanction rather than by a secret intrigue in violation of it at last? As Americans we are strong enough and brave enough to keep our Government within the plain path of duty and right. In an evil hour the administration of President Fillmore made the United States and Great Britain partners in a prospective ship-canal through Nicaragua. Let us dissolve the partnership with due national dignity and decorum, by mutual consent, or, failing in that, by respectful notice. Let us not secretly, in darkness and blindness, by intrigue and contrivance, seize a seemingly forbidden thing which in six months we can in honor, in the sunlight of Heaven, and in the spirit of American manhood, without diplomatic mousing, put out the great arm of the nation and take by divine right. Away from statecraft and juggling, which some seem to regard as diplomacy and statesmanship, in every household in our broad land where the altar of home is maintained in its integrity there is a living prayer that this Republic and its Government may avoid "even the appearance of evil" in dealing with mankind. This Clayton-Bulwer treaty, then, hateful as it is, raises a bar to the inchoate proceedings of the honorable Secretary of State. Let us wait until it is removed. And when it is removed, let us discuss with our great constituencies, not here in the after-midnight hours of an expiring session, whether we want to construct such a work, in such a place, at such a fearful cost, and pay such a tribute in money to twelve traffickers in the national honor and the national prosperity.

It is suggested that in perfect fairness to the twelve *concessionnaires* it ought to be stated that it is claimed for them that in obtaining their act of incorporation by the State of Colorado some ten or twelve thousand dollars were expended, and they are willing to make no claim for that sum if the $1,200,000 are paid them. So, after all, it can not be said that they are entirely destitute of liberality to the Government! [Laughter.]

We conclude that if these *concessionnaires* have rights in Nicaragua, this Government, on general principles, will protect them, perhaps regardless of any question as to the means and influences used in securing them. The seemingly vested right of a citizen is a dangerous thing for a government to touch. But when citizens have sought to place themselves in the supposed pathway of progress of their government and caught a fleeting shadow that they can neither hold nor utilize, we know of no obligation that requires the government to pay them $1,200,000 or any other sum for their adventure. If they have something to sell that the Government needs, let us purchase it at a fair price. If they have nothing, or nothing that we need, let us not first lend them the anticipated future of a continent, and then, under the influence of diplomatic hints and organized power, discount in dollars the loan we ourselves have made.

Mr. BELFORD. Will the gentleman from Missouri mention the names of citizens of my State who are engaged in that enterprise?

Mr. BURNES. I am happy in saying that the Centennial State, always so ably and fairly represented in this House, had no representative among the twelve *concessionaires*. They simply found your Legislature or laws convenient for the obtaining of an act of incorporation. This is all that Colorado had to do with the subject.

Mr. SPRINGER. A charter out there costs about $2.50, I guess.

Mr. BURNES. The estimate of my friend from Illinois is about correct.

Mr. COSGROVE. And dear at that. [Laughter.]

Mr. BURNES. Another suggestion has been made. It was made to avoid the objection that we urge against paying out so large a sum of money to mere private parties who have nothing to sell. The suggestion was that further negotiations with the *concessionnaires* would be abandoned and this Government would treat directly with another government—perhaps the *personnel* of the government. It could not, however, be concealed that the results would be the same. The same amounts of money would be required, and the same benefits would result to the *concessionnaires*. It was doing indirectly that which the people would object to and protest against if done directly. It was to obtain nothing more nor less, and pay neither more nor less, than the original scheme involved. It was doubtless the refined spirit of diplomacy at work—its essence and genius; but ordinary business simplicity could neither compass it nor yield to it.

Mr. BLOUNT. Will the gentleman from Missouri allow me a question, confidentially? [Laughter.]

Mr. BURNES. Certainly; with pleasure.

Mr. BLOUNT. I desire to have my friend from Missouri state at this time the sums of money now or hereafter to be involved by this proceeding.

Mr. BURNES. It always gives me pleasure to follow the suggestion of my distinguished friend from Georgia——

Mr. HENLEY. Will your answer be confidential? [Laughter.]

Mr. BURNES. No, sir; but unless our friends the Official Reporters preserve what we say at this hour it will have a more certain oblivion.

Now, in answer to my friend from Georgia: This amendment calls for $250,000. That sum enables the Secretary to make a contract. Then follows $1,200,000 to pay the *concessionaires* directly or indirectly. Then follows $75,000,000, the Secretary says, $300,000,000 others say, to construct a canal.

In the best judgment and information of your committee the beginning involves or contemplates a total expenditure of $301,450,000. The distinguished engineer at the head of the State Department estimates the total expenditure at $76,450,000. Engineers, like physicians, proverbially differ. You have the estimates of both sides; take your choice.

It has been suggested that as the scheme of the *concessionnaires* was in the throes of a miserable dissolution, they would probably take a less sum than $1,200,000; and some comment has been made on the statement of the Secretary that he would be willing to pay a "good round sum" to get their rights to the concession. I care not. I am opposing the whole scheme. I would not appropriate a dollar in the form and manner proposed. Yet it is fair to say that the *concessionaires* have never, so far as I have heard, named a less sum than $1,200,000 for their alleged interests.

Mr. PUSEY. Not round enough.

Mr. BURNES. That is said by my good friend and neighbor from Iowa to be not round enough. The kindred people inhabiting my friend's district and my own—adjoining districts—will never object to millions honestly expended in broad daylight for the general welfare, but one dollar of dark and secret expenditure, or of personal tribute, will become to its supporters as a millstone around the neck to the most expert swimmer.

I shall detain the House but a few moments more. I have fought this scheme earnestly, and perhaps warmly. If I have wounded any of my good friends on the other side, I beg they will pardon me. I would not

do so willfully. I abhor the scheme and denounce it. The impudence of these *concessionnaires* arouses indignation, and I denounce them. They know they have nothing to sell, but they would gladly sell nothing for $1,200,000 of the money of a people who have honored them and trusted them beyond any possible desert.

The 24th of October next will soon arrive. A little more than three months and the fatal day of the concession will be upon the heads of the *concessionnaires*. Visions of a lost speculation are already materializing everywhere before them. Having placed themselves as they had fondly hoped across the pathway of their government—an exalted connection with which gave them the opportunity to secure the concession—they have waited in insolent and audacious neglect of their obligations to Nicaragua as imaginary obstructionists to the progress of our national and international commerce for the door of the national Treasury to be opened to them. They have waited in vain. Only sand is beneath their feet. The calm intelligence of the American people is succeeding to and expelling corruption in high places. An era in which, under cover of partisan zeal and a pretended patriotism, any scheme of plunder was possible has passed away, we trust, forever. The inherent nature and surroundings belonging to every proposition we are beginning to consider regardless of the magic power of any great name or the productive courtesies and blandishments of any one in great station.

The 24th of October is near at hand; hence the necessity for haste. The light of a restored reason is turned upon our action; hence the necessity for secrecy. The voice of the people is again the voice of God; hence the necessity for concealing, by appropriations to secret-service funds, how the public money is expended. Misfortunes—if that is not a word too charitable—have come upon some of the twelve. For them, surely, this Government is not responsible. Sympathetic as we are we can not be expected to relieve them directly or indirectly from the national Treasury. The twelve *concessionnaires* of Nicaragua have shown enterprise in adventure, but no progress in their undertakings. Apostolic in number, they should have exhibited some apostolic results. The Administration have been shown, perhaps, apostolic graces not seen by us. Deep in the archives of the State Department, it may be, are unanswerable evidences justifying the Honorable Secretary in his enthusiastic campaign for this much coveted appropriation; but if so, they have been deemed too sacred or apostolic to be communicated to the mere representatives of the people of the United States! Painful as it is to oppose the wishes of the Secretary, disappoint the twelve *concessionnaires*, or spoil a scheme so beautiful and fruitful to all save the Government and people of this country, we are yet compelled to declare that appropriations from the public Treasury must be for the public welfare and made plain and open to the eyes of the people. They abhor secret service and secret-service funds. They believe we are strong enough in the right to demand openly all we are entitled to; and more they do not desire us to ask.

We oppose, then, this amendment and shall continue to oppose it with every means at our command. To allow it is a further surrender of the Monroe doctrine, a surrender of our traditional continental policy. It would be in violation of one of the solemn treaties of this Government with a friendly power. It would be taking $1,450,000 out of the public Treasury and giving it to private persons *for nothing*, under the miserable pretense that this Government will undertake to build a ship-canal across Nicaragua at a cost of from $75,000,000 to $300,000,000. Beyond all this it would recognize the right of the representatives, the servants, of the people to take the money of their constituents secretly and expend it secretly without their knowledge or consent. To this we can never consent. It is anti-democratic, anti-republican, and contrary to the spirit and genius of our institutions. [Applause.]

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